

ZONING RESOLUTION

OF MILTON TOWNSHIP

MAHONING COUNTY, OHIO

As amended through June 20, 2025

ZONING RESOLUTION OF MILTON TOWNSHIP
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BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MILTON TOWNSHIP,
MAHONING COUNTY, OHIO

ARTICLE 1.0

GENERAL PROVISIONS

Section 1.01 – INTRODUCTION

Whereas, the Board of Trustees of Milton Township, Mahoning County, Ohio, has deemed it necessary to promote the public health, safety, morals and general welfare for the residents of said Township; and Whereas, a Zoning Resolution for the building and land use within the unincorporated territory of the Township was adopted in 1956, in accordance with Section 519.10 and related sections of the OHIO REVISED CODE; and

Whereas, five (5) residents have been duly appointed by the Board of Township Trustees of Milton Township to serve as a Zoning Commission for said Township; and,

Whereas, said Zoning Commission has recommended a minor revision of the Milton Township Zoning Resolution and Official Zoning Map, and have submitted such amendments and map to the Board of Trustees of Milton Township under the authority and in accordance with the provisions of Section 519.12 of the OHIO REVISED CODE on March 25, 2025.

Therefore, the Board of Trustees of Milton Township did adopt the amendments to the Zoning Resolution and Map on May 20, 2025, under the authority and in accordance with the provisions of the OHIO REVISED CODE and said amendments became effective on **June 30, 2025**.

Section 1.02 –PURPOSE

A RESOLUTION OF THE TOWNSHIP OF MILTON, THE COUNTY
OF MAHONING, AND THE STATE OF OHIO, TO REGULATE AND

RESTRICT THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS, AND OTHER STRUCTURES, THE USE OF LAND IN THE TOWNSHIP OF MILTON, AND FOR SAID PURPOSES DIVIDING THE TOWNSHIP INTO DISTRICTS.

Section 1.03 – GENERAL PROVISIONS

Whereas, the Trustees of the Township of Milton, County of Mahoning, and State of Ohio, deem it necessary for the promotion of the public health, safety, comfort, morals, and general welfare, to regulate in said Township, the use, size, and location of yards and other open spaces in relation to buildings, the use of land, and to establish district to accomplish this purpose:

Now, therefore, under the authority provided by Section 519.01 through 519.25 and Section 519.99 of the Ohio Revised Code, the following zoning regulations are adopted:

Section 1.04 – NAME

These Regulations shall be known and may be cited as the “**Zoning Resolution of the Township of Milton**”.

Section 1.05- USE DISTRICTS

The Milton Township Board of Trustees accepts and adopts as a part of this Resolution, the Zoning Map of Milton Township, which shall be drawn to scale and shall clearly define the boundaries of the following districts which shall be established within this Resolution:

- | | | |
|----|--------|---------------------------------|
| A. | “AG” | Agriculture District |
| B. | “R-1” | Residence District |
| C. | “R-2” | Residence District |
| D. | “R-3” | Residence District |
| E. | “LFRD” | Residence District |
| F. | “B-1” | Business Office District |
| G. | “B-2” | Limited Local Business District |

- H. "B-3" General Business District
- I. "OI" Office/Industrial District
- J. "I" Industrial District
- K. "PDD" Planned Development District
- L. "LRB" Large Scale Residential/Business District
- M. "OS" Open Space, Recreation and Conservation District
- N. "L" Milton Reservoir District

Section 1.06 – MASTER MAP AND BOUNDARY LINES

The location and respective boundary lines of each such Use District are hereby established to be those as are shown on the map entitled Milton Township Zoning Map. A certified copy of this map is on file in the office of the Board of Milton Township Trustees and all notations, dimensions and designations shown thereon is, by this reference, declared to be a part of this Resolution, as if fully written herein.

If changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map on the effective date of the amendment.

Where there is uncertainty as to where the boundaries of any of the districts shown on the aforesaid map, the following shall apply:

- A. The district boundary lines are extended to follow the center line of a street, alley, lot, watercourse, right-of-way, or property lines as they exist at the time of passage of this Resolution, as amended, unless otherwise indicated by dimensions shown on the Zoning Map.
- B. Where boundaries appear to approximately follow such aforesaid lines, such lines shall be construed to be the boundary unless specifically shown otherwise.
- C. Where a district boundary line divides a lot in a single ownership, existing at the time of enactment of this Resolution, the use authorized on, and the district requirements of the least restrictive portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than fifty (50)

feet from the district boundary line.

An entrance or drive shall not be used for any purpose zoned differently than the property through which it might pass through.

Note: Map errors sometimes occur. The Zoning Department will verify zoning district classifications if questions arise.

Section 1.08 – PROHIBITIONS

No building or structure shall be located, erected, constructed, reconstructed, enlarged, maintained, or used, nor shall any lot or land be used, except in full compliance with the provisions hereof for the Use District in which such is situated.

All additions to existing buildings whose setbacks do not meet current requirements must be constructed to conform to the current zoning requirements.

Section 1.09-AMENDMENTS (ORC Section 519.12)

Pursuant to Article 4, an amendment may be initiated by:

- A. Application of property owner with affected area;
- B. Adoption of motion by the Zoning Commission, or
- C. Resolution of the Township Trustees.

ARTICLE 2.00 –DEFINITIONS

The words “used for” include, “designed for” and vice versa. Words used in the present tense include the future tense. Words used in the singular number include the plural number and vice versa. The word “dwelling” includes the word “residence”. The word “lot” includes the word “plot” and the word “shall” is mandatory and not discretionary.

The following words or terms used herein, unless the context clearly indicates otherwise, are defined as follows:

ABANDONED CONDITION/MOTOR VEHICLE: Any motor vehicle or accessory to same, which is dismantled or stored in a yard area, and which does not have a current, valid license thereon.

ACCESSORY STRUCTURE OR USE: A use or structure on the same lot, and of a nature incidental and subordinate to the principal structure or use.

ADVERTISING SIGN: A sign which directs attention to a business, commodity, purpose, service, or thing conducted, offered, or sold within the building or structure or upon the premises whereon such sign is erected, placed, appears or elsewhere.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or described of "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS".

ADULT BOOKSTORE or ADULT VIDEO STORE: A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides, or other visual representations which depict or described "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS", or
- B. Instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with "SPECIFIED SEXUAL ACTIVITIES".
- C. This definition also includes any establishment from which minors are excluded by virtue of age and also establishments which have the above listed materials as an adjunct to some other business activity, but which constitute the primary or major attraction to the premises.

ADULT CABARET: A night club, bar, restaurant, entertainment facility or

similar business establishment which regularly features:

- a. Persons who appear in a STATE OF NUDITY; or
- b. Live performances which are characterized by the exposure of "SPECIFIED ANATOMICAL AREAS or "SPECIFIED SEXUAL ACTIVITIES"; or
- c. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein.

ADULT MOTEL: A hotel, club, lodge, inn, motel, or similar commercial establishment which:

- a. Offers accommodations to the public for any form of consideration; provides patrons 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 a sign visible from the public right-of-way which advertised the availability of this adult type of photographic reproductions; or
- b. Offers a sleeping room for rent for a period of time that is less than ten hours;
- c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS".

ADULT THEATER: A theater, hall, concert hall, auditorium, playhouse, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS".

AGRICULTURE: The use of land for cultivation or tillage, including farming, dairy-ing, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry. It also include aquaculture which is the use of land and water-covered land for agricultural purposes including the growing and harvesting of marine life. It shall not include the feeding of garbage or offal to animals, or the feeding or sheltering of animals, exclusive of domesticated household pets, within one hundred (100) feet of an adjacent residential dwelling.

AIRPORT: Any location, either on land or water, used or intended to be used publicly or privately by any person for the landing and taking off of aircraft; including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces.

ALTERATION, STRUCTURAL: See "Structural Alteration".

AMUSEMENT ARCADE: A structure or portion of a structure in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained. Specifically excluded are games of chance, gambling, or devices that facilitate gambling.

APARTMENT: A dwelling unit of one (1) or more connected rooms containing culinary facilities and arranges, designed and intended to be used for residence purposes.

APARTMENT HOUSE: A building or portion thereof, arranged, designed and intended to contain more than three (3) independent dwelling units.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development; including his heirs, successors and assigns.

AUTOMOBILE SERVICE STATIONS OR GAS STATION: Any premises used for supply ing gasoline and/or oil, propane, or heating fuel at retail, directly to the customer, including minor accessories and services for automobiles, or any combination thereof.

AUTOMOBILE, TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new

or used motor vehicles, trailers, or farm implements in an open area, other than a street; but not including repair work except incidental warrant repair of same.

AUTOMOBILE WRECKING YARD: Any use of more than twenty-five (25) square feet of land, building, or structure where two or more vehicles not in running condition are stored, or where the dismantling or wrecking of used motor vehicles, mobile homes, or trailers occurs, or where the storage or sale of dismantled partially dismantled, obsolete or wrecked vehicles or their parts occurs.

BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

BAR: See "Tavern".

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling including overnight accommodation for transient paying guests; where meals may be offered to overnight guests only.

BILLBOARD: Any sign used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is not on the property where it is displayed.

BLOCK: All that part of one side of a street which is between two intersecting streets or between an intersecting street and railroad or waterway.

BOARD: Shall mean the Board of Zoning Appeals.

BOAT, IN-WATER STORAGE: A structure, basin, or enclosure utilized for storage or reception of a boat.

BOAT, RACK STORAGE: A framework, stand, or grating on or in which a boat or boats may be placed and stored.

BOAT, NON-WATER STORAGE: An area or building designed or used for the parking or storage of a boat or boats including rack storage.

BUILDING: Any structure intended, designed or constructed for the enclosure, shelter, or protection of persons or property; used for a dwelling, business, industry, or other public or private purpose, or accessory thereto, and including porches, decks, swimming pools, greenhouses, stables, garages, roadside stands, mobile homes, and similar structures, whether stationary or movable, but excluding fences, walls, signs and awnings. Features which are structurally essential and connected to the structure shall be considered as part of the structure.

BUILDING, BOARD REPAIR or STORAGE: A building designed for the care or repair of boats and their equipment; or parking/storage of same for remuneration or sale.

BUILDING, COMMUNITY: A building for social, educational, or recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING HEIGHT: The vertical distance measured from the average finished grade around the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the height between the eaves and ridges for gable, hip and gambrel roofs; provided that chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING LINE: A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the principal building on any side, excluding any patios or decks. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING SETBACK LINE: A line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be

erected or placed. Minimum front yard depth is measured from the street front property line/pin as indicated in the district regulations for each Zoning District, excluding the Lake Front Residential District. A line established by the Zoning Resolution generally parallel with, and measured from the lot lines, defining the limits of the yard in which no building or structures may be located above ground as indicated in the district regulations for each Zoning District.

BUSINESS, GENERAL: Commercial uses which generally require locations on or near major thoroughfares and their intersections, and which tend, in addition to serving day to day needs of the community, to supply the more durable and permanent needs of the whole community. General business usually includes, but is not limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances and furniture, department stores, and discount stores.

BUSINESS, NEIGHBORHOOD: An enterprise engaged in the retail or services trade of a clearly limited nature for the convenience of the surrounding residents and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten (10) persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, hardware, and grocery stores if less than 10,000 square feet of floor area. Other small businesses of and equally restricted in local nature may be permitted.

BUSINESS, PROFESSIONAL SERVICES: The use of offices and related spaces of such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.

BUSINESS, SERVICE: An enterprise engaged in the business of providing support for the convenience of individuals or other businesses. These may include but are not limited to the following uses; plumbers, electricians, heating contractors, printers, landscapers, and product distributors.

BUSINESS SIGN: A sign which directs attention to any permitted use conducted on the premises.

CEMETARY: An area used or intended to be used for the burial of the deceased. This also includes crematoria, mausoleums, and mortuaries.

CERTIFICATE OF OCCUPANCY (OCCUPANCY PERMIT) –A required certificate to be obtained from the Zoning Inspector before the occupancy or change of occupancy for any use permitted in Milton Township.

CHURCH: A building designed, intended, and used primarily as a meeting place for a religious congregation that gathers in common membership for regular divine worship and religious observances.

CLUB(Includes Country Club): A building or portion thereof or premises owned or operated by a person, corporation or association for a social, literary, political, educational, or recreational purpose, whether for profit or not, and for the exclusive use of its members or guests.

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

COMMERICAL VEHICLE: Any vehicle utilized in a business or profit making venture designed to carry materials and/or personnel, such as but not limited to a van, a pickup truck, a stake-bodied truck or similar vehicle used for business purposes.

COMMISSION or ZONING COMMISSION : Milton Township Zoning Commission.

CONDITIONAL USE: A use permitted with a district other than a principally permitted use, requiring a Conditional Use Permit and approval by the Board of Zoning Appeals. Permit for said use to be issued by the Zoning Inspector when approved by the Board of Zoning Appeals.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners, in accordance with ORC Section 5311.01.

CONDOMINIUM DEVELOPMENT: A condominium property in which two (2) or more individual dwelling units, together with undivided interests in the common areas and facilities of the property, are offered for sale.

CONDOMINIUM PROPERTY: All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all article of personal property submitted as required by Section 5311 of the Ohio Revised Code.

CONDOMINIUM UNIT: A part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designed as a unit it the declaration and delineated by the required drawings.

CONVERSE CONDOMINIUM DEVELOPMENT: A condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.

CONVENIENCE STORE: Any retail establishment offering for sale food products, household items, newspapers, magazines, sandwiches, and other freshly prepared foods, such as salads, for off-site consumption.

COUNTY: means Mahoning County.

CULVERT: A structure with appurtenant works which carries a watercourse under or through an embankment or fill.

CURB GRADE: The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grades for the purpose of this Resolution.

DANGEROUS SPECIES: (Includes Exotic Animals, Endangered Species, and Pets) Any wild animal, reptile, bird, fish or insect, which is trained, restrained, confined and cared for in a way which demonstrates ownership and which may pose a threat of physical harm to humans or creates a nuisance to the neighborhood.

DAYCARE CENTER: A facility ministering to the needs of persons other than by their children, parents, guardians, custodians or relatives for any part of the twenty-four hour day, in a place other than the persons own home, in accordance with ORC Section 5104.01 et seq.

DECK: A horizontal platform with a raised floor of one foot or more above the average ground level beneath it.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT: Any man made change to improved or unimproved real estate, including but limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTIONAL SIGN: An on-premises sign giving directions, which may contain the name or logo of an establishment, but no advertising copy.

DRIVEWAY: A private road giving access from a public way to a building or parking area on that lot.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY: A building or portion thereof designed for and occupied as a residence exclusively by a single family (See also "Dwelling Unit").

DWELLING, TWO-FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTIPLE FAMILY: A building or portion thereof containing three (3)

or more dwelling units on one (1) lot, designed for and occupied as a residence exclusively by families living independent of each other.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of his property.

EXPOSED STORAGE (VEHICLES): A vehicle stored in an exposed manner shall include any motor vehicle stored in a yard area, within plain view or covered, not stored within a garage or building.

FAMILY: Any one (1) of the following:

- a. A single individual occupying a dwelling unit,
- b. Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit,
- c. Not more than three (3) unrelated persons occupying a dwelling unit.

FARM MARKET: A business where not less than fifty (50) percent of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

FENCE: A barrier to restrict the movement of men or animals about a lot, or other space. Also, an above ground barrier intended to prevent intrusion or escape, or to mark a boundary, constructed of post and wire, boards, metal, or any other material.

FENCE, VISION IMPAIRING: Any type of fence, wall, grouping of bushes, plants or trees, which impede or obscure the ability of pedestrians using sidewalks, the ability of operators of motor vehicles using the streets, or individuals elsewhere to see oncoming or static objects from the opposite side of such fence.

FLOOR AREA: The sum of the gross horizontal areas of the one or several stories of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings or section of buildings. Floor area for the purposes of these resolutions, shall not include unfinished basements elevators, attic spaces, terraces, breezeways, open porches, decks, uncovered

steps, and/or garages.

FRONTAGE: The width of the lot at the street right- of- way.

FRONT YARD: The open space between the roadway right-of-way line and the main building on a lot.

GRADE, ESTABLISHED: The elevation of a street established by the proper government agency.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground adjoining a building or structure.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building, designed or used for the parking or temporary storage of automobiles, travel trailers, house trailers, snowmobiles, boats, etc., of the occupants of the premises and wherein:

- a. Not more than one (1) space is rented for parking to a persons not residing on the premises;
- b. Not more than one (1) commercial vehicle per dwelling is parked or stored;
- c. The commercial vehicle permitted does not exceed 11,000 pounds gvw (gross vehicle weight);
- d. Where the use of such vehicle is not incidental to the use of the premises
- e. Repair work is limited to the normal maintenance of vehicles owned by the person or persons residing on the premises.

GARAGE, PUBLIC: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles or other vehicles not exceeding two (2) tons capacity, and in which no service shall be provided for remuneration or sale.

GOLF COURSE: A recreational area primarily used for playing golf with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.

GUEST HOUSE: Living quarters within a detached accessory building located on

the same premises with the main building, for use by the temporary guests of the occupants of the premises; such quarters are not to be rented or otherwise used as a separate dwelling. The floor area of a guest house shall not be less than four hundred (400) square feet nor more than six hundred (600) square feet.

HEAVY EQUIPMENT: Equipment used for business purposes, including vehicles such as cranes, backhoes, bulldozers, earth-moving equipment, power shovels and related equipment; and fixed equipment used for business purposes such as a press or other such production machinery and related items.

HEIGHT: The distance measured from the average finish grade around the perimeter of the structure to the highest point on the roof.

HOME OCCUPATION: An occupation conducted solely within a dwelling unit in an agricultural or residential district, provided that:

- a. The accessory use shall be a personal service with no sale of merchandise, such as the office or studio of a physician, musician, lawyer, architect, teacher, real estate agent, insurance agent, hairdresser or seamstress. No person other than members of the family on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit of the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area;
- d. Sufficient off-street parking shall be provided based on the type of home occupation and such occupation shall not create traffic, parking, sewerage, or water use in excess of what is normal in a residential neighborhood;
- e. If the accessory use involves teaching or instructions, it is restricted to private instructions; classes not permitted.

HOTEL: A building in which lodging, or boarding and lodging are provided for five (5) or more guest rooms and offered to the public for compensation. Ingress and

egress to and from all rooms shall be provided through an inside lobby.

HOUSEKEEPING FACILITIES: Accommodations which are necessary for the operation and management of a house; including cooking facilities, electric, a water supply, and a safe method of sewage disposal.

INDUSTRIAL UNIT OR DWELLING: A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101-2-98 of the Ohio Basic Building Code.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

INSTITUTIONAL HOME/FACILITY: Buildings and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling or other correctional services; a place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons who are in need of medical and surgical attention such as hospitals, clinics, and nursing homes.

JUNK: Junk shall include scrap, copper, brass, rope, rags, batteries, paper, plastic, trash, rubber, rubbish, debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

JUNK YARD: An open area where waste, scrap metal, paper, rags, junk, or similar materials are bought, sold, exchanged, stored, packed, or handled; including building wrecking yards, such or similar uses taking place entirely within an enclosed building, or for the maintenance or operation of a machinery or automobile grave yard, except for the storage of wrecked or impounded automobiles for a period of fewer than ninety (90) days exclusively for storage or resale without alteration. Fence requirement will be governed by the Ohio Revised Code.

KENNEL OR CATTERY: Any lot or premises on which five (5) or more domesticated dogs or cats more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which offers provisions for minor medical treatment.

LAKE FRONT (LF) FRONT YARD: An open space on the same lot with a principal Use or building, extending the full width of the lot and situated between the lake front lot line and the nearest foundation line/wall of the dwelling.

LAKE FRONT (LF) REAR YARD: An open space on the same lot with a principal use or building, extending the full width of the lot and situated between the street right-of-way property line and the nearest foundation line/wall of the dwelling.

LAKE FRONT (LF) SIDE YARD: An area yard extending from the principal building to the side lot line on both sides of the dwelling between the lines establishing the front and rear yard areas.

LAND: An area of land which is subdivided of record.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.

LARGE SCALE RETAIL DEVELOPMENT: A single store or group of stores which total one hundred thousand (100,000) square feet or more in gross floor area, and which share vehicular access and/or off-street parking.

LATTIC STRUCTURE: A support structure construct of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

LOADING SPACE: Space logically and conveniently located, for bulk pickup and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located outside of any street or alley right-of-way. Required off-street loading space is not be included in computation of required off-street parking spaces.

LOT: An area of land designated as a lot on a plat of a recorded subdivision or

registered pursuant to law and having frontage on a public right-of-way.

LOT AREA: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street, the area of the lot between such centerline and the established street right-of-way shall not be included as part of the area for the purpose of these resolutions.

LOT, CORNER: A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such roads along the frontage of the lot form an interior angle of less than one hundred thirty-five (135) degrees.

LOT, INTERIOR: Any lot other than a through or corner lot.

LOT, THROUGH: An interior lot having a frontage on two streets not at their Intersection.

LOT COVERAGE: The portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas, and sidewalks.

LOT DEPTH: The average distance between the street right-of-way line and the rear lot line, measured perpendicular to the street right-of-way line. In the case of a corner lot, such distance shall be measured from each street right-of-way.

LOT LINE: A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: A lot line separating the front of the lot from the street. On corner lots all lot lines which abut a street shall be front lot lines; commonly known as the street right-of-way.

LOT LINE, REAR: A lot line which does not intersect a front lot line and is most distant from, and most nearly parallel to a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Resolution, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two side lot lines, which is equidistant to the front lot line.

LOT LINE, SIDE: Any lot line which is not a front or rear lot line.

LOT LINE MARKER: A metal plate or pin used to identify lot line intersections and midpoints. Lot line markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.

LOT WIDTH: In the case of an interior lot, the distance between the side lot lines. In the case of a corner lot, lot width shall mean the distance between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot. When a lot abuts a curved street, the width shall be determined by utilizing the arc length.

MAJOR STREET: A dedicated street within Mahoning County which has been classified as a dual highway, a dominant major street, a secondary major street, a main county highway, or a state highway on an official highway plan of the State, County, or Township.

MANUFACTURED MODULAR UNIT or DWELLING: Any dwelling unit, not a mobile home, which is fully or partially constructed off the building site and is shipped or transported to the building site where it is completed and placed on a permanent foundation.

MANUFACTURING: The process of using raw materials to create a product. A productive industry using mechanical power and/or machinery.

MARINA: An area having water access, which is used for boat sales, service, docking, mooring, storage, and/or including boat rebuilding and repairing.

MASSAGE: The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanically.

MASSAGE BUSINESS: Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which are characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

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

MOBILE HOME: Any non-self propelled transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into an integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein.

Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: Any site, lot, or tract of land under single ownership or control which has been planned for the placement of mobile homes or unapproved industrial units, and upon which three (3) or more mobile homes or unapproved industrial units used for habitation are parked, either free of charge or for gain, and shall include any roadway, building, structure, vehicle or enclosure used as a part of the facilities of such mobile home park.

MOBILE HOME PARK OWNER and/or OPERATOR: The holder of the legal title, or the holder of the equitable title, or any person in charge of or responsible for the operation of the mobile home park.

MOTOR HOME: Any self-propelled motor vehicle, readily movable, with a basic purpose of providing temporary housing at various locations.

MONUMENT: A concrete or stone marker used to identify street right-of-way lines. Monuments shall have a flat top with a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel. Stone or precast monuments shall be marked on the top with a proper inscription and drill hole.

MOTEL: A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily by transient automobile travelers and provided with off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts, and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

NAME PLATE: A non-electric on-premise identification sign giving only the name, address, and/or occupation.

NIGHTCLUB: A place of assembly used for the consumption of food or beverages and which may have entertainment through dancing or other organized entertainment.

NON-CONFORMING BUILDING: A building or structure or portion thereof, lawfully existing at the time of this Resolution, as amended, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NON-CONFORMING LOT: The area or dimension of a lot, lawfully existing at the time of this Resolution, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoptions or amendment.

NON-CONFORMING USE: A use, whether of land or of a structure, lawfully existing at the time of this Resolution, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NUDE MODEL STUDIO: Any place where a person who appears in a “STATE OF NUDITY” or displays “SPECIFIED ANATOMICAL AREAS” to be sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

NUDITY or a STATE OF NUDITY: The appearance of a human bare buttock, anus, genitals, or areola of the female breast or a state of dress which fails to cover opaquely a human buttock, anus, or genitals, or areola of the female breast.

NURSING HOME: A home for the aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept, and provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick.

OPEN SPACE: The portion of a lot, not covered by a building area, open to the sky. It may include drives, walkways, landscaping, fences and objects not defined under building area.

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

OFF-PREMISE SIGN: A sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

ON-PREMISE SIGN: A sign which pertains to the use of the premises on which it is located.

PARCEL: See “Lot”.

PARKING SPACE, AUTOMOBILE: Space within a building or a space in a private or public parking area for the parking of one (1) automobile.

PARKING AREA, PRIVATE: An open area, other than a street or alley used for the parking of the automobiles of the occupants of a dwelling.

PATIO: A horizontal platform with floor raised less than one foot above the average ground level beneath it, and not requiring retaining structures over one foot in height. A patio is not required to meet setback requirements.

PAVED AREA or SURFACE: Areas or surfaces with a hard, all-weather surface. A surface consisting of stone, cinders, aggregate, gravel, sand, or similar material, material, whether compacted or not, shall not be considered a paved area or surface.

PERMITTED USE: Any use specifically allowed by right in a particular zoning district.

PERSONS: An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject or rights and duties.

PLANNED DEVELOPMENT: An area of land in which a variety of housing types and/or related commercial or industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks than those restrictions that would normally apply under these Resolutions. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. *See Planned Development District.*

PLAT: A map or drawing showing the plan of a subdivision of a tract or parcel of land.

PORTABLE SIGN: A free standing sign not permanently anchored or secured to either a building or the ground, such as but not limited to “A” frame, “T” shaped or inverted “T” shape sign structures, and truck, trailer, or vehicle mounted signs.

PROPERTY LINE: A recorded boundary of a lot. However, any property line which abuts a “street” or other public or quasi-public way shall be measured from the legal street right-of-way line.

PUBLIC ROAD: See “Street”.

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

RECREATIONAL CAMPING AREA (RCA): A lot or parcel of land, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. Recreational Camping Areas do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self contained recreational vehicles created adjacent to motor sports facilities.

RECREATIONAL FACILITIES:

- a. RECREATIONAL FACILITIES, COMMERCIAL: Recreational facilities open to the public and established and operated for a profit. Such facilities include: stadiums, swimming pools, ice skating rinks, riding stables, amusement parks, carnivals, and similar enterprises, but not trailer camps as herein defined. Boat docks, fishing piers, marinas, boat launching, maintenance, repair, fueling facilities, food and beverages, boating and fishing supplies and accessories shall be likewise construed as commercial recreational facilities.
- b. RECREATIONAL FACILITIES, NONCOMMERCIAL: Private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, preserves, soccer stadiums, hunting and trapping, and other private noncommercial recreational areas and facilities or recreation centers including private community swimming pools. Noncommercial recreational facilities may be leased to outside organizations provided the fee for such is limited to incidental maintenance and custodial expenses.

RECREATIONAL VEHICLE: A vehicle, either motorized or non-motorized, built on a

chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term use and including the following:

- a. TRAVEL TRAILER (INCLUDING 5TH WHEELS): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses.
- b. PICK-UP CAMPER: A structure designed primarily to be mounted on a pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- c. MOTORIZED HOME: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. FOLDING TENT TRAILER: A canvas folding structure mounted on wheels and designed for travel and vacation use.
- e. BOATS AND TRAILERS: Includes boats, floats, rafts, and the normal equipment to transport the same on a highway.

RESOLUTION: The Zoning Resolution of Milton Township.

RESTAURANT: A structure or portion of a structure providing for food and beverage service to the public.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RIDING STABLE: Any land or structure used for the care and grooming of horses.

RIGHT OF WAY: A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features required by the topography or treatment, such as grade separation, landscaping, viaducts and bridges.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation and not to exceed a maximum of one hundred (100) square feet,

for the sale of agricultural produce where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with ORC Section 519.21.

SALVAGE, SCRAP OR JUNK YARD: The use of more than fifty (50) square feet of land, building, or structure on any parcel or a fraction of a parcel of land or any assembly of more than one parcel of land wherein the fee is in one owner, whether for private or commercial purpose, where waste, discarded, or salvaged materials such as scrap or waste metals, used building materials, used lumber, used glass, discarded automobiles, paper, rags, rubber in any shape or form, cordage, barrels, or any other materials of like character are bought, sold, stored, exchanged, whether for profit or not, baled, packed, sorted, disassembled, dismantled, or handled and which shall not exceed five (5) feet in height.

SATELLITE TELEVISION ANTENNA: An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

SCHOOL: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

SCREEN: A material object intended to provide shelter, protection, or concealment; constructed of posts and wires, boards, metal, vegetation, or plastic or similar durable materials.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portion of the body covered by supporting straps or devices.

SETBACK LINE: See “Building Setback Line”.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. It does not include a “NUDE MODEL STUDIO”. Further, a Sexually Oriented Business is one which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on “Specified Sexual Activities” or “Spe-

cified Anatomical Areas” as herein defined and is more particularly, but not exclusively defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or massage business.

SEXUALLY ORIENTED DEVICES: Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

SHOOTING RANGE: Any area where the property is used to allow shooting for a fee or fees paid to the owner or operator whether that owner operator is an individual, an association or a corporation.

SIGN: Any card, cloth, paper, metal, painted surface, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising of professional purposes on the ground or any tree, bush, rock, post, fence, building, structure, or anything whatsoever. The term placed as used in this definition shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise affixing or making visible in any manner whatsoever.

SPECIFIED ANATOMICAL AREAS: Human genitals.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

- a. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated.

STABLE: A building having stalls or compartments, in which domestic animals are sheltered and fed, together with the equipment incidental thereto.

STORE (TO STORE): The stoppage of any automobile, jeep, van, truck, trailer or motor home (recreational vehicle), with the intent of permitting any of these to

remain standing on a parcel of property for a period of time longer than seventy-two (72) hours.

STREET: A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks.

STREET, PRIVATE: A street not offered for public dedication or whose public dedication was not accepted by the Township.

STREET LINE: The dividing line between a street right-of-way and an adjacent parcel of land or lot.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, or any increase in the area of cubical content thereof.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, as a building, fence, sign, tower, etc.

SUBDIVISION: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SURFACE MINING or IN-STREAM MINING OPERATION: As defined in O.R.C. 1514.01.

SWIMMING POOL: An in-ground or above ground structure suitable for wading or swimming.

TAVERN: A place of assembly used for the consumption of food and alcoholic beverages.

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

TEMPORARY SIGN: A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special events, political candidates or public issues to be voted upon at an official election.

TERMS: The word shall is a mandatory requirement. The words used or occupied include the words intended, designed or arranged to be used or occupied. The word lot includes that words plot or parcel.

TRACT: See “Lot”.

TRAILER COURT: Same as Mobile Home Park.

USE: The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be lawfully carried on.

VARIANCE: A variance is a modification of the strict terms of the relevant resolutions where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the resolutions would result in unnecessary and undue hardship or practical difficulty.

VETERINARY ANIMAL HOSPITAL: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

VISION IMPAIRING FENCE: Any type of fence, wall, grouping of bushes, plants, or trees, which impede or obscure the ability of pedestrians using the sidewalks, op-

erators of motor vehicles using the streets or individuals elsewhere to see oncoming or static objects from the opposite side of such fence.

WAREHOUSE: A storage building which is used for the storage of goods, wares, food, beverages, merchandise, or other chattels, and includes a building used for the storage of unused new automobiles or aircraft, but does not include a garage or hangar as regulated under Art. 2, Sect. 206, 210, 211, and 212 of the Ohio Basic Building Code.

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless communications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operations are excluded from this definition.

WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

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 connect 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.

YARD: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Zoning Resolution is unobstructed from the ground upward except as may be specifically provided in this Zoning Resolution. Distances which represent minimum yards throughout this Zoning Resolution shall include all portions of a lot which are within such distances as measured at right angles from the respective lot line. Enclosed porches and attached garages shall be considered a part of the building. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements.

- a. FRONT YARD: A space extending the full width of the lot between any building and the front lot line and measured between the front lot line and the building line nearest the front lot line.
- b. REAR YARD: A space extending across the full width of the lot between the principal building and the rear lot line and measured between the rear lot line and the building line nearest the rear lot line. Corner lots shall not have a rear yard.
- c. SIDE YARD: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured between the side lot line and the building line nearest the side lot line. On a corner lot, the side yard is the area between the principal building and the side lot line, exclusive of all front yards.

ZONING DISTRICTS: The Zoning District and land uses therein as established by the Zoning Resolution of Milton Township.

ZONING CERTIFICATE: A permit stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Resolution for the zoning district in which it is located or is to be located.

ARTICLE 3.00

ZONING AND CONDITIONAL ZONING CERTIFICATES

SECTION 3.01 ZONING CERTIFICATES

For the purpose of enforcing the regulations herein provided, there is hereby established a system of Zoning Certificates. The Trustees may establish reasonable fees there from, and may amend such fees or adopt fees, from time to time.

No person shall locate, erect, construct, reconstruct, add to, move or structurally alter any non-farm building, structure or portion thereof within the Township, or make any change of a non-conforming use of any lot or land, without first making application for, paying the fee applicable, and obtaining a Zoning Certificate.

SECTION 3.02 ZONING INSPECTOR-DUTIES

There is hereby established the position of Zoning Inspector and such assistant Zoning Inspector as the Board of Trustees shall appoint, provide with a job description, and affix compensation. It shall be the duty of the Zoning Inspector, or any such assistant, to:

1. Issue and act on Zoning Certificates and Certificates of Occupancy, receiving the applicable fee, and keeping of a record of all certificates issued with a notation of any special conditions attached thereto;
2. Upon finding that any provisions of the Resolution are being violated, the person responsible for such violation shall be notified, ordering the action necessary to correct such violation;
 - a) Order the discontinuance of illegal uses of land, buildings, or structures;
 - b) Order removal of illegal buildings or structures or illegal additions or structural alterations;
 - c) Order discontinuance of any illegal work being done;
3. Consider all questions of interpretation and enforcement of the Zoning Resolution, with recourse of the decisions appealable to the Board of Zoning Appeals and the courts as provided by law;
4. File and keep safely copies of plans submitted, and the same shall form a part of the records of the zoning office;
5. Make records available for the use of the Board of Township Trustees, the

Zoning Commission, the Board of Appeals, and the general public.

SECTION 3.03 COMPLIANCE

- A. No Zoning Certificate shall be issued unless the proposed building, structure, use of lots or lands, and the plans therefore, fully comply with the provisions of this Resolution.
- B. No Zoning Certificate shall be issued for business, commercial, industrial, or multi-family projects without evidence where applicable that:
 - 1. The grading plan, drainage plans, and provisions for future maintenance of the public drainage facilities have been reviewed by Mahoning County. The design of the project shall provide the following:
 - a. Acceptance of the upstream drainage;
 - b. Provisions for the development of upstream properties;
 - c. Storm water management so that the adverse effects on abutting and downstream properties are minimized;
 - d. The maintenance of surface waters in their natural drainage courses where the water enters and leaves the project site;
 - e. Any drainage easements necessary for the project.
 - 2. The costs for the review and inspection by the Mahoning County Engineer's office shall be borne by the owner.
 - 3. Where a county owned sanitary sewer system is utilized for disposal of sanitary sewage, the facilities have been reviewed and are in compliance with Mahoning County standards and specifications. The costs for the review and inspection shall be borne by the owner.
 - 4. The proposed site plan has been reviewed by Mahoning County and shall show that a proper relationship does exist between thoroughfares, services roads, driveways, parking areas, and access to adjacent land to encourage pedestrian and vehicular traffic safety and to minimize adverse effects upon adjacent property.
 - 5. An erosion, sediment control and water management plan shall be developed and reviewed by a county agency or department having a legal requirement to do. This shall include:
 - a. Temporary or permanent sediment retention basins;
 - b. Temporary diversions;
 - c. Surface water management;
 - d. Seedings in conjunction with the seasons needing protection;

- e. Sub-surface water management;
- f. Retention of unstable soil as open lands.

Two (2) sets of Erosion and Sediment Control (ESC) Plan shall be included with the application for zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, uses or off-street parking, loading/unloading areas allowed by this Resolution and any additions or alterations thereto;

ESC plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this Resolution or any addition or alterations there disturbing less than one (1) acre of land area;

The contents of the ESC Plan shall meet all the requirements and recommendations for erosion and sediment control contained in the most recent version of the Mahoning County Erosion and Sediment Control Rules.

6. After review by the Milton Fire Department and finding that the site and building plans provide for the following:
 - a. The ability of the department to provide life safety and fire fighting services by providing for the proper access and flow of equipment, location of hydrants, and access to structures;
 - b. The proper location of refuse collection and storage areas and other exterior storage facilities, which may constitute a potential hazard.
 - c. The location and maintenance of areas of refuge for building occupants.

SECTION 3.04 APPLICATION FOR ZONING CERTIFICATE

All applications for Zoning Certificates shall be made on the proper form furnished or approved by the Zoning Inspector.

Such application shall clearly indicate the exact location of the lot or land involved any and all buildings or structures presently existing or proposed, and all other di-

mensions and pertinent data as may be required by the Zoning Inspector. It shall include or be accompanied by a plot plan showing all pertinent dimensions; the proposed location, erection, construction, reconstruction, enlargement, or structural alteration intended therefore, and such additional pertinent information as the Zoning Inspector may deem necessary for the issuance of a Zoning Certificate.

Whenever such application for a Zoning Certificate indicates that ingress and egress by a driveway to any lot or land from a township owned street or roadway is contemplated, a Driveway Pipe Permit must be secured in addition to the Zoning Certificate required.

Prior to boring under any Township street, a contractor shall secure and complete a Street/Right-of-Way Open Application from the Milton Township Road Department, together with the applicable permit fee and surety road bond.

A complete landscaping plat with buffer provisions must be approved by the Milton Township Board of Zoning Appeals and/or Zoning Inspector before issuance of a Zoning Certificate in all categories except "R-1" and "AG" Agriculture District.

Whenever such application for a Zoning Certificate is made, and where applicable, the applicant must bring a certificate from the appropriate Mahoning County Department showing compliance with all county requirements for potable water and sanitary disposal.

Any application for a zoning certificate that involves more than one lot or parcel of land must also include proof of the combination of these parcels into one. No zoning permit will be issued for any structure built across lot lines.

If there is no evidence of a recent land survey, the Zoning Inspector may require proof be provided of a land survey with monumentation placed by a Registered Surveyor before granting a zoning permit for a new construction.

SECTION 3.05 ISSUANCE OF ZONING CERTIFICATE

Within ten (10) days after receipt of any application for a Zoning Certificate, unless the subject matter requires reasonable additional time, the Zoning Inspector shall either issue to the applicant a Zoning Certificate, as applied for, or reject such ap-

plication, stating in writing the reasons for such rejection, and notify the applicant of his right of appeal.

Before issuance of a Zoning Certificate, the Zoning Inspector may require applicant to install in a proper location and clearly visible, all necessary lot line and building stakes upon the lot or lands involved.

Before a Zoning Certificate can be issued, a Septic System approval Certificate, where applicable, must be obtained from the Mahoning County Health Department.

Any construction and/or use permitted by the issuance of a Zoning Permit by the Milton Township Zoning Inspector must be commenced within six (6) months of the date of issuance of said Zoning Certificate, "otherwise the certificate shall expire and be null and void and a new certificate shall be required upon proper application". All structure shall be completed within one (1) year from the date of issuance of the Zoning Certificate, having completed exterior walls, roof, doors, and windows. An extension may be granted if due cause is shown.

SECTION 3.06 GENERAL REQUIREMENTS OF CONDITIONAL ZONING CERTIFICATES

All land and structures:

- A. Must be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- B. Must be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and ensure that such a use will not change the essential character of the same;
- C. Must not be detrimental to property in the immediate vicinity or to the community as a whole;
- D. Must not be hazardous or disturbing to existing or future neighboring uses;
- E. Must be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

- F. Must be in compliance with the subdivision regulations, the Board of Health standards, and the Building Code;
- G. Must have vehicular approaches to the property which shall be so designed as not to create any interference with traffic or surrounding public streets or roads;
- H. Must comply with any specific conditions prescribed by the Board of Zoning Appeals at the time of issuance of the certificate.

SECTION 3.07 APPLICATION FOR CONDITIONAL ZONING CERTIFICATES

Applications for Conditional Zoning Certificates shall be made to the Zoning Inspector who will submit the request to the Board of Zoning Appeals. Applications shall be made on a form provided for that purpose, and be accompanied by a fee designed by the Milton Township Trustees, and by at least eight (8) copies of a plat plan showing all pertinent information as specified in Sections 3.03 and 3.06 of this Resolution.

Said applications must contain a plat plan, a building plan and parking facilities. These plans are to include, but are not limited to, the legal description of the property, type of building or structure, proposed use or uses, location of abutting streets, location of existing or property buildings or structures, and any other specific information deemed essential for determination by the Board of Zoning Appeals for issuance of a Conditional Zoning Certificate.

SECTION 3.08 SITE PLAN REVIEW FOR CONDITIONAL ZONING CERTIFICATES

At the public hearing provided herein, the Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution.

The Board of Zoning Appeals may submit any and all proposals and site plans to any individuals and agencies it deems necessary for recommendations, and shall consider all recommendations received in writing within thirty (30) days. In addition, the Board of Zoning Appeals may commission studies or surveys or seek expert opinions as it deems necessary to make a proper decision, and the expense of such studies or opinions must be borne by the applicant.

The Board of Zoning Appeals shall make its findings and determination in writing

within not more than thirty (30) days from the date of said public hearing and shall transmit a copy thereof to the applicant. No decision of the Board shall become effective until after an elapsed period of thirty (30) days from the date of the written determination during which time the applicant or any other person aggrieved may appeal to the Court of Common Pleas of Mahoning County on the grounds that the decision was unreasonable or unlawful.

SECTION 3.09 EXPIRATION OF CONDITIONAL USE PERMIT

Any construction and/or use permitted by the issuance of a conditional zoning certificate by the Board of Zoning Appeals must be commenced within six (6) months of the date of issuance of said zoning certificate, otherwise the certificate shall expire and be null and void and a new certificate shall be required upon proper application. All structures shall be completed within one (1) year from the date of issuance of the Zoning Certificate. An extension may be granted if due cause is shown.

The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of property rights, and for ensuring that the intent and objectives of this Resolution shall be observed.

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Zoning Appeals Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions, which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals.

In the event that a special use authorized for any building, or land is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.

SECTION 3.10 FEES FOR ZONING AND CONDITIONAL ZONING CERTIFICATES

Concurrent with the issuance of any Zoning Certificate or Conditional Zoning Certificate authorized by the Township Board of Zoning Appeals, the Zoning Inspector shall collect from the applicant the applicable fee therefore. A written receipt shall be issued to the person making such payment and records thereof

shall be kept in such a manner as prescribed by law.

See Township Zoning Inspector for current fee schedules as set by the Milton Township Board of Trustees.

ARTICLE 4.00
TOWNSHIP ZONING COMMISSION

SECTION 4.01 ESTABLISHMENT

A Township Board of Zoning Commission is hereby established as provided by Section 519.04 of the Ohio Revised Code and shall be composed, have personnel, qualifications and terms of membership. It shall receive the compensation and allowances and have authority to employ assistants as provided by the laws of the State of Ohio and Resolutions adopted by the Milton Board of Trustees.

SECTION 4.02 MEMBERSHIP

The Zoning Commission, herein called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall concurrently be appointed as a member of the Board of Appeals) who are residents of the unincorporated area of the Township.

Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years commencing January 1st and shall serve until their successor is appointed and qualified.

The board of Township Trustees may appoint two alternate members to the Township Zoning Commission who shall serve until the December 31st of their term following the appointment. 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 Board of Township Trustees may remove any member for cause, after a pub-

lic hearing, in accordance with provisions from Section 519.14, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

SECTION 4.03 RULES OF THE COMMISSION

The Commission shall by a majority vote of its members elect a Chairman, a Vice Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.

Meetings of the Commission shall be at the call of the Chairman and at other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absences or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.

SECTION 4.04 POWERS AND DUTIES OF THE COMMISSION

- A. Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.
- B. Changes and Amendments:
 1. Authority: All provisions of current state laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution after considering the recommendation of the Commission and subject to the procedure provided in this section, and/or current state law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.
 2. Initiation: Amendments to the Zoning Resolution may be initiated as follows:
 - a. By motion of the Township Zoning Commission
 - b. By passage of a Resolution therefore by the Board of Township Trustees, and certification of same to the Commission

- c. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.
 - i. Application: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the zoning map shall be filed with the Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.
 - ii. Fee: A fee as determined by the Board of Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Trustees or the Commission.
- 3. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification and delivery to the commission of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with the text and map pertaining to it, to the Mahoning County Planning Commission. The Mahoning County Planning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and shall submit such recommendations to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment.
- 4. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Commission shall hold a public hearing thereon. The Commission shall set a date to commence the public hearing at a date, time and place after the required notification time requirements stated below but not earlier than twenty (20) days nor more than forty (40) days from the Trustees Resolution certification date, the motion's adoption, or application filing date. Notice of such hearing shall be given as follows:
 - a. A notice shall be published in one (1) or more newspapers of gener-

al circulation in the Township at least ten (1) days prior to the date of such hearing.

- b. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of the property within, contiguous to and directly across the street from such area proposed to be rezoned to the addresses of such owners appearing on the County Auditor's current tax list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector with the application. The failure of delivery of such notice shall not invalidate any such amendment. The published and mailed notices shall set forth all of the following:
 - i. The time, date and place of the public hearing.
 - ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - iii. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of the owners of those properties as they appear on the County Auditor's current tax list.
 - iv. The present zoning classification of property named in the proposed zoning classification of that property.
 - v. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
 - vi. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.
 - vii. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
 - viii. Any other information requested by the Commission
- c. If the property amendment intends to alter the text of the zoning resolution, or rezone or redistrict ten (10) or more parcels of land, as listed on the County Auditor's current tax list, the published no-

tice shall set forth the time, date, and place of the public hearing and include the following:

- i. The time and place where the motion, resolution, or application will be available for examination for a period of at least ten (10) days prior to the hearing.
 - ii. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - iii. The name of the person responsible for giving notice of the hearing by publication.
 - iv. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
 - v. Any other information requested by the Commission.
5. Records: The Commission shall keep minutes of its hearing showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed with the office of the Board of Trustees and shall be a public record.
6. Decision by the Commission and Submittal to the Board of Township Trustees: The Commission shall study the proposed changed in terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment of the basis, or the approval of some modification thereof, and submit recommendation together with such application, the text and map pertaining thereto and the recommendation of the Mahoning County Planning Commission to the Board of Township Trustees.
7. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Zoning Commission, shall hold a public hearing thereon. The Trustees shall set a time for the public hearing on the proposed amendment not more than thirty (30) days from the date of receipt of such amendment from the Commission. Notice of such public hearing shall be given by the Trustees by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten or fewer

parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and include all of the following:

- a. The name of the Board of Township Trustees that will be conducting the hearing;
- b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;
- d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- e. The time and place where the motion, application or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;
- f. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
- g. Any other information requested by the Board.
- h. The published notice shall set forth the time and place of the public hearing and include the following:
 - (i) A statement indicated that the motion, application, or resolution is an amendment to the zoning resolution;
 - (ii) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
 - (iii) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
 - (iv) Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and include all of the following:

- a. The name of the Board of Township Trustees that will be conducting the hearing on the proposed amendment;
- b. A statement indicating that the motion, application, or resolution is

- an amendment to the zoning resolution;
 - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;
 - d. The name of the person responsible for giving notice of the hearing by publication;
 - e. Any other information requested by the Board.
8. Action by the Board of Township Trustees: Within twenty (20) days after such public hearing the Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification thereof. The action by the Trustees shall be sent to the Mahoning County Planning Commission and the Township Zoning Commission.
9. Effect and Referendum: Such amendment adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption pursuant to ORC 519.12 (H), unless there is presented to the Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof, included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general elections at which the governor was elected, requesting the Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election which occurs at least ninety (90) days after the petition is filed.

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

SECTION 4.05 INTERPRETATION, PURPOSE AND CONFLICT

Interpretation and application of the provisions of this Resolution shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are required by other laws, rules, or

regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall prevail.

ARTICLE 5.00

TOWNSHIP BOARD OF ZONING APPEALS

SECTION 5.01 ESTABLISHMENT

A Township Board of Zoning Appeals is hereby established pursuant to Section 519.13 of the Ohio Revised Code.

SECTION 5.02 MEMBERSHIP

- A. The Board of Zoning Appeals, herein called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Zoning Commission) who are residents of the unincorporated area of the Township. The members of the Board shall serve the same length terms, and appointments should be staggered in the same manner as provided for the in the Zoning Commission, Section 4.02.
- B. The Board of Township Trustees may annually appoint two alternate members to the Township Board of Zoning Appeals. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals. 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.
- C. The Board of Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
- D. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executive, professional, technical, and other assistants as it considers necessary.

SECTION 5.03 RULES OF THE BOARD

- A. The Board shall by majority vote of its members elect a Chairman, a Vice Chairman, and Secretary who shall occupy such offices until their succes-

sors are duly elected at the next annual meeting of the Board, which shall be held during January of each year.

- B. The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson and at such other times as the Board determines. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public.
- C. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each regular or alternate 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 be immediately filed in the office of the Board of Township Trustees and be a public record.

SECTION 5.04 POWERS AND DUTIES OF THE BOARD

- A. To hear and decide appeals where it alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution or any Resolution adopted pursuant to Sections 519.02 to 519.25 of the Revised Code.
- B. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship or practical difficulty. No non-conforming use of neighboring lands, structures, or buildings, in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where the strict application of the provisions of this Resolution would result in unnecessary hardship or practical difficulty.

The Board of Zoning Appeals may authorize upon appeal in specific cases such "use variance" from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforce-

ment of the provisions of this Resolution would result in “unnecessary hardship.

The factors to be considered and weighed by the Board of Zoning Appeals in Determining a property owner seeking an area variance has encountered practical difficulty in the use of his property include but are not limited to the following:

1. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 2. whether the variance is substantial;
 3. whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer detriment as a result of the variance;
 4. whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage);
 5. whether the property owner purchased the property with knowledge of the zoning restrictions;
 6. whether the property owner’s predicament feasible can be obviated through some method other than a variance;
 7. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance [Duncan vs. Middlefield (1986) 23 Ohio St. 3d 83].
- C. To grant Conditional Zoning Certificates for the use of land, buildings, or structures where such certificates for specific uses are provided for in this Resolution.
- D. To reverse or affirm, wholly or partly, or to modify, any order, requirement, decision, or determination appealed from, and to make such order, requirement, decision, or determination as ought to be made, and to such end shall have all the powers of the officer from whom the appeal is taken.
- E. To permit the alteration or construction of a building or structure beyond the building line where such will not be detrimental or ten substantially to alter the character of the existing neighborhood.
- F. To permit the extension, not to exceed twenty-five (25) feet, of a building or structure into a more restricted Use District in any case where the boundary

line of a District divides a lot or lands owned by the same person.

G. Exceptions: To authorize, upon application, the following exceptions:

1. Permit in districts limiting the height to 35 feet or under, schools, hospitals, sanitariums, churches, and other similar uses allowed under the use regulations of this Resolution, to be erected to a height not exceeding 6 stories or 75 feet, provided that the front and side yard requirements for such buildings are complied with and fire-fighting equipment is available.
2. Authorize a permit for a temporary office, construction or storage building, in any district, which use is indicated for development of the property on which it is located, such permit to be issued for a period of not more than one (1) year. For exceptionally large projects a renewal may be authorized.

H. If the Board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Revised Code or activities that area related to making finished aggregate products, the Board shall proceed in accordance with Section 519.141 of the Revised Code.

1. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.
2. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division 1 of this subsection and of the holder's right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.
3. In exercising the above-mentioned powers, the Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from,

and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

- I. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable as prescribed in this Resolution under Article 20.00.

SECTION 5.05 APPEALS/APPLICATION FOR CONDITIONAL ZONING CERTIFICATES

Any person adversely affected by any order, requirement, decision or determination made by the Zoning Inspector or his/her assistants, may appeal to the Township Board of Zoning Appeals. Also, any person applying for a Conditional Zoning Certificate shall apply to the Board of Zoning Appeals.

SECTION 5.06 APPEALS/APPLICATION PROCEDURE FOR VARIANCES AND CONDITIONAL ZONING CERTIFICATES

An appeal shall be taken:

- A. By filing with the Secretary of the Board within twenty (20) days from the receipt of such adverse order, requirement, decision or determination a written NOTICE OF APPEAL specifying the grounds and reasons for such appeal.
- B. Said Secretary shall forthwith notify the Zoning Official from whom such appeal is taken and he/she thereupon shall, within twenty-four (24) hours, transmit to said Secretary all documents, data, etc., pertaining to the subject matter, which shall constitute the record upon which the action appealed from was taken.
- C. The Board shall hold a public hearing within forty (40) days thereon and shall give at least ten (10) days public notice one publication in a newspaper of general circulation in the county, of the date, time, place and subject matter thereof.
- D. The Board shall give at least ten (10) days notice in writing, by first-class mail, to the parties in interest and the zoning official of the date, time and place of such hearing.
- E. At such public hearing any person in interest may appear in person or by attorney.

- F. Within thirty (30) days after the public hearing, the Board shall either approve, approve with supplementary conditions or disapprove the request.
- G. Testimony heard at an Appeals Board Public Hearing must be given under oath.
- H. All applications shall proceed in accordance with Articles 5.04(C), 5.04 (D), 5.04 (E), 5.04 (F) and 5.04 (G) herein. All applications for Conditional Zoning Certificates must be submitted and approved in accordance with Sections 3.06 and 3.07 of this Zoning Resolution and all other applicable Articles and Sections of this Zoning Resolution.
- I. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property, in such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

ARTICLE 6.00

AGRICULTURE DISTRICT

SECTION 6.01 "AG" AGRICULTURE DISTRICT

In an "AG" Agriculture District, land and structures shall be used or occupied, or structures may be erected, constructed, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Agricultural uses and structures.
2. Single-family dwelling.
3. Farm market with a roadside stand.
4. Churches and comparable buildings for religious worship, instruction, or devotion.
5. Public or parochial schools.
6. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.
7. Stables and riding stables.
8. Home occupations.
9. Residential enterprises.
10. Public parking area that does not extend more than two hundred (200) feet from the lot line of an abutting Business or Industrial District.
11. Oil wells, gas wells, but not within four hundred (400) feet of any residence.
12. Accessory buildings.

B. CONDITIONALLY PERMITTED USES

1. Bed and breakfast establishment.
2. Recreational camping area.
3. Cemeteries.
4. Commercial broadcast or communication towers.
5. Kennels.
6. Noncommercial recreational facilities.
7. Shooting ranges.

C. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No accessory building or structure shall exceed twenty (20) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-quarter (1/4) acre.
2. NONCONFORMING LOTS: Where a lawfully existing lot having less area, depth, or width herein required existed in a separate ownership on the effective date of this Resolution, the foregoing regulations to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.
3. FRONT YARD: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line
4. FRONT YARD IN BUILT-UP STREET BLOCKS: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right of way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criteria shall in no event be fewer than twenty (20) feet.
5. SIDE YARDS: There shall be provided a side yard on each side of a building or structure having a minimum width of ten (10) feet between the lot line and any structures.
6. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
7. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
8. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than fifty (50) feet at the street front property line and no less than one hundred (100) feet at the building line.
9. MINIMUM FLOOR SPACE: Every single-family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) square feet above grade, having a minimum first floor space of six hundred fifty (650) square feet. In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded.

ed. All detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garage buildings cannot exceed one thousand five hundred (1,500) square feet and shall not occupy more than thirty (30) percent of the lot, but shall not be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than ten (10) feet to any lot line, and shall not be located in the front yard.

10. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory or buildings that are not part of the main building cannot exceed five hundred (500) square feet and shall not occupy more than thirty (30) percent of the required rear yard. No accessory buildings except private garages can be used for parking, storage, or keeping of any motor vehicle including but not limited to cars, trucks, motor homes, etc., but not including recreational or utility vehicles. The construction of any accessory building or buildings, except private garages, as defined in Article 1.00, which exceeds five hundred (500) square feet in area or occupies more than thirty (30) percent, is subject to prior approval by the Township Board of Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate.

ARTICLE 7.00

RESIDENTIAL DISTRICTS

SECTION 7.01 "R-1" RESIDENCE DISTRICT

In an "R-1" Residence District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Single-family dwelling.
2. Home occupations.
3. Accessory buildings.

B. CONDITIONALLY PERMITTED USES

1. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.
2. Public or parochial schools.
3. Churches and comparable buildings for religious worship, instruction, or devotion.
4. Golf courses or county clubs, but excluding miniature golf courses or practice driving ranges.
5. Bed and breakfast establishments.

C. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. **MINIMUM AREA:** The minimum square footage of each lot or parcel of land shall be no less than one-quarter (1/4) acre.
2. **NONCONFORMING LOTS:** Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of this Resolution, the foregoing regulations relating to

the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

3. FRONT YARD: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line.
4. FRONT YARD IN BUILT-UP STREET BLOCKS: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line, except on properties where immediately adjoin lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case, the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criteria shall in no event be less than twenty (20) feet.
5. SIDE YARDS: There shall be provided a side yard on each side of a building or structure having a minimum width of ten (10) feet between the lot line and any structures.
6. SIDE YARDS—CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
7. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
8. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than fifty (50) feet at the street front property line, sixty (60) feet for lots platted on a cul-de-sac; and no less than one hundred (100) feet at the building line.
9. MINIMUM FLOOR SPACE: Every single-family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) square feet above grade, having a minimum first floor space of six hundred (600) square feet. In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded. All detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garage buildings cannot exceed nine hundred (900) square feet and occupy more than thirty (30) percent of the lot, but shall not be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than ten (10) feet to any lot line, and shall not be located in the front yard.

10. **ACCESSORY BUILDINGS:** Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard. No accessory buildings except private garages can be used for parking, storage, or keeping of any motor vehicle including but not limited to cars, trucks, motor homes, etc., but not including recreational or utility vehicles. The construction of any accessory building or buildings, except private garages, as defined in Article 1.00, which exceeds two hundred (200) square feet in area or occupies more than thirty (30) percent of the required yard area, is subject to prior approval by the Township Board of Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate.
11. **DRIVEWAYS:** The driveway leading from the street right-of-way to the single family dwelling shall be constructed as a hard surface driveway, consisting of either concrete or asphalt, in all platted subdivisions.

SECTION 7.02 "R-2" RESIDENCE DISTRICT

In an "R-2" Residence District, no building, structure, lot, or land shall be used except for the following purposes.

A. PERMITTED USES

1. Single-family dwelling.
2. Single-family dwelling with guest house.
3. Two-family dwelling.
4. Accessory buildings.

B. CONDITIONALLY PERMITTED USES

1. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.

C. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre.
2. NONCONFORMING LOTS: Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of this Resolution, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.
3. FRONT YARD: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line.
4. FRONT YARD IN BUILT-UP STREET BLOCKS: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case, the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criteria shall in no event be less than twenty (20) feet.
5. SIDE YARDS: There shall be a side yard on each side of a building or structure having a minimum width of ten (10) feet between the lot line and any structures.
6. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
7. REAR YARD: There shall be a rear yard having a minimum depth of thirty-five (35) feet to the building line.
8. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than fifty (50) feet at the street front property line, sixty (60) feet for lots platted on a cul-de-sac; and no less than eighty (80) feet at the building line.
9. MINIMUM FLOOR SPACE: Every single-family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) square feet above grade, having a minimum first floor space of six hundred fifty (650) square feet. Every two-family dwelling shall have a minimum floor space of not less than eight hundred fifty (850) square feet above grade per dwelling unit, having a minimum first floor space of six hundred fifty (650)

square feet. In computing the required minimum floor space, the area of breezeways, garages and other similar buildings shall be excluded. Every type of dwelling constructed on a slab, or without a basement, shall have a minimum floor space of at least two hundred (200) square feet in addition to the foregoing minimum floor space noted above. All attached or detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garage buildings cannot exceed nine hundred (900) square feet and occupy more than thirty (30) percent of the lot, but shall not be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than ten (10) feet to any lot line, and shall not be located in the front yard.

10. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard. No accessory buildings except private garages can be used for parking, storage, or keeping of any motor vehicle including but not limited to, cars, trucks, motor homes, etc., but not including recreational or utility vehicles. The construction of any accessory building or buildings, except private garages, as defined in Article 1.00, which exceeds two hundred (200) square feet in area or occupies more than thirty (30) percent of the required rear yard, is subject to prior approval by the Township Board of Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate.

SECTION 7.03 "R-3" RESIDENCE DISTRICT

In an "R-3" Residence District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted use except by the following regulations:

A. PERMITTED USES

1. Single-family dwelling
2. Single-family dwelling with guest house.
3. Two-family dwelling.

4. Multiple family dwelling (a tri-plex, a four-plex, or a six-plex on a lot)
5. Accessory buildings.

B. CONDITIONALLY PERMITTED USES

1. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.
2. Residential and non-residential alcohol, drug, behavioral, and related mental health treatment facilities and associated uses.
3. Condominium developments.
4. Apartment houses.
5. Mobile Home Parks and Mobile Home Subdivisions uses.

C. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, and no accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. **MINIMUM AREA:** The minimum square footage of each lot or parcel of land shall be no less than one (1) acre and be developed at a rate of not more than six (6) units per acre.
2. **NONCONFORMING LOTS:** Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of this Resolution, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.
3. **FRONT YARD:** There shall be a front yard having a minimum depth of thirty (30) feet measured from the street right-of-way line to the building line.
4. **FRONT YARD IN BUILT-UP STREET BLOCKS:** There shall be a front yard having a minimum depth of thirty (30) feet measured from the street right-of-way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case, the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criterion shall in no event be less than twenty (20) feet.

5. SIDE YARDS: There shall be provided a side yard of each side of a building or structure having a minimum width of fifteen (15) feet between the lot line and any structures.
6. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
7. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
8. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than fifty (50) feet at the street front property line, sixty (60) feet for a lot platted on a cul-de-sac; and no less than one hundred (100) feet at the building line.
9. MINIMUM FLOOR SPACE: Every single-family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) square feet above grade, having a minimum first floor space of six hundred fifty (650) square feet. Every two-family dwelling shall have a minimum floor space of not less than eight hundred fifty (850) square feet above grade per dwelling unit, having a minimum first floor space of six hundred fifty (650) square feet. In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded. Every type of dwelling constructed on a slab, or without a basement, shall have a minimum floor space of at least two hundred (200) square feet in addition to the foregoing minimum floor space noted above. All attached or detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garages for each two (2) unit dwelling cannot exceed one thousand two hundred (1,200) square feet.
10. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard. No accessory buildings except private garages can be used for parking, storage, or keeping of any motor vehicle, including but not limited to, cars, trucks, motor homes, etc., but not including recreational or utility vehicles. The construction of any accessory building or buildings, except private garages, as defined in Arti-

cle 1.00, which exceeds two hundred (200) square feet in area or occupies more than thirty (30) percent of the required rear yard, is subject to prior approval by the Township Board of Appeals and subject to issuance of the proper Zoning Certificate or Conditional Zoning Certificate.

SECTION 7.04 SPECIFIC PROVISIONS APPLICABLE TO MULTIPLE FAMILY DWELLINGS, CONDOMINIUM DEVELOPMENTS, AND APARTMENT HOUSES

No multiple family dwellings, condominium developments, or apartment houses shall be erected, nor shall any building be altered or converted, to contain an apartments, except in compliance with and pursuant to a Conditional Zoning Certificate issued by the Township Board of Zoning Appeals.

Before the Board issues a Conditional Zoning Certificate, said Board must approve the plat plan, the location and site for such use, and the location of the required off-street parking facilities and mean of access thereto. Public sanitary sewer and water are required. Curbing, sidewalks, and decorative lighting are required along the street right-of-way.

Additionally, prior to the issuance of a Conditional Zoning Certificate for the construction of a multiple family development where two (2) or more buildings are to be grouped on one (1) parcel of land, the owner of such parcel shall be bound by a covenant running with the land that so long as any such apartment buildings, or part thereof, is upon such parcel of land, such parcel on which such group is erected shall remain in one (1) parcel, and shall not thereafter be subdivided.

A. CONSTRUCTION AND SUITE SEPARATION: All dwelling unit structures intended to accommodate three (3) or more single-family units living side by side, shall be of fireproof and soundproof construction with each suite separated from adjacent suites by an unpierced fireproof and soundproof wall extending from the lower-most floor to the roof. No more than fifty (50) percent of any wall of a habitable room shall be below grade, nor shall any portion of a window furnishing light or air to any room used for living or sleeping purposes be placed below grade.

B. DISTANCE BETWEEN MAIN BUILDINGS: Each main building of a multiple

family dwelling, condominium development, or apartment house shall face a public street or an open unoccupied space having at least a dimension of forty (40) feet. The least dimension from each main building in the group to any other main building shall not be less than thirty (30) feet.

C. MINIMUM LIVING AREA REQUIREMENTS: Minimum living space per dwelling shall not be less than eight hundred fifty (850) square feet.

D. ACCESS AND PARKING:

1. Every multiple family dwelling shall have direct access upon and to a public street.
2. Off street and outside the public right-of-way, parking space with means of access thereto, shall be provided for at least two (2) non-commercial passenger motor vehicles for each family unit or suite, including custodial suite, if any, one of which may be the garage.
3. All parking facilities shall be situated behind the building line. No part of any required side yard or rear yard within twenty (20) feet of the main building shall be used for storage or parking of motor vehicles.

E. CONVERSION OF DWELLING TO MORE THAN ONE UNIT: A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and resolutions, and any applicable state or federal regulations.
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units.
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for a new structure in that district.
4. The lot area per family equals the lot area requirements for new structures in that district.
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
6. A Conditional Zoning Certificate is obtained.

F. DRIVEWAYS: The driveway leading from the street right-of-way to a single family, two-family, or multi-family building shall be constructed as a hard

surface driveway, consisting of either concrete or asphalt. Any additional parking lot areas constructed in conjunction with duplex or multi-family units shall be construct as a hard surface area, consisting or either concrete or asphalt.

SECTION 7.05 – LAKE FRONT RESIDENTIAL DISTRICT (LFRD)

- A. DEFINITIONS – LAKE FRONT (LF) YARD AREA: An open space on the same lot with a principal building extending between a building or structure and the adjoining lot lines, unoccupied and unobstructed by an portion of a structure from the ground upwards except as otherwise permitted by this Resolution.
1. LAKE FRONT (LF) FRONT YARD – an open space on the same lot with a principal use or building, extending the full width of the lot and situated between the lake front lot line and the foundation line/wall of the dwelling.
 2. LAKE FRONT (LF) REAR YARD – an open space on the same lot with a principal use or building, extending the full width of the lot and situated between the street front property line and the foundation line/wall of the dwelling.
 3. LAKE FRONT (LF) SIDE YARD – an area yard extending from the principal building to the side lot line on both sides of the dwelling between the lines establishing the front and rear yard areas.
- B. PERMITTED USES
1. Single family dwellings
 2. Home Occupations.
 3. Accessory Buildings.
- C. AREA REGULATIONS
1. MINIMUM AREA: The minimum square footage of each lot or parcel shall be not less than one-quarter (1/4) acre.
 2. FRONT YARD: There shall be a front yard having a minimum depth of thirty-five (35) feet measured from the lake front property line to the building line.
 3. FRONT YARD IN ESTABLISHED BLOCKS: There shall be a front yard hav-

ing a minimum depth of thirty-five (35) feet measured from the lake front property line to the building line, except on properties where immediately adjoining lots that area located at a setback less than the minimum set forth above. In that case, the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criteria shall in no event be less than twenty (20) feet.

4. **SIDE YARDS:** There shall be provided a side yard on each side of a dwelling or structure having a minimum of ten (10) feet between the lot line and any structure.
5. **SIDE YARDS-CORNER LOTS:** Corner lots shall maintain a minimum side yard measurement of twenty (20) feet between the side street lot line and any structures.
6. **REAR YARD:** There shall be provided a rear yard having a minimum depth of forty (40) feet to the building line.
7. **MINIMUM WIDTH AT BUILDING LINE:** The minimum width which each lot or parcel of land must have at the building line is one hundred (100) feet.
8. **MINIMUM FLOOR SPACE:** Every single family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) feet above grade, having a minimum first floor space of six hundred fifty (650) feet. In computing the required minimum floor space, the area of breezeways, garages, and other similar accessory buildings shall be excluded.
9. **GARAGES:** All detached garages incidental to the occupancy of the dwelling must be for private use only. The combined area of such garage structures shall not exceed nine hundred (900) square feet and occupy more than thirty (30) percent of the lot, but shall not be closer than twenty (20) feet from the rear lot line, no closer than five (5) feet to the dwelling, nor closer than ten (10) feet to any side lot line. Detached garages are prohibited in the front yard area. No living quarters shall be placed in any portion of a detached garage.
10. **ACCESSORY BUILDINGS (SHEDS):** Accessory buildings which are not a part of the dwelling may be built in the rear or side yard areas no closer than ten (10) feet from a side property line, no closer than five (5) feet from a dwelling, and no closer than twenty (20) feet from a street rear

property line. An accessory building not part of the dwelling cannot exceed two hundred (200) square feet in ground coverage and occupy more than thirty (30) percent of the required rear yard. No accessory buildings, except private garages, can be used for parking, storage or keeping of any motor vehicle, including but not limited to cars, trucks, motor homes, etc.

11. FENCING – SEE Article 17.00 of the Milton Township Zoning Resolution.

12. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.

ARTICLE 8.00

BUSINESS DISTRICTS

SECTION 8.01 “B-1” BUSINESS OFFICE DISTRICT

This district is established to provide for single or planned and integrated groupings of offices, professional services, and related spaces and is generally categorized as professional business services which have no retail sales or trade on the premises.

In a “B-1” Business Office District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Administrative or executive offices similar to and including those pertaining to the management of office operations or the direction of enterprises but not including merchandising or sales service
2. Professional offices such as those pertaining to the practice of the professions and arts including architecture, dentistry, engineering, law, real estate, insurance, medicine, but not including the sale of drugs or prescriptions except as incidental to the principal use and where there is no external evidence of such incidental use.
3. Banking and financial institutions.
4. Accessory buildings.
5. All permitted Uses in R-1, R-2, R-3, LFRD Districts

B. CONDITIONALLY PERMITTED USES

1. Church and comparable buildings for religious worship, instruction, or devotion.
2. Funeral homes.
3. Clubs.
4. Hospitals and health clinics.
5. Nursing homes, Day Care Centers, and Institutional homes.
6. Philanthropic institutions.

C. HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height, except with the approval of the Township Board of Zoning Appeals. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre provided public sanitary sewer and water are available and one (1) acre if public sanitary sewer and water are not available.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line. No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be provided a side yard on each side of a building or structure having a minimum width of fifteen (15) feet between the lot line and any structures.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
5. REAR YARD: In addition to any egress requirement; there shall be a rear yard having a minimum depth of twenty five (25) feet, and where such yard abuts an Agricultural or Residential District it shall be for landscape purposes only.
6. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than eighty (80) feet at the building line.
7. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.
8. BUFFERING: All traffic pavement shall be set back from all front, rear, and side property lines a distance of five (5) feet, except for those reasonable portions required for access to and from the street and to ad-

- joining properties. This perimeter area created between the property lines and setback lines shall be properly landscaped with grass, evergreen ground cover or other generally accepted landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retainage, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property, this pavement shall be effectively screened from view by an acceptable designed wall, fence, evergreen planting and/or a landscaped earthen mound. All landscaping and screen shall be maintained in reasonably good condition.
9. TRASH CONTAINERS: Trash containers, whether permanent or portable, shall be placed a minimum of ten (10) feet from property lines, and shall be placed within an acceptable enclosure consisting of three (3) walls no less than five (5) feet in height. If said facility is detached from a building, the open side shall face the interior of the property. No trash container shall be in the front yard area of the parcel.
 10. SITE DRAINAGE: On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of a site development plan for review by the Office of the Mahoning County Engineer.

SECTION 8.02 "B-2" LIMITED LOCAL BUSINESS DISTRICT

This district is established to provide for single or planned and integrated groupings of stores which will retail convenience goods and provide personal and professional service for a neighborhood area and are generally categorized as neighborhood businesses.

In a "B-2" Limited/Local Business Office District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. All uses permitted and conditionally permitted in "B-1" Office Business District.
2. Limited retail businesses which supply merchandise on the premises to include drugs, dry goods, clothing, notions, gifts, hardware, baked goods

florists, athletic goods.

3. Personal services including dry cleaning and laundry shops, barber shops and beauty shops, shoe repair, tailors and dressmakers, repair shops for watches, radios, and televisions, photo studios, photostatic and blue-printing.
4. Limited food sales of the convenience store variety and or local grocery store, bakeries, delicatessens, and meat markets, drive thru beverage stores.
5. Restaurants.

B. CONDITIONALLY PERMITTED USES

1. Gas stations.

C. HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height, except with the approval of the Township Board of Zoning Appeals. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre provided public sanitary sewer and water are available and one (1) acres if public sanitary sewer and water are not available.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line. No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be provided a side yard having a minimum width of fifteen (15) feet.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
5. REAR YARD: In addition to any egress requirement; there shall be a rear yard having a minimum depth of twenty-five (25) feet, and where such yard abuts an Agricultural or Residential District is shall be for landscape purposes only.

6. **MINIMUM WIDTH AT BUILDING LINE:** The minimum width which each lot or parcel of land must have is no less than one hundred (100) feet at the building line.
7. **ACCESSORY BUILDINGS:** Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.
8. **BUFFERING:** All traffic pavement shall be set back from all front, rear, and side property lines a distance of five (5) feet, except for those reasonable portions required for access to and from the street and to adjoining properties. This perimeter area created between the property lines and setback lines shall be properly landscaped with grass, evergreen ground cover or other generally acceptable landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retainage, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property, this pavement shall be effectively screened from view by an acceptable designed wall, fence, evergreen planting and/or a landscaped earthen mound. All landscaping and screen shall be maintained in reasonably good condition.
9. **TRASH CONTAINERS:** Trash containers, whether permanent or portable shall be placed a minimum of ten (10) feet from property lines, and shall be placed within an acceptable enclosure consisting of three (3) walls no less than five (5) feet in height. If said facility is detached from a building, the open side shall face the interior of the property. No trash container shall be in the front yard area of the parcel.
10. **SITE DRAINAGE:** On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of a site development plan for review by the Office of the Mahoning County Engineer.

SECTION 8.03 "B-3" - GENERAL BUSINESS BUSINESS DISTRICT

This district is established to provide for principal shopping areas of community and/or regional importance to the multipurpose consumer, where concentrations of various shopping facilities, services, and amusement/recreational uses

may be found in quantity. This district includes activities, which because of their nature, such as a tendency to encourage traffic congestion, parking problems, storage problems, or other special problems, are best distinguished from local areas. Their location is desired on major thoroughfares.

In a “B-3” General Business District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. All uses permitted in a “B-2” Limited Local Business District.
2. Motels and hotels.
3. Bowling lanes, theaters, arcades, billiard halls, and recreation and/or amusement establishments.
4. Restaurants.
5. Auto washes.
6. Retail establishments offering a wide variety of consumer goods.
7. Retailing with accessory outside storage.
8. Car sales, leasing and rental.
9. Light automotive repair such as brakes, mufflers, oil changes, and painting; where all business is conducted inside a building.
10. Sales of home furnishings and appliances.
11. Boat sales, rentals and storage.
12. Trailer and farm implement sales.
13. Boat and marine engine repair as long as all repairs are conducted inside a building or buildings on the premises.

B. CONDITIONAL USES

1. Bars, taverns, and nightclubs.
2. Commercial recreational facilities.
3. Gas stations.
4. Shooting ranges.
5. Large scale retail developments.
6. Nursery and garden centers.
7. Community Shopping Center, Plazas or Malls (where the composite

building area is larger than 300,000 square feet—the composite building area shall be defined as the lot area developed with business flood space, parking lot area, traffic accesses, retention/detention areas, buffer areas, and loading space/delivery area.

C. HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height, except with the approval of the Township Board of Zoning Appeals. No accessory building or structures shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre provided public sanitary sewer and water are available.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line. No part of a building, including awning, canopy or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be a side yard having a minimum width of fifteen (15) feet.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
5. REAR YARD: In addition to any egress requirement; there shall be a rear yard having a minimum depth of twenty-five (25) feet. If a service court delivery area or alleyway is located in the rear yard, the minimum shall be increased to forty-five (45) feet.
6. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have at the building line is one hundred (100) feet.
7. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.

ARTICLE 9.00

INDUSTRIAL DISTRICT

SECTION 9.01 “OI” OFFICE INDUSTRIAL DISTRICT

This district is established to provide for certain commercial and light industrial uses that may be in close proximity to residential districts. All manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of the adjacent premises by reason of odors, smoke, dust, refuse, vibration, electromagnetic interferences, noise, and when all work activities and storage are conducted indoors. Public sanitary sewer and water are required.

No building or portion thereof shall be hereafter erected structurally altered, converted or used for permanent or temporary dwelling purposes.

In an “OI” Office Industrial District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. All uses permitted and conditionally permitted in “B-1” Office Business District.
2. Automotive repair such as brakes, mufflers, oil changes, and painting; where all business is conducted inside of building.
3. Car sales, leasing and rental.
4. Commercial recreational facilities whose activities are conducted within an enclosed building: skating rinks, bowling alleys, etc.
5. Light industries which are storage and wholesaling establishments engaged primarily in the assembly, handling, storage, distribution, and non-chemical treatment of materials, goods, and products.
6. Motels and hotels.
7. Restaurants.

B. CONDITIONAL USES

1. Commercial recreational facilities whose activities are conducted within an enclosed building.
2. Gas stations.
3. Mini-storage facilities.
4. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.
5. Public or parochial schools.
6. Public service facilities including all utilities and railroads, whether public or private, and encompassing electric, natural gas and the like, except water and sewer treatment facilities to accommodate large scale development.

C. HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height, except with the approval of the Township Board of Zoning Appeals. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre, and expanded in no less than one-half (1/2) acre increments.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line and shall be used for landscape purposes only. No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be a total side yard minimum of twenty (20) feet, with the narrower side no less than five (5) feet, but where such side yard is adjacent to an Agricultural or Residential District; it shall be a minimum of twenty-five (25) feet and shall be used for landscape purposes only.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.

5. REAR YARD: In addition to any egress requirement; there shall be a rear yard having a minimum depth of twenty five (25) feet, and where such yard abuts an Agricultural or Residential District it shall be for landscape purposes only.
6. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than one hundred (100) feet at the building line.
7. STRUCTURES: No more than forty-five (45) percent of the area of each building site may be covered with buildings or other structures.
8. SITE COVERAGE: No more than seventy (70) percent of the area of each building site may be covered with buildings, structures, street right-of-way paved areas, off street loading area, driveways, walkways, parking areas and other paved areas, and the remaining area shall be devoted to open space.

SECTION 9.02 "I" INDUSTRIAL DISTRICT

This district is established to provide for certain heavy industrial uses engaged in the storage, distribution and handling of large quantities of goods and materials, and the fabrication, manufacture and repair of goods of such nature that no objectionable by-products such as odors, smoke, dust, refuse, vibration, electromagnetic interferences, noise, etc. are noticeable, and when all work activities and storage are conducted indoors. No outdoor manufacturing, assembly, or storage is permitted. Public sanitary sewer and water are required.

No building or portion thereof shall be hereafter erected or structurally altered, converted or used for permanent or temporary dwelling purposes.

In an "I" Industrial District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. BUILDING DESIGN, CONSTRUCTION MATERIALS, AND BUFFERS

1. The design of all buildings shall respect the physical and natural qualities of its site and adjacent buildings.
2. The massing and proportion of all buildings shall be designed to provide

visual continuity. The scale of adjacent buildings and landscaping shall be coordinated so as to result in consistent appearance.

3. All buildings shall be constructed of high-quality, permanent materials and shall be designed to be durable and easily maintained. All buildings shall have exterior walls constructed of attractive materials which present inoffensive, predominantly warm, earth tone color and appearance. Specifically prohibited shall be the following: light-colored metals such as mill finished aluminum or stainless steel, light reflective materials, galvanized sheet metal, and plywood siding.
4. All designed parking areas or driveways must be separated from property lines or street right-of-way line by a minimum twenty (20) foot landscaped buffer strip.

B. PERMITTED USES

1. Assembly of machines and appliances.
2. Bakeries or baking plants.
3. Bedding, carpet and pillow manufacturing, cleaning and renovating.
4. Clothing manufacturing.
5. Glass manufacturing.
6. Heavy equipment parking or storage.
7. Laboratories for research and testing.
8. Light industries which are engaged primarily in the assembly, handling, storage, distribution, and non-chemical treatment of materials, goods, and products.
9. Machine shops.
10. Pharmaceutical products and manufacturing.
11. Plastics manufacturing.
12. Power generation station.
13. Sign manufacturing, painting, and maintenance.
14. Stonecutting, monument manufacturing and sales.
15. Warehousing, storage, and distribution of goods and materials.

C. CONDITIONALLY PERMITTED USES

1. Dairy products processing, bottling, and distribution.
2. Excavation, extraction, removal or stripping of any gravel, sand, stone, etc, from lands in accordance with the following restrictions:

- a. A general statement regarding the method to be employed and the type of equipment or machinery, if any, involved therewith.
- b. The approximate dates within which the work will be commenced and completed.
- c. The type and character of reseeding or replanting proposed after such stripping and removal, as approve by the Milton Township Zoning Inspector.
- d. The approximate depth of the average topsoil or loam now existing upon such lands and the depth proposed to be removed and the depth to remain.
- e. The ultimate proposed use of the land after stripping, removal, etc.
- f. A statement that applicant will pay the reasonable cost of inspection if any be required, during such operation.
- g. That applicant is capable of, and will furnish, a performance bond in the minimum amount of Ten Thousand Dollars (\$ 10,000) for each acre involved, or fraction thereof, if a Conditional Zoning Certificate is granted:
 - such bond will be held until reseeding and replanting has been completed and approved by the Milton Township Zoning Inspector
 - if such work as proposed is not completed within six (6) months of the approximate completed dates as stated the Zoning Inspector fines against the bond will be levied.
- h. Such other pertinent information as the Zoning Inspector may deem necessary in the public interest.
- i. No excavation shall occur within one hundred-fifty (150) feet of a public road or highway boundary line.
- j. All land excavated for such deposits must be restored to a grade having not more than fifteen (15) percent slope and must be adequately drained.
- k. All areas affected by strip mining shall be reclaimed in accord with the Ohio Revised Code and the approved application.
- l. No excavation shall take place any closer than one hundred fifty (150) feet to a property line of an adjoining property.
- m. The area in all cases shall be cleared of buildings, machinery, and appurtenant equipment used in operations. This includes the remov-

- al of unused tipples and the filling of scale pits.
3. Meat processing and packing, including slaughter of fowl and small game only.
 4. Motor vehicles impound yards.
 5. Penal institutions.
 6. Public service facilities including all utilities and railroads, whether public or private and encompassing electric, natural gas and the like, except water and sewer treatment facilities to accommodate large scale development.
 7. Sexually oriented businesses and massage businesses in accordance with the following restrictions:
 - a. That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation or rehabilitation.
 - b. Any display, device or sign that depicts or described specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
 - c. Adult cabarets, adult bookstores, and adult motion-picture theaters shall only operate during hours reasonably designed by the Commission.
 - d. Businesses authorized under this section shall have entrances to the establishment shielded in such a way that individuals outside the business building will not be able to see the entertainment area inside the building. Additionally, shielding shall not consist of curtain alone and shall not obstruct any exit sign or panic hardware for any exit, nor shall the shielding be constructed in such a way as to block any exit. All shielding shall be approved by the Milton Township Fire Department.
 - e. No person shall establish, operate or cause the establishment or operation of any sexually oriented business to be in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
 8. Well drilling.
 9. Zoos

D. HEIGHT REGULATIONS: No building or structure shall exceed thirty-five (35) feet in height, except with the approval of the Township Board of Zoning Appeals. No accessory building or structure shall exceed fifteen (15) feet in height.

E. AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one-half (1/2) acre, and expanded in no less than one-half (1/2) acre increments.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line and shall be used for landscape purposes only. No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be a side yard having a minimum of fifteen (15) feet, but where such side yard is adjacent to an Agricultural or Residential District; it shall be a minimum of twenty-five (25) feet and shall be used for landscape purposes only.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
5. REAR YARD: In addition to any egress requirement, there shall be a rear yard having a minimum depth of twenty five (25) feet, and where such yard abuts an Agricultural or Residential District it shall be for landscape purposes only.
6. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have is no less than one hundred (100) feet at the building line.
7. STRUCTURES: No more than forty-five (45) percent of the area of each building site may be covered with buildings or other structures.
8. SITE COVERAGE: No more than seventy (70) percent of the area of each building site may be covered with buildings, structures, street right-of-way paved areas, off street loading areas, driveways, walkways, parking areas and other paved areas, and the remaining area shall be devoted to open space.

ARTICLE 10.00

SPECIAL DISTRICTS

SECTION 10.01 “PPD” PLANNED DEVELOPMENT DISTRICT

This district is established to accommodate in a unified development, creative and imaginative planned community design and to permit those innovations in the technology of land development that are in the best interest of Milton Township, subject to the regulations and procedures herein in conformance with the provisions of Section 519.021 of the Ohio Revised Code. It is the intent of these regulations to:

1. Provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living, working, and shopping environments.
2. Provide greater flexibility in the spacing of lots and building by:
 - a. Encouraging creative, high quality site design practices in the developments of residential and commercial areas;
 - b. Promoting harmony and integration with existing developments and protect adjoining properties from adverse impacts;
 - c. Creating a neighborhood with a mix of uses and a variety of civic and open spaces;
 - d. Creating a mix of uses to promote day and evening activity;
 - e. Creating environments for walking and other recreation activities;
 - f. Promoting safe and efficient pedestrian and vehicular movement;
 - g. Providing sufficient parking for residents, workers, and visitors;
 - h. Promoting efficient layout of infrastructure (roads, utilities lines, water/sewer, etc.);
 - i. Creating attractive and useful public and private spaces;
 - j. Providing readily accessible recreation areas and green spaces; and
 - k. Conserving the natural amenities of the landscape.
3. Permit suitable associated commercial development consistent with the demand created by the planned residential development and compatible with the existing and proposed use of lands adjacent to the planned development.

Land zoned in Residential and Business Districts, or a combination of those zoning

designations of at least thirty (30) acres in combined area may be designed as a Planned Development District through application to the Milton Township Zoning Inspector and the submission of a Comprehensive Development Plan.

In a “PDD” Planned Development District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Single-family dwellings.
2. Attached single-family dwellings.
3. Multiple-family dwellings including townhouses, garden apartments, and mid-rise apartment buildings.
4. Attached townhouses.
5. Business establishments limited to:
 - a. Retail establishments offering a wide variety of consumer goods.
 - b. Large and small shops.
 - c. Restaurants and cafés.
 - d. Administrative, executive, and professional offices.
 - e. Care facilities: nursery, day care, elderly care, nursing, assisted living facilities.
 - f. Multi-use buildings (e.g., retail and residential or office) constructed as a single unit.
 - g. Public and private parks and recreation facilities, including, but not limited to: golf courses, club houses, swimming pools, and tennis courts, etc.

B. ACCESSORY USES: Accessory uses and structures clearly incidental and subordinate to a permitted principal use are permitted and may include the following:

1. Detached garages.
2. Detached accessory buildings.
3. Common and/or guest parking areas.
4. Recreation uses including facilities for sale of associated equipment, food, and refreshments. The following uses are not permitted: driving ranges,

gambling, horse racing, skeet shooting, rifle ranges and go-cart activity.

C. GENERAL AREA AND DEVELOPMENTAL STANDARDS: The gross area of a tract of land proposed to be developed in a “PPD” shall be a minimum of thirty (30) acres. All land within the development shall be contiguous and shall not be divided into segment by any major street, railroad right-of-ways, or any tract of land (other than streets rights-of-way for pipelines, or electric transmission lines) not owned by the developers of the planned development. After a district is established, additional contiguous areas of any size may be added as modification and extensions of the original district, pursuant of the Township zoning map application process.

1. Public sanitary sewer and water shall be provided for all units.
2. Underground utilities including telephone, electric, cable television, etc. are required.
3. All streets shall conform to the width restrictions of Mahoning County, and shall be of asphalt or concrete surface. Curbing, sidewalks and street lighting along all streets are required. All streets, driveways, and parking areas shall consist of concrete or asphalt paving. Sidewalks shall be of concrete and/or brick construction. All street lighting shall be attractive as well as useful.
4. The design of all buildings shall respect the physical and natural qualities of its site and adjacent buildings.
5. The massing and proportion of all buildings shall be designed to provide visual continuity. The scale of adjacent buildings and landscaping shall be coordinated so as to result in the consistent appearance.
6. Developments consisting of both Residential and Business uses shall be planned in such a way as to enhance the entire area, and not to be detrimental to the peace and tranquility of those residing in the area, or to the overall property values. Buffer zones and landscaping are key elements in achieving this goal.
7. All buildings shall be constructed of high-quality, permanent materials and shall be designed to be durable and easily maintained. All buildings shall have exterior walls constructed of attractive materials which present inoffensive, predominantly warm, earth tone color and appearance. Specifically prohibited shall be the following: light-colored metals such as mill finished aluminum or stainless steel, light reflective materials, galvanized sheet metal, and plywood siding.

D. MINIMUM AREA DEVOTED TO OPEN SPACE

At least thirty (30) percent of all land must be used for open space and recreational use. Common open space shall be located and designed to be integrally related to the overall design of the Planning Development District. These areas should be accessible to the residents, businesses, and civic activities.

It is important to conserve and protect significant natural features, such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.

Water surface of lakes, ponds, and other open bodies of water which are under the direct ownership and control of the Applicant may be included as open space but shall not be considered to constitute more than one-half (1/2) of the required common open space requirement.

Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots may NOT be used in calculating the amount of land dedicated to open space.

The Township may, but shall not be required to, accept dedication of any common open space.

The required amount of open space land reserved under a planned development shall be dedicated to a homeowners association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. Public utility and similar easements and right-of-ways are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

A guideline for consideration of a balanced Open Space Area is provided as follows:

<u>TYPE</u>	<u>% Space of Total</u>
Civic Space/Park	15%
Open Space	70%
Public Sidewalks	15%
Total Program	100%

E. MAXIMUM AREA PERMITTED FOR COMMERCIAL USES

The amount of land devoted to permitted commercial uses shall not exceed twenty (20) percent of the total acres in a proposed development.

F. MAXIMUM DENSITY OF RESIDENTIAL DEVELOPMENT

The maximum density of ground coverage for residential development shall be eight (8) dwelling units per acre, provided that on any single acre within the PDD district, the density shall not exceed twenty-five (25) units. Land used for commercial facilities shall be excluded from the total acreage of the development for the purpose of computing the maximum number of dwelling units to be permitted.

G. HEIGHT REQUIREMENTS: No single-family, two-family and multiple family dwellings shall exceed forty-five (45) feet in height, except with the approval of the Township Board of Zoning Appeals. No townhouse or apartment buildings shall exceed forty-five (45) feet in height, except with the approval of the Township Board of Zoning Appeals. Accessory structures shall not exceed fifteen (15) feet in height.

H. AREA REGULATIONS FOR SINGLE-FAMILY DWELLINGS ON INDIVIDUALLY SUB-DIVIDED LOTS:

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than 10,000 square feet with the average of single-family lot sizes not less than 13,600 square feet.

2. FRONT YARD: There shall be a front yard having a minimum depth of forty (40) feet.

3. SIDE YARDS: There shall be a side yard having a minimum width of ten (10) feet between the lot line and any structures, except in the case of attached townhouses and attached single-family dwellings.

4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front

yard on both abutting streets.

5. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
6. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.

I. BUILDING ARRANGEMENT AND SPACING FOR DWELLINGS NOT ON INDIVIDUALLY SUBDIVIDED LOTS

In order to ensure that a planned development preserves the site's natural features, and maintains individual privacy, all dwellings not located on individually subdivided lots shall comply with the following standards:

1. FRONT YARD: The minimum setback line for such dwelling shall be forty (40) feet from existing or planning public right-of-ways.
2. SIDE YARDS: There shall be a side yard having minimum width of ten (10) feet between the lot line and any structures, except in the case of attached townhouses and attached single-family dwellings.
3. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
4. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
5. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.
6. MINIMUM BUILDING SEPARATION: The minimum separation between buildings shall be thirty (30) feet, except in the case of attached townhouses and attached single-family dwellings.
7. UNIT ARRANGEMENT: The arrangement of units within each building and between buildings shall maximize the privacy of each unit by providing screening and private yards where appropriate.

J. DWELLING UNIT FLOOR AREA REQUIREMENTS

The minimum area of a dwelling unit shall not be less than specified. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached or built-in garages, or other attaches structures not intended for human occupancy shall be excluded.

MINIMUM FLOOR AREA REQUIREMENTS:

<u>TYPE OF DWELLING</u>	<u>MINIMUM FLOOR AREA</u>
<u>Single –Family Dwelling</u>	
--One story	850 square feet
--One and one half	850 square feet
--Two stories and greater	575 square feet
<u>Two-Family Dwellings</u>	
--Each unit	850 square feet
--Total for dwelling	1,800 square feet
<u>Three-Family Dwellings</u>	
--Each unit	850 square feet
--Total for Dwelling	2,400 square feet
<u>Multiple-Family Dwellings</u>	
--Efficiency suites (may comprise 5% of total units)	500 square feet
--One-bedroom dwelling unit	700 square feet
--Two-bedroom dwelling unit	850 square feet
--Three-bedroom dwelling unit	1,050 square feet
--Dwelling units with four or more bedrooms	1,500 square feet plus 150 square feet for every bedroom over four

K. COMMON OWNERSHIP

Before a Zoning Permit is issued for the construction of units where two (2) or more dwellings are to be clustered on one parcel of land, the owner of

such parcel shall be bound by a covenant running with the land, approved by the Township's legal counsel, that so long as any such dwellings are upon such parcel of land, such parcel on which such group is erected shall remain as one parcel. Should division of ownership be made, it shall be grounds for the revocation of the Zoning Permit since the permit was issued based upon the concept of the development and considered as a single entity.

L. PARKING

Each dwelling unit shall be provided with a minimum of two and one-half (2 ½) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached garage. Commercial vehicles over one (1) ton and recreational vehicles shall be parked or stored in a completely enclosed building. Parking for recreational facilities and other permitted non-residential uses shall be as identified on the development plan.

M. ACCESS AND STREET REQUIREMENTS

1. All streets shall be of asphalt or concrete surface. Curbing and sidewalks are required.
2. All planned developments shall be designed to provide access for proposed users internally within the development and to minimize access points and intersections onto existing public streets.
3. No dwelling unit or non-residential use which is part of a PDD Development shall have a driveway access directly onto an existing street.
4. All streets constructed as part of a PDD Development shall be private streets unless a public street is specifically authorized by the Board of Township Trustees to provide for interconnection or to achieve some other public purpose.
5. Private streets within the PDD district shall be a minimum of twenty two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles and constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations.
6. Each dwelling unit and each non-residential use shall have access to a private street internal to the Planned Development District in a manner approved by the Township and said access shall be clearly defined on the development plan.

7. The Planned Development District shall be designed to permit adequate access by emergency vehicles, promote safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

N. LANDSCAPING AND BUFFERS

All disturbed areas within a Planned Development District which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscape materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

O. ARCHITECTURAL DESIGN

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of material styles, and features conducive to an attractive and desirable environment. Use of excessively similar or excessively dissimilar building treatments should be avoided.

P. ADOPTION OF A COMPREHENSIVE DEVELOPMENT PLAN

The Zoning Commission shall adopt a Comprehensive Development Plan (CDP) upon the application of the owner(s) of the acreage of the district. Such CDP shall be adopted at any regular or special meeting, but only upon review and recommendation of Mahoning County Planning and publication of a notice of the consideration of same in a newspaper of general circulation in the Township, at least fifteen (15) days prior to the meeting at which the plan is to be considered, and shall include the following:

1. Boundaries of the district.
2. Thoroughfare plans for the proposed collector streets and abutting highways.
3. Allocation of residential uses by specifying the number of dwelling units permitted within an area, and of nonresidential uses by using the business district designations or appropriate specific identification, such that no owner be permitted at the time of adoption of the Planned Development District.

4. Identification of all easements and right-of-ways necessary to the extension of public and private utilities.

Q. APPLICATION FOR ADOPTION FOR A CDP

An application for adoption of a CDP shall identify the applicants by name, and in the case of an application by the owner(s)/developers of the property within the district, shall identify the gross acreage owned by each and shall contain the signatures of each owner(s) whose acreage constitutes all or part of the majority of the gross acreage, and further shall include the following:

1. The name of the development, the name of the owner or developer, north arrow, date and scale,
2. The owners and zoning classification of adjoining parcels including any easements or right-of-ways,
3. A boundary survey,
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval,
5. Identification of all natural features including existing water courses.
6. Soil types and conditions.
7. Proposed building locations.
8. Location of all minimum setback lines.
9. Vehicular and pedestrian circulation plans.
10. All off-street and on-street parking areas, indicating the number of parking spaces provided and the number required,
11. A storm drainage plan, including preliminary arrangements for storm detention facilities,
12. All existing and proposed water facilities including water mains, and location of fire hydrants,
13. All existing and proposed sanitary sewer and water facilities,
14. Location and size of all recreation and open areas,
15. A general planting and landscaping plan including trees, shrubs, and material specifics,
16. Plans detailing sidewalks, bike trails, recreational paths including material examples, color schemes, and typical construction cross-section,
17. Architectural plans of proposed structures including the number and minimum floor area of dwellings, materials examples, color schemes, and renderings of finished structures,

18. The location, width, names, and grades of existing and proposed streets including special concerns for mass transit, busses, bicycle traffic and on street parking,
19. Typical sections for all proposed streets,
20. Proposed phrases if the project is to be developed in stages,
21. A summary table showing the total acres of the proposed development, the number of acres devoted to the open space, streets, and contained within lots, and the number of dwelling units by type, and
22. Preliminary plans for proposed signage.

R. CHANGES TO THE GENERAL PLAN

The approval of a CDP for a residential planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat, and the development of the project. If construction of five percent (5%) of the total cost of the project has not been completed within two (2) years after approval is granted, the Board of Trustees may initiate hearings to consider rezoning said CDP to the original zoning classification. An extension of time or modification of the approved development plan may be approved if the Zoning Commission/Trustees find that such extension or modification is not in conflict with the public interest.

S. VIOLATION

Violation of the approval of uses for residential planned unit development shall constitute a violation of the Milton Township Zoning Resolution in accordance with Article 20.00 {B}, and such violations may be prevented pursuant to the provisions of ORC 519.24.

SECTION 10.02 "LRB" LARGE SCALE RESIDENTIAL/BUSINESS DEVELOPMENT DISTRICT

This district is established to accommodate and encourage positive development in a unified, esthetically pleasing manner and in the best interest of Milton Township. The LRB includes both advantages and restrictions to encourage creative land use. LRBs provide the maximum opportunity for orderly large-scale developments and shall include residential and business uses in a single district, but organized in a such a way as to enhance the area being developed as well as the community as a whole. Public sanitary sewer and water are required. It is the inten-

tion of these regulations to:

1. Create a harmonious development which will preserve and enhance the long-term property values and will provide a positive, pleasant and productive environment in which to live and work. To achieve this goal, a LRB shall be improved with attractive, well-spaced buildings that are properly constructed, easily maintained on well-landscaped sites.
2. Provide greater flexibility in the spacing of lots and buildings by:
 - a. Separation of pedestrian and vehicular circulation;
 - b. Provision of readily accessible recreation areas and green spaces;
 - c. Conservation of the natural amenities of landscape;
 - d. Creation of functional and interesting residential and business areas.

Land zoned “R-3”, “OI” and Business Districts, or a combination of those zoning designations of at least one hundred (100) acres in combined area, may be designated as a Large Scale Residential/Business Development District through application to the Milton Township Zoning Inspector and the submission of a Comprehensive Plan.

In a Large Scale Residential/Business Development District, land and structures shall be used or occupied, or structure may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Single-family dwellings.
2. Multiple-family dwellings.
3. Condominiums, converse condominium developments.
4. Business establishments limited to:
 - a. Retail establishments offering a wide variety of consumer goods.
 - b. Large and small shops.
 - c. Restaurants and cafés.
 - d. Administrative, executive, and professional offices.
 - e. Care Facilities: Nursery, day care, elderly care, nursing, assisted living Facilities.
 - f. Hospitals and medical clinics.
 - g. Public and private parks and recreation facilities including, but not lim-

- ited to: golf courses, club houses, swimming pools, and tennis courts.
5. Light manufacturing, assembly and warehousing when all work activities and storage are conducted indoors (no outdoor manufacturing, assembly or storage is permitted).
 6. Large scale retail developments.

B. ACCESSORY USES

Accessory uses and structures clearly incidental and subordinate to a permitted principal use are permitted and may include the following:

1. Detached garages.
2. Detached accessory buildings.
3. Common and/or guest parking areas.
4. Commercial recreational facilities whose activities are conducted within an enclosed building: skating rinks, bowling alleys, etc.

C. GENERAL AREA AND DEVELOPMENTAL STANDARDS

The gross area of a tract of land proposed to be developed in a “LRB” shall be a minimum of one hundred (100) acres. All land within the development shall be contiguous and shall not be divided into segments by any major street, rail road rights-of-way, or any tract of land (other than streets rights-of-way for pipelines, or electric transmission lines) not owned by the developers of the planned development. After a district is established, additional contiguous areas of any size may be added as modification and extensions of the original district, pursuant of the township zoning map application process.

1. Public sanitary sewer and water shall be provided for all units.
2. Underground utilities including telephone, electric, cable television, etc. are required.
3. All streets shall conform to the width restrictions of Mahoning County, and shall be of asphalt or concrete surface. Curbing, sidewalks and street lighting along all streets are required. All streets, driveways and parking areas shall consist of concrete or asphalt paving. Sidewalks shall be of concrete and/or brick construction. All street lighting shall be attractive as well as useful.
4. The design of all buildings shall respect the physical and natural qualities of its site and adjacent buildings.
5. The massing and proportion of all buildings shall be designed to provide

visual continuity. The scale of adjacent buildings and landscaping shall be coordinated so as to result in consistent appearance.

6. Developments consisting of both Residential and Business uses shall be planned in such a way as to enhance the entire area, and not to be detrimental to the peace and tranquility of those residing in the area, or to the overall property values. Buffer zones and landscaping are key elements in achieving this goal.
7. All buildings shall be constructed of high-quality, permanent materials and shall be designed to be durable and easily maintained. All buildings shall have exterior walls constructed of attractive materials which present inoffensive, predominantly warm, earth tone color and appearance. Specifically prohibited shall be the following: light-colored metals such as mill finished aluminum or stainless steel, light reflective materials, galvanized sheet metal, and plywood siding.

D. MINIMUM AREA DEVOTED TO OPEN SPACE

At least twenty five (25) percent of all land must be used for open space and recreational use. All open space must be landscaped and well-maintained, and may be used for parks and recreational uses such as pools, tennis courts, and athletic fields. Roadways and parking areas may not be used in calculating the amount of land dedicated to open space. The percentage of required open space may be reduced by developing and dedicating some of the land for use by the general public on a one-to-one basis, but the area required to be dedicated to open space may not be less than twenty (20) percent.

Example # 1: Land To Be Developed ---	100 acres
Required Open Space ---	25 acres

Example # 2: Land to Be Developed	100 acres
Land dedicated for community use (Youth athletic fields, developed walking trails, tennis courts)	5 acres

(*This reduces the overall open space requirement by an equal amount)

Required Open Space ---	20 acres
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E. MAXIMUM AREA PERMITTED FOR COMMERCIAL USES

The amount of land devoted to permitted commercial uses shall not exceed fifty (50) percent of the total acres in a proposed development.

F. MAXIMUM DENSITY OF RESIDENTIAL DEVELOPMENT

The maximum density of residential development shall be twelve (12) dwelling units per acre, provided that on any single acre within the LRD district, the density shall not exceed thirty-six (36) units. Land used for business facilities shall be excluded from the total acreage of the development for the purpose of computing the maximum number of dwelling units to be permitted.

Any acreage consisting of wetlands may not be used in calculating the overall acreage available for development in developing density.

Example: acres to be developed: 100

Acres of wetlands contained on property: 20

Acres to be used in calculating maximum density: 80

Maximum number of units permitted: 440

G. HEIGHT REGULATIONS: No structure shall exceed forty-five (45) feet in height except with the approval of the Township Board of Zoning Appeals. No townhouse or apartment buildings shall exceed forty-five (45) feet in height, except with the approval of the Township Board of Zoning Appeals. Accessory structures shall not exceed fifteen (15) feet in height.

H. AREA REGULATIONS FOR SINGLE-FAMILY DWELLINGS ON INDIVIDUALLY SUBDIVIDED LOTS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than 12,000 square feet with the average of single-family lot sizes not less than 15,000 square feet.
2. FRONT YARD: The minimum setback line for such dwelling shall be forty (40) feet from existing or planned public right-of-way lines.
3. FRONT YARD IN BUILT-UP STREET BLOCKS: There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are

located at a setback less than the minimum set forth above. In that case, the minimum setback shall be the average of those existing structures, provided however, the front setback established by this criteria shall in no event be less than twenty (20) feet.

4. SIDE YARDS: There shall be a side yard having a minimum width of ten (10) feet between the lot line and any structures, except in the case of attached townhouses and attached single-family dwellings
 5. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
 6. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
 7. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have at the building line is one hundred (100) feet.
 8. MINIMUM FLOOR SPACE: Every single-family dwelling shall have a minimum floor space of not less than one thousand forty (1,040) square feet above grade, having a minimum first floor area of six hundred fifty (650) feet. Every two-family dwelling shall have a minimum floor space of not less than eight hundred fifty (850) square feet above grade per dwelling, having a minimum first floor space of six hundred fifty (650) square feet. In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded. All attached or detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garages for each two (2) unit dwelling cannot exceed one thousand two hundred (1,200) square feet.
 9. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.
- I. BUILDING ARRANGEMENT AND SPACING FOR DWELLINGS NOT ON INDIVIDUALLY SUBDIVIDED LOTS

In order to ensure that a Planned Development preserves the site's natural features and maintains individual privacy, all dwellings not located on individ-

ually subdivided lots shall comply with the following standards:

1. FRONT YARD: The minimum setback line for such dwelling shall be forty (40) feet from existing or planned public right-of-way lines.
2. SIDE YARDS: There shall be a side yard having a minimum width of ten (10) feet between the lot line and any structures, except in the case of attached townhouses and attached single-family dwellings.
3. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
4. REAR YARD: There shall be provided a rear yard having a minimum depth of thirty-five (35) feet to the building line.
5. ACCESSORY BUILDINGS: Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings that are not part of the main building cannot exceed two hundred (200) square feet in area and occupy more than thirty (30) percent of the required rear yard.
6. MINIMUM BUILDING SEPARATION: The minimum separation between buildings shall be thirty (30) feet.
7. UNIT ARRANGEMENT: The arrangement of units within each building and between buildings shall maximize the privacy of each unit by providing screening and private yards where appropriate.

J. DWELLING UNIT FLOOR AREA REQUIREMENTS

The minimum area of a dwelling unit shall not be less than specified. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached or built-in garages, or other attached structures not intended for human occupancy shall be excluded.

MINIMUM FLOOR AREA REQUIREMENTS:

<u>TYPE OF DWELLING</u>	<u>MINIMUM FLOOR AREA</u>
<u>Single-Family Dwelling</u>	
--One story	1,040 square feet
--One and one-half	650 square feet—the 1 st floor
--Two stories and greater	650 square feet on each floor

Two-Family Dwellings

--Each unit	850 square feet
--Total for dwelling	1,800 square feet

Three-Family Dwellings

--Each unit	850 square feet
--Total for dwelling	2,400 square feet

Multiple-Family Dwellings

- Efficiency suites (may comprise 5% of total units)	500 square feet
- One-bedroom dwelling unit	700 square feet
- Two-bedroom dwelling unit	850 square feet
- Three-bedroom dwelling unit	1,050 square feet
- Dwelling units with four or more bedrooms	1,500 square feet plus 150 sf for every bedroom over 4

K. PARKING

Each dwelling unit shall be provided with a minimum of two and one-half (2 ½) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached garage. Commercial vehicles over one (1) ton and recreational vehicles shall be parked or stored in a completed enclosed building. Parking for recreational facilities and other permitted non-residential uses shall be as identified on the development plan.

L. COMMON OWNERSHIP

Before a Zoning Permit is issued for the construction of units where two (2) or more dwellings are to be clustered on one parcel of land, the owner of such parcel shall be bound by a covenant running with the land, approved by the Township's legal counsel, that so long as any such dwellings are upon this parcel of land, the parcel on which such group is erected shall remain as one parcel. Should division of ownership be made, it shall be grounds for the revocation of the Zoning Permit since the permit was issued based upon the concept of the development and considered as a single entity.

M. BUSINESS AND LIGHT INDUSTRY AREA REGULATIONS

1. MINIMUM AREA: The minimum square footage of each lot or parcel of land shall be no less than one and one-half (1 ½) acres, and expanded in no less than one-half (1/2) acre increments.
2. FRONT YARD: There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line and shall be used for landscape purposes only. No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way lines unless authorized by the Township Board of Zoning Appeals.
3. SIDE YARDS: There shall be a side yard having a minimum width of fifteen (15) feet.
4. SIDE YARDS-CORNER LOT: Corner lots shall maintain the required front yard on both abutting streets.
5. REAR YARD: In addition to any egress requirement; there shall be a rear yard having a minimum depth of twenty-five (25) feet.
6. MINIMUM WIDTH AT BUILDING LINE: The minimum width which each lot or parcel of land must have at the building line is sixty (60) feet.
7. STRUCTURES: No more than forty-five (45) percent of the area of each building site may be covered with buildings or other structures.
8. SITE COVERAGE: No more than seventy (70) percent of the area of each building site may be covered with buildings, structures, street right-of-way paved areas, off street loading areas, driveways, walkways, parking areas and other paved areas, and the remaining area shall be devoted to open space.

N. ACCESS AND STREET REQUIREMENTS

1. All streets shall be of asphalt or concrete surface. Curing and sidewalks are required.
2. All Large Scale Residential/Business Developments shall be designed to provide access for proposed users internally within the development and to minimize access points and intersections onto existing public streets.
3. No dwelling unit or non-residential use which is part of a LRB Development shall have a driveway access directly onto an existing street.
4. All streets constructed as a part of a LRB Development shall be private streets unless a public street is specifically authorized by the Board of Township Trustees to provide for interconnection or to achieve some

other public purpose.

5. Private streets within the LRB district shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles and be constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations.
6. Each dwelling unit and each non-residential use shall have access to a private street internal to the Large Scale Residential/Business Development District in a manner approved by the Township and said access shall be clearly defined on the development plan.
7. The development shall be designed to permit adequate access by emergency vehicles, promote safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

O. LANDSCAPING AND BUFFERS

All disturbed areas within a Large Scale Residential/Business Developments District which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscape materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

P. ARCHITECTURAL DESIGN

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of material styles and features conducive to an attractive and desirable environment. Use of excessively similar or excessively dissimilar building treatments should be avoided.

Q. ADOPTION OF A COMPREHENSIVE DEVELOPMENT PLAN

The Zoning Commission shall adopt a Comprehensive Development Plan (CDP) upon the application of the owner(s) of the acreage of the district. Such CDP shall be adopted at any regular or special meeting, but only upon review and recommendation of the Mahoning County Planning Commission.

Notice of the consideration of same in a newspaper of general circulation in the Township shall be published at least fifteen (15) days prior to the meeting at which the plan is to be considered, and shall include the following:

1. Boundaries of the district.
2. Thoroughfare plans for the proposed collector streets and abutting highways.
3. Allocation of residential uses by specifying the number of dwelling units permitted within an area, and of nonresidential uses by using the business district designations or appropriate specific identification/
4. Identification of all easements and right-of-ways necessary to the extension of public and private utilities

R. APPLICATION FOR ADOPTION FOR A CDP

An application for adoption of a CDP shall identify the applicants by name, and in the case of an application by multiple owner(s) developers of the property within the district, shall identify the gross acreage owned by each and shall contain the signatures of each owner(s) whose acreage constitutes all or part of the majority of the gross acreage, and further shall include the following:

1. The name of the development, the name of the owner or developer, north arrow, date, and scale,
2. The owners and zoning classification of adjoining parcels including any easements or right-of-ways,
3. A boundary survey,
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval,
5. Identification of all natural features including existing water courses,
6. Soil types and condition,
7. Proposed building locations,
8. Location of all minimum setback lines,
9. Vehicular and pedestrian circulation plans,
10. All off-street, and on-street parking areas, indicating the number of parking spaces provided and the number required,
11. A storm drainage plan, including preliminary arrangements for storm detention facilities,
12. All existing and proposed water facilities including water mains, and loca-

- tion of fire hydrants,
13. All existing and proposed sanitary sewer and water facilities,
 14. Location and size of all recreation and open areas,
 15. A general planting and landscaping plan including trees, shrubs, and material specifics,
 16. Plans detailing sidewalks, bike trails, recreational paths including material examples, color schemes, and typical construction cross-section,
 17. Architectural plans of proposed structures including the number and minimum floor area of dwellings, materials examples, color schemes, and renderings of finished structures,
 18. The location, width, names, and grades of existing and proposed streets including specific concerns for mass transit, busses, bicycle traffic, and on-street parking,
 19. Typical sections for all proposed streets,
 20. Proposed phases if the project is to be developed in stages,
 21. A summary table showing the total acres of the proposed development, the number of acres devoted to the open space, streets, and contained within lots, and the number of dwelling units by type, and
 22. Preliminary plans for proposed signage.

S. CHANGES TO THE GENERAL PLAN

The approval of a CDP for a large scale residential/business development district shall be for a period not to exceed two (2) years to allow for the preparation and recording of the required subdivision plat, and the development of the project. If construction of five percent (5%) of the total cost of the project has not been completed within two (2) years after approval is granted, the Board of Trustees may initiate hearings to consider rezoning of said CDP to the original zoning classification. An extension of time or modification of the approved development plan may be approved if the Zoning Commission/Trustees find that such extension or modification is not in conflict with the public interest.

T. VIOLATION

Violation of the approval of uses for residential/business planned unit development shall constitute a violation of the Milton Township Zoning Resolution in accordance with Article 20.00 {B}, and such violations may

be prevented pursuant to the provisions of ORC 519.24.

SECTION 10.03 "OS" OPEN SPACE, RECREATION AND CONSERVATION DISTRICT

This district is established to preserve land and water areas as open space, to protect the natural environment containing distinctive areas of vegetation, wildlife habitat, natural panoramas, unusual land forms, water bodies, and water courses. This district may be used to provide for perpetual recreation land uses and to preserve historic land areas.

No activity causing noise or lighting which did not exist before development is permitted.

Specific Terms applicable to the OS district:

1. OPEN SPACE: Land or water not occupied by buildings, parking lots or other structures.
2. RECREATION: Land or water developed and/or used for recreational activities.
3. CONSERVATION: Land or water areas set aside for the preservation, protection and maintenance of the natural environment.
4. IMPERVIOUS SURFACES: Surfaces that do not absorb precipitation.

In an "OS" Open Space, Recreation, and Conservation District, land and structures shall be used or occupied, or structures may be erected, constructed, converted, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use except by the following regulations:

A. PERMITTED USES

1. Agricultural uses and structures.
2. Public wildlife refuges and game preserves.
3. Government owned and/or operated land or water areas used for recreation, conservation, or educational purposes. Educational purposes are defined as activities relating to public elementary and secondary schools, colleges, and universities.
4. Parking areas necessary for any of the previous permitted uses and any of the following conditional uses. These parking areas may not be covered with an impervious surface in order to facilitate natural drainage.
5. Private boat docks as permitted by the Ohio Department of Natural Re-

sources. This use does not require a Zoning Permit.

B. CONDTIONALLY PERMITTED USES

1. Building and accessory structures incidental and necessary to the maintenance and operation of open spaces, conservation, and recreational uses.
2. Single-family dwellings.
3. Golf Courses.
4. Private wildlife, conservation or game preserves.
5. Public or parochial schools
6. Shooting ranges.
7. Stables and riding stables.

C. HEIGHT REGULATIONS: No main building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. **MINIMUM AREA:** The minimum square footage of each lot or parcel of land shall be no less than ten (10) acres of land, except for single-family dwellings, which may be erected on five (5) acres.
2. **FRONT YARD:** There shall be a front yard having a minimum depth of seventy-five (75) feet measured from the street right-of-way line to the building line.
3. **SIDE YARDS:** There shall be provided a side yard on each side of a building or structure having a minimum width of seventy-five (75) feet between the lot line and any structures.
4. **SIDE YARDS-CORNER LOT:** Corner lots shall maintain the required front yard on both abutting streets.
5. **REAR YARD:** There shall be provided a rear yard having a minimum depth of seventy five (75) feet to the building line.
6. **SCREENING:** Within the fifty (50) feet nearest adjoining districts, a screen planting must be provided if there are structures on the property that are visible from the adjoining district.

SECTION 10.04 "L" MILTON RESERVOIR DISTRICT

A. Description:

1. All lands adjacent to and including the original river bed of the Mahoning River and extending to the east and west to the elevation of 951 feet above sea level. This district is bounded on the north by the northernmost part of the spillway and earthen fill dam, and on the south by the Township line.
 2. All lands adjacent to and higher in elevation than 951 feet above sea level and lying between such point and the closest property line of higher elevation, which property has reservations and/or riparian rights to the water of Milton Reservoir.
- B. Restrictions. On land and water in the Milton Reservoir District, no buildings, structures, or other uses shall be permitted except such as are necessary or incidental to the use of said land and waters for water reservoir purposes.

ARTICLE 11.00

RIPARIAN SETBACK DEVELOPMENT STANDARDS

Section 11.01 PURPOSE

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

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

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

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

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

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

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

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

Whereas, there are watershed-wide efforts to minimize flooding and streambank erosion in the Mahoning River watersheds and to protect and enhance the water resources of Lake Milton and its tributaries and Milton Township recognizes its obligation as part of these watersheds to minimize flooding and streambank erosion by controlling runoff within its borders; and,

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

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

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

Whereas, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the peace, health, safety, and general welfare of its citizens; and the Ohio Revised Code gives townships the legal authority to adopt land use measures for promoting public health and safety of its citizens.

- A. It is hereby determined that the system of rivers, streams, and other natural watercourses within Milton Township contributes to the health, safety, and

general welfare of the residents of the township. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian areas to:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
 2. Assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.
 3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
 4. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
 5. Provide watercourse habitats with shade and food.
 6. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
 7. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
 8. Benefit Milton Township economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of the township, and thereby preserving the character and quality of life of the residents wherein, and corresponding property values.
- B. The following regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along watercourses in the Milton Township.

SECTION 11.02 APPLICABILITY, COMPLIANCE AND VIOLATIONS

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

SECTION 11.03 CONFLICTS WITH OUTHER REGULATIONS AND SEVERABILITY

- A. Where this regulation imposed a greater restriction upon land than is imposed or required by any other provisions of law, regulation, contract, or

deed, the provisions of this regulation shall control.

- B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in Section 11.03 (A) of this regulation.
- C. If any clause, section, or provision of this regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

SECTION 11.04 DEFINITIONS

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

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

DESIGNATED WATERCOURSE: A watercourse that is contained within, flows through, or borders Milton Township and meets the criteria set forth in Section 11.05 of this regulation.

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

IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops and sidewalks.

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

100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance

of being equaled or exceeded in any given year.

OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout this regulation as the “Ohio EPA”.

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

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

RIPARIAN SETBACK: Those lands within Milton Township that fall within the area defined by the criteria set forth in Section 11.05 of this regulation.

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

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

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

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

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

SECTION 11.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS

- A. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:
 - 1. All watercourses draining an area greater than ½ square mile, OR
 - 2. All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the community may consult with a representative of the Mahoning SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.
- B. Riparian setbacks on designated watercourse are established as follows:
 - 1. A minimum of 300 feet on either side of all watercourses draining an area greater than 300 square miles.
 - 2. A minimum of 120 feet on either side of all watercourses draining an area greater than 20 square miles and up to 300 square miles.
 - 3. A minimum of 75 feet on either side of all watercourses draining an area greater than ½ square mile and up to 20 square miles.
 - 4. A minimum of 25 feet on either side of all watercourses draining an area less than ½ square mile and having a defined bed and bank as determined by Milton Township in Section 11.05 of this regulation.
- C. Riparian Setback Map. Mahoning County Engineers Office shall provide map identifying designated watercourses and their riparian setbacks. The following shall apply to the Riparian Setback Map:
 - 1. It shall be published as a reference document and the information contained therein shall be believed to be accurate.
 - 2. It shall be a guide only.
 - 3. Nothing herein shall prevent Milton Township from making additions, amendments, or deletions to the Riparian Setback Map from time to time as may be necessary.
 - 4. If any discrepancy is found between the Riparian Setback Map and this

regulation, the criteria set forth in Section 11.05 (A) and (B) shall prevail.

D. The following conditions shall apply in riparian setbacks:

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.
2. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
3. Where the 100-year floodplain is wider than a riparian setback on either sides of a designated watercourse, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, the community may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by the community. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
4. Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. Any costs associated with reviewing these delineations may be assessed to the applicant.

E. The applicant shall be responsible for delineating riparian setbacks, including any expansions or modifications as required by this regulation, and shall identify these setbacks on all subdivisions, land development plans, and/or zoning permit applications submitted to Milton Township. This delineation shall be done by a metes and bounds survey and shall be subject to review and approval by Milton Township. Any costs associated with this review may be assessed to the applicant.

F. If soil disturbing activities will occur within 50 feet of the outer boundary of the riparian setback, the riparian setback shall be clearly delineated by the applicant on site with construction fencing, and such delineation shall be maintained throughout soil disturbing activities.

G. No approvals or permits shall be issued prior to delineation of riparian setbacks in conformance with this regulation.

SECTION 11.06 USES PERMITTED IN RIPARIAN SETBACKS

- A. By Right Uses Without A Permit. Open space uses that area passive in character shall be permitted in riparian setbacks, including, but not limited

to, those listed in this regulation. No use permitted under this regulation shall be construed as allowing trespass on privately held lands.

1. Recreational Activity: Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking, and similar uses.
 2. Removal of Damaged or Diseased Trees: Damages or diseased trees may be removed.
 3. Revegetation and/or Reforestation: Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.
- B. By Conditional Use Permit Granted by the Board of Appeals: When granting Conditional Use Permits for the following uses, the Board of Appeals may, for good cause, attach such conditions as it deems appropriate. Permits issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.
1. Crossings: Crossings of designed watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be allowed provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be undertaken upon approval of a Crossing Plan by the Zoning Inspector. Any costs associated with review of Crossing Plans may be assessed to the applicant.
If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:
 - a. A site plan showing that any proposed crossing conforms to the general and specific conditions of the applicable Nationwide Permit, or
 - b. A copy of the authorization letter from the US Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
 - c. A copy of the authorization letter from the US Army Corps of Engineers approving activities under an Individual Permit.
 2. Streambank Stabilization Projects. Streambank stabilization projects a-

long designated watercourses may be allowed, provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species to the maximum extent practicable. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the Zoning Inspector. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

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

- a. A site plan showing that any proposed crossing conforms to the general and specific conditions of Nationwide Permit 13, or
 - b. A copy of the authorization letter from US Army Corps of Engineers approving activities under Nationwide Permit 13, or
 - c. A copy of the authorization letter from the US Army Corps of Engineers approving activities under an Individual Permit.
3. Storm Water Retention and Detention Facilities: Storm water retention and detention facilities may be constructed in the riparian setback, provided:
 - a. Storm water quality treatment consistent with current Ohio EPA regulations is incorporated into the basin.
 - b. Storm water retention and detention facilities are located at least 50 feet from the ordinary high water mark of the designated watercourse.
4. Landscaping: The removal of natural vegetation within a riparian setback and the subsequent cultivation of lawns, landscaping, shrubbery, or trees may be allowed provided that such cultivation is done in conformance with a Landscaping Plan approved by the Zoning Inspector. Any costs associated with review of Landscaping Plans may be assessed to the applicant. Landscaping Plans shall meet the following criteria:
 - a. Maintain trees in the riparian setback larger than nine (9) inches in caliper (diameter) as measured fifty-four inches above the ground

to the maximum extent practicable.

SECTION 11.07 USES PROHIBITED IN RIPARIAN SETBACKS

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

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

SECTION 11.08 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

- A. A non-conforming use, existing at the time of passage of this regulation

and within a riparian setback, that is not permitted under this regulation may be continued but shall not be changed or enlarged unless changed to a use permitted under this Ordinance.

- B. A non-conforming structure, existing at the time of passage of this regulation and within a riparian setback, that is not permitted under this regulation, may be continued but shall not have the existing building footprint or roofline expanded or enlarged.
- C. A non-conforming structure or use, existing at the time or passage of this regulation and within a riparian setback, that has substantial damage and that is discontinued, terminated, or abandoned for a period of six (6) months or more may not be revived, restored, or re-established.

SECTION 11.09 VARIANCES WITHIN RIPARIAN SETBACKS

- A. The Board of Appeals may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:
 - 1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board of Appeals shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
 - 2. The Board of Appeals may not authorize any structure or use in a Zoning District other than those authorized in the Zoning Code.
 - 3. Variances shall be void if not implemented within one (1) year of the date of issuance.
- B. In making a determination under Section 11.09(A) of this regulation, the Board of Appeals may consider the following:
 - 1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain.
 - 2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.
 - 3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by

this regulation and the availability of alternative to the proposed structure or use.

4. Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.
 5. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to the Milton Township. Variances should not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for gravel driveways when necessary.
 6. Whether a property, otherwise buildable under the ordinances of the Milton Township, will be made unbuildable because of this regulation.
- C. In order to maintain the riparian setback to the maximum extent practicable, the Board of Appeals may consider granting variations to other area or setback requirements imposed on a property by the Zoning Code
 - D. In granting a variance under the regulation, the Board of Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation as outlined in Section 11.01.

SECTION 11.10 INSPECTION OF RIPARIAN SETBACKS

The delineation of riparian setbacks shall be inspected by the Milton Township.

- A. Prior to soil disturbing activities authorized under this regulation, the applicant shall provide Milton Township with at least five (5) working days notice prior to starting such soil disturbing activities.
- B. Any time evidence is brought to the attention of the Zoning Inspector that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.

ARTICLE 12.00

WIRELESS TELECOMMUNICATIONS FACILITIES

SECTION 12.01 GENERAL DESCRIPTION AND APPLICATION

Wireless telecommunications facilities may be permitted as a conditional use in a residential, commercial or industrial district. In order to be considered for review, the applicant must demonstrate that a newly-constructed tower is necessary in that opportunities for collocation on an existing tower are not feasible. Collocation is highly encouraged. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the Zoning Department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the Township on reciprocal terms and was not accepted. The applicant shall accommodate the needs of public safety and emergency services when locating radio equipment on existing towers. The following steps must also be taken for the application to be considered for review in this category:

- A. The applicant shall present documentation that the tower is designed in accordance with the standards established in the Use Regulations section of this Resolution for wireless telecommunications towers.
- B. The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
- C. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
- D. The applicant shall demonstrate that the telecommunications facility must be located where it is proposed in order to service the applicant's service area. If the facility includes a tower, there shall be an explanation of why other nearby structures, if any, cannot be used to support the antenna.
- E. When the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

The facility must meet electromagnetic emissions standards established by the FCC.

SECTION 12.02 INTENT

Wireless telecommunications facilities are permitted as conditional uses in a variety of zoning districts contingent upon a number of specific conditions and requirements being met. These criteria are in place in an attempt to minimize an adverse health, safety, public welfare or visual impact through buffering, siting, design and construction, and reducing the need for new towers.

SECTION 12.03 GENERAL

The items listed below apply to all wireless telecommunications facilities independent of the zoning district in which they are to be located. These general standards are to be supplemented with the provisions for the particular applications specified as identified in subsequent sections as follows:

- A. A plot plan including all building uses within 500 feet shall be required at a scale not less than one inch is equal to 100 feet.
- B. The location of the tower and equipment building shall comply with all natural resource protection standards established in this Resolution, including flood plain, wetlands and steep slope regulations.
- C. A security fence eight feet in height with barbed wire around the top shall completely surround the tower, equipment building and any guy wires. Each structure must be separately fenced.
- D. Buffer planting shall be located around the perimeter of the security fence as follows:
 - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
 - 2. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design, proof of compliance with nationally accepted structural standards and the number and types of antennas it can accommodate.

- F. A soil report prepared by a licensed professional engineer complying with the standards of Appendix I: Geotechnical Investigations ANSI>EIA 222-E, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- G. Antennae may not be located on a building or structure that is listed on a historic register, or is an historic district, unless the Zoning Inspector has approved same.
- H. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by Federal Communications Commission (FCC), or Federal Aviation Administration (FAA).
- I. No advertising is permitted anywhere on the facility.
- J. If at any time after initial use, the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. The facility's owner/operator will be contacted 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 conditional use permit will expire on the 181st day.
- K. The tower shall not be artificially lighted except (a) to assure safety or as required by the FAA, and/or (b) to permit security lighting.
- L. Warning signs shall be posted around the facility with an emergency telephone number of who to contact in the event of an emergency.
- M. The facility owner/operator shall present a maintenance plan in which they will be responsible for the upkeep of the site.
- N. A permanent easement to the tower site must be provided thereby maintaining access regardless of other developments that may take place on the site.
- O. A Conditional Use Permit must be approved by the Milton Board of Zoning Appeals. Collocated antennas, antenna attached to existing structures or buildings and existing towers located in residential districts are permitted uses and shall not be subjected to the conditional use permit process.

SECTION 12.04 NONRESIDENTIAL DISTRICT A – SOLE USE ON A LOT

- A. A wireless telecommunications facility is conditionally permitted as a sole use on a lot subject to the following:
 - 1. Minimum lot size: (subject to the minimum lot size allowable for the district).

- B. Tower: The minimum distance to unoccupied structures shall be equal to the height of the tower; the minimum distance to a residential lot line shall be 300 feet.
- C. Equipment Building: (subject to the minimum setbacks/yard requirements for the district).
- D. Maximum Height:
 - 1. Tower: 200 feet (includes antenna)
 - 2. Equipment buildings (subject to the maximum building height for the district).
- E. Maximum size of equipment building:
750 square feet.

SECTION 12.05 NONRESIDENTIAL DISTRICT B-COMBINED WITH ANOTHER USE

A wireless telecommunications facility is conditionally permitted on a property with an existing use subject to the following conditions:

- A. The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider.
- B. The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- C. Minimum area: The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting. If the title to the land on which the wireless telecommunications facility is located is conveyed to the owner of the telecommunications facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.
- D. Minimum yard requirements:
 - 1. Tower: The minimum distance to nearby structures is equal to the height of the tower, and the minimum distance to residential lot lines shall be 300 feet.
 - 2. Equipment Building: Shall comply with the minimum setback requirements for the primary lot.
- E. Access: The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- F. Maximum Height:
Tower: 200 feet (includes antenna)

Equipment building: (subject to the maximum building height for the district)

G. Maximum size of equipment building: 750 square feet.

SECTION 12.06 COMBINED WITH AN EXISTING STRUCTURE

Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following condition:

- A. Maximum Height: Twenty (20) feet or twenty (20) percent of the building height above the existing building or structure, whichever is greater.
- B. If the applicant proposes to locate the telecommunications equipment (not the tower) in a separate building, excepting towers located on rooftops, the building shall comply with the following:
 - 1. The minimum setback requirements for the subject zoning district.
 - 2. An eight (8) foot high security fence with barbed or razor wire on top shall surround the building.
 - 3. A buffer yard shall be planted and maintained.
 - 4. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.
- C. Elevations of existing and proposed structures showing width, depth, height of the telecommunications facility and the statistical use data on the antenna and support structure shall be presented.

SECTION 12.07 RESIDENTIAL DISTRICTS

- A. Wireless telecommunications facilities are not permitted in residential districts, excepting such facilities are conditionally permitted on any property containing an institutional use (e.g. church, municipal, government utility) located in a residential district subject to the following conditions:
- B. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- C. Collocation is highly encouraged. The applicant must demonstrate that there is no other space available either on an existing tower or structure in the service area. A list of every tower building or structure could potentially support a new antenna and provide service to the area is maintained by the Zoning Department. Any applicant for construction of a new tower must demonstrate that none of these locations area available for use. If there is an existing tower in an area, the applicant must show evidence that

an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the Township on reciprocal terms and was not accepted.

SECTION 12.08 COMBINED WITH A NONRESIDENTIAL USE

- A. An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including but not limited to, a church a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
1. Maximum Height: Twenty (20) feet above the existing building or structure.
 2. If the applicant proposed to located the telecommunications equipment in a separate building, the building shall comply with the following:
 - a. The building shall comply with the minimum setback requirements for the subject zoning district.
 - b. The equipment building should not exceed seven hundred fifty (750) square feet, or the maximum square footage allowable for an “accessory” structure.
 - c. An eight (8) foot high security fence with barbed wire on top shall surround the building.
 - d. A buffer yard shall be planted and maintained.
 - e. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.

SECTION 12.09 LOCATED ON A NONRESIDENTIAL PROPERTY

- A. A tower to support an antenna may be constructed on a property with a non-residential use that is a permitted use in the district, including but not limited to, a church, municipal or government building, facility or structure, agricultural use, subject to the following conditions:
1. The tower shall be set back from any property line abutting a residential lot a distance that is equal to the height of the tower.
 2. Maximum height of a tower: two hundred (200) feet.
 3. Equipment building: (subject to the maximum building height for the district). The equipment building should not exceed seven hundred fifty (750) square feet.
 4. Vehicular access to the tower and equipment building shall, whenever feasible

- ible, be provided along the circulation driveways of the existing use.
5. Required setback distances must be maintained.

SECTION 12.10 LOCATED IN OPEN SPACE

- A. A wireless telecommunications facility is conditionally permitted on the land that has been established as permanent open space or a park, subject to the following conditions:
 1. The open space shall be owned by the municipality, county, or state government, a home owners association, or a private, nonprofit conservation organization.
 2. Maximum Height of a tower: two hundred (200) feet.
 3. Equipment Building: (subject to the maximum building height of the district).

ARTICLE 13.00

WIND TURBINES

Section 13.01 PURPOSE

The purpose of this section is to establish general guidelines for the location of wind turbine generators and anemometer towers. This section is consistent with the stated purpose of the Milton Township Zoning Resolution: “Protecting the public health, safety, comfort, and general welfare” of its residents. The Township recognized in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this section seeks to:

1. Protect residential agricultural areas from potential adverse impact of wind turbine generators.
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions and provisions hereof;
3. Ensure the public health, welfare, and safety of the township’s residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

A. PERMITTED USES

Small wind energy systems shall be a permitted use in all zoning districts where structures of any type are allowed, subject to the following regulations:

1. **HEIGHT:** The maximum height of any turbine shall be one hundred (100) feet, which includes tower and the maximum vertical height of the turbine’s blades. Maximum height therefore shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower.

2. SETBACKS: Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all neighboring property lines, structures, as well as any structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structure including the primary dwelling, and any accessory buildings or uses. No part of the wind system structure, including guy wire anchors, which would require a waiver by the Board of Zoning Appeals, shall extend closer than ten (10) feet to the property boundaries of the installation site.
3. LIGHTING: The maximum lighting used for or on the structure is a low intensity red light designed by the Federal Aviation Administration.
4. DECIBEL LEVELS: Decibel levels for the system shall not exceed sixty (60) decibels (DBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind-storms.
5. AESTHETICS: The turbine, including the prop blades, turbine, cowl, and tower shall be painted or coated white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.
6. FEDERAL AVIATION ADMINISTRATION: The FAA is required to receive notification of any construction or alteration of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, Title 14, Section 77.13.
7. PERMITS: A permit shall be required before construction of an individual wind turbine system. The following items and or information shall be provided when applying for a permit:
 - a. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
 - b. An engineering report that shows:
 - the total size and height of the unit;
 - the total size and depth of the unit’s concrete mounting pad,
 - an average decibel rating for that particular model,
 - a list and or depiction of all safety measure that will be on the unit, including anti-climb devices, grounding devices, and lightning pro-

- tection,
- data specifying the kilowatt size and generating capacity of the particular unit.
- c. A detailed site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
 - d. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
 - e. Color of the unit as well as the location and size of the manufacturer's identifying logos shall be included in the plan.
 - f. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
 - g. The small wind turbine wire shall be placed underground to any structures.
 - h. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within sixty (60) days of ceasing operations.
 - i. No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

SECTION 13.02 AGRICULTURAL USE

Small wind energy systems utilized for agricultural use will be exempt from these regulations and will not require a permit, if located on an existing structure or silo.

ARTICLE 14.00

FACILITIES FOR PARKING MOTOR VEHICLES

SECTION 14.01 REQUIRED PARKING FACILITIES

No application for a Zoning Certificate shall be granted for any use unless the plot plan therefore shows the required off-street and outside the public right-of-way facilities for parking motor vehicles exclusive of access thereto, and excepting single and two-family dwellings, shall be smoothly graded and covered with suitable surface, dust free and adequately drained, as are hereinafter provided:

SECTION 14.02 AUTOMOBILE PARKING REQUIREMENTS

A. Quality: There shall be provided at the time of the erection or enlargement of any main building or structure the following off-street parking spaces, with a minimum area of two hundred (200) square feet per parking space, and with adequate provisions made for ingress and egress to the parking spaces:

1. Single-Family Dwellings: Two (2) parking spaces per dwelling unit.
2. Multi-Family Dwellings: Two (2) parking spaces per dwelling unit.
3. Auditoriums, Theaters, Churches, Schools and other similar places of assembly: One (1) parking space or each four (4) seats in the main auditorium.
4. Hospitals and Institutions: One (1) parking space for each eight hundred square feet of floor space.
5. Clubs and Lodges: One (1) parking space for each five members.
6. Commercial Buildings: One (1) parking space for each two hundred (200) square feet of floor area.
7. Industrial Buildings: One (1) parking space for every two (2) employees in the largest working shift.
8. Hotels, Apartment Hotels and Motels: One (1) parking space for every room or suite.
9. Boat Storage:
 - a. Boat, In-Water Storage: One (1) parking space per every boat stored or docked shall be required.
 - b. Boat, Non-Water Storage: One (1) parking space per every seventh boat stored will be required for winter storage. Summer storage must

meet the boat, rack storage requirements.

- c. Boat, Rack Storage: One (1) parking space per every two (2) boats stored will be required.

SECTION 14.03 RULES FOR PARKING SPACES

- A. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- B. No building shall be enlarged, reconstructed or structurally altered to the extent of more than fifty percent (50%) addition in floor area unless there is provided the total number of off-street parking spaces required for the original use and its enlargement.
- C. All parking spaces herein required shall be located on the same lot as the building or use served, except that spaces may be located within three hundred (300) feet of the lot on which the main building is located, or within six hundred (600) feet in the case of required spaces for the use of employees.

SECTION 14.04 OFF-STREET TRUCK LOADING BERTHS

- A. Quality: Every building as described below which is hereafter constructed, reconstructed or structurally altered more than fifty percent (50%) in floor area shall provide an off-street loading berth or berths in accordance with the following schedule:
- B. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purposes as follows:

<u>Area</u>	<u>Berths Required</u>
5,000-10,000 square feet	One
10,000-20,000 square feet	Two
Over 20,000 square feet	Three

- C. Manufacturing, repair, wholesale, trucking terminal, or warehouse uses shall provide berths in relation to the total floor area as follows:

<u>Area</u>	<u>Berths Required</u>
5,000-40,000 square feet	One
Over 40,000 square feet	Two

- D. All other buildings or uses not listed above, but having over ten thousand

(10,000) square feet in floor area shall provide one (1) berth.

- E. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- F. All required loading berths shall be on the same lot as the use served, and if such berths abut an Agriculture or Residential District, they shall be suitably screened or fenced from view.
- G. No loading berths shall be located in a required front or side yard.

SECTION 14.05 GENERAL REQUIREMENTS TO PARKING AND LOADING AREAS

All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing.

- A. Where the parking area adjoins lots in an Agriculture or Residential District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Inspector. Such protection shall not extend into the front yard required on the lot which the parking area is located.
- B. Bumper guards shall be provided for proper operation of the parking area and to protect any fence, screen, or planting from damage.
- C. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. Access along total road frontage of a property is prohibited. There shall be not more than two access ways abutting any one street. Such access ways shall be not less than twenty (20) feet in width at the property line (right-of-way), nor more than thirty (30) feet at the curb cut (edge-of-pavement) of the street.
- D. When a parking area is located wholly or partly in an Agricultural or Residential District, the following regulations shall apply in addition to the above:
 - 1. No commercial enterprise of any kind shall be established on the area.
 - 2. No fees shall be charged for parking thereon.
 - 3. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
 - 4. No parking spaces shall encroach upon or isolate residential structures.
 - 5. Apartments, apartment houses, or multiple family dwellings, facilities are provided for in Section 7.04.
 - 6. Planned Development Districts have additional requirements provided

- in Section 10.01.
7. Large Scale Residential/Business Development Districts have additional requirements provided in Section 10.02.
- E. When a parking area will be used for commercial purposes, the following standards will be required:
1. The area must be not an Agricultural or Residential District, except as noted in Section 6.01.
 2. The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surface.
 3. Where the parking area adjoins an Agricultural or Residential District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Inspector.
 4. The area shall be kept clean and orderly.
 5. The owner or operator will be responsible for the orderly control and parking of cars within the area.

ARTICLE 15.00

SIGNS

SECTION 15.01 CLASSIFICATION AND GENERAL

- A. All signs are defined in the Article entitled “Definitions”, hereinafter (Article 2.00)
- B. All signs, with the exception of portable/temporary signs, shall require a Zoning Certificate and payment of the fee applicable therefore.
- C. Each business building may have a permanent identification sign, which shall conform to the following requirements, and be governed by Section 15.04.
- D. Pole or monument signs shall be located no closer than ten (10) feet from the street right-of-way.
- E. All signs which are attached to the building must be flush mounted, and shall not project above the roof line.
- F. Signs using bare bulb type lighting, illuminated signs with intermittent lighting or flashing effects, rotating signs or banner-type signs of any kind shall not be permitted.
- G. Any illuminated sign shall be so arranged and shielded as not to interfere with the vision of persons using the streets or to create a nuisance in the vicinity thereof. All neon-type signs shall be erected or placed a minimum of ten (10) feet above ground.
- H. All signs shall be kept in good condition. Signs must be removed within thirty (30) days of the time any tenant vacates a building or building space.
- I. No sign shall be erected which impairs a clear field of vision.
- J. All signs erected within 100 feet of any intersection must be erected so as not to obstruct any view or cause traffic hazard.
- K. No sign, its pole, or any support shall project over a sidewalk, street, or public right-of-way.
- L. Rotating flasher-type lights, blinker lights, or any other type of illuminated sign, regardless of color, that can in any way be confused with vehicle emergency lights or traffic regulation signals, are prohibited.
- M. Advertising in any form by searchlights, strings of unshielded lights, anchored balloons, or similar devices shall be deemed signs.
- N. Any non-conforming sign discontinued, terminated, or removed, for any

reason whatsoever, for a period of thirty (30) days or more, or advertising a business no longer on the premises, shall not be replaced or restored by any type of non-conforming sign.

- O. No additional or new sign shall be placed, erected, or structurally altered on any building or structure, lot, or land if said sign does not conform to the use regulations existing on the effective date of this Resolution.
- P. Any sign or sign structure is prohibited which:
 - 1. Is structurally unsafe; or
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or
 - 3. Is not kept in good repair; or
 - 4. Is capable of causing electrical shocks to persons likely to come in contact with it.

SECTION 15.02 PORTABLE/TEMPORARY SIGNS

- A. Portable or temporary signs which are defined as signs that are freestanding and not permanently or intended to be permanently attached or secured to either a building, structure or to the ground are not permitted, except as follows:
 - 1. Churches, schools, civic organizations, and non-profit organizations may use temporary signs to promote special events held within Milton Township. Display of these signs shall be restricted to ten (10) days prior to the scheduled event and permission of the property owner must be granted prior to placement of the signage;
 - 2. Construction signs which identify the architects, engineers, contractors involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during construction period, to a maximum of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after occupancy of the premises;
 - 3. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of thirty-two (32) square feet;
 - 4. Political campaign signs announcing candidates seeking public office and other data pertinent thereto. These signs shall be confined to private

property. Political signs shall not be posted, erected, or displayed within the public right-of-way or on utility poles.

SECTION 15.03 – BILLBOARD SIGNS

Billboards and outdoor advertising shall be permitted in all districts zoned as agricultural, business or industrial district (ORC 519.20), with the following limitations:

1. Only one (1) double face billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, not to exceed a gross area of 300 square feet;
2. No portion of a billboard sign shall be placed on an agricultural, business or industrial parcel closer than fifteen (15) feet away from a street front property line, side property line, or rear property line;
3. No billboard sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion;
4. No billboard shall have any flashing, running or sequential lights;
5. Billboards and outdoor advertising along a state highway, interstate highway, or designated federal aid primary system highway shall conform with all applicable state (O.D.O.T.) and federal regulations;
6. No billboard sign shall be affixed to, constructed on, or placed on a trailer, semi-trailer, or truck of any type;
7. The placement of billboard and outdoor advertising signs shall be so placed as to maintain a distance of one thousand five hundred (1,500) lineal feet between on another as measured from the base of each sign, regardless of whether the signs are both located on the same single road corridor or are located on different road corridors;
8. No sign shall be placed closer than fifty (50) feet from any on-premise monument sign or pole sign;
9. No sign shall be placed within five hundred (500) feet of any publically owned or maintained property, including but not limited to, public lands and park property.

SECTION 15.04 ZONING CATEGORY

	<u>ZONING CATEGORY</u>			
	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>OI/I</u>
Pole Sign Permitted	NO	NO	YES- 1	NO
Monument Sign(s) Permitted	YES-1	YES-1	YES-1 (Note a)	YES-1
Max Size Monument Or Pole Sign Permitted	32 sf	32sf	50 sf (Note c)	32 sf
Maximum Height	5 ft	5 ft	20 ft (Note c)	5 ft
Building mounted- Permitted	YES	YES	YES	YES

Maximum size of bldg
mounted signage:

B-1: 1 sf of sign per lineal front foot; not to exceed 32 sf for any individual business (Note b & d)

B-2: 1 sf of sign per lineal foot, not to exceed 32 sf for any individual business (Note b & d)

B-3: 1 sf of sign per lineal front foot; not to exceed 50 sf for any individual business (Note b & d)

OI/I: 1 sf of sign per lineal foot; not to exceed 50 sf for any individual business (Not b & d)

NOTES:

- May be used in lieu of pole sign
- Lineal front foot refers to the lineal foot of width of the building face or individual unit tenant space as applicable to the sign being requested.
- For properties occupied by multiple business or buildings totaling over 10,000

sf on a parcel or parcels of common ownership the size of the sign may be increased over the 50 sf limit by 7.5 sf per 1,000 sf of building size in excess of 10,000 sf, not to exceed a maximum allowance of 150 sf. The height limit of 20 feet shall increase 1 foot per 1,000 sf of building size over 10,000 sf to a maximum height not to exceed 30 feet. The business may request to reallocate the square footage allowable for a monument or pole sign to a building mounted sign. The reverse is not applicable.

SECTION 15.05 – DIGITAL SIGNS AND DIGITAL BILLBOARDS

- A. Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g. utilizing an LED [light emitting diodes] type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this article is to establish operating standards and regulations to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas, with a principal focus on residential neighborhoods, protect property values, and reduce traffic hazards caused by undue distractions.
- B. Definitions. For purposes of this section, the words “digital sign”, “digital message board” and “sign” shall have the same definitions as contained in the Township Zoning Resolution.
- C. Display.
 - [1] A digital sign, other than a digital billboard, may not allow the display or message to change more frequently than once every “eight (8) seconds”, with the transition period of one second or less;
 - [2] A digital sign must have an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display base on ambient light conditions consistent with the terms of this article;
 - [3] The maximum brightness levels for digital signs, other than a billboard, shall not exceed 0.2 (two-tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of

this section. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times;

[4] Brightness of digital signs shall be measured as follows:

- a) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location;
- b) The sign shall then be turned on to full white copy to take another reading with the meter at the same location;
- c) If the difference between the readings is 0.2 foot candles or less the brightness is properly adjusted;

[5] Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations contained in the Milton Township Zoning Resolution.

D. Digital Billboards

[1] Definition. For the purpose of this section, the words "billboard", "digital sign" and "sign" shall have the same meaning as provided in the Township Zoning Resolution. "Digital billboard" shall mean a billboard which incorporates, in whole or in part, a digital sign.

[2] Billboard surface display area

a) Illumination. A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises;

b) Display

- (i) The display or message on a digital billboard, of any type, may change no more frequently than once every eight (8) seconds, with a transition period of one (1) second or less;

- (ii) The digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Resolution;
- (iii) Minimum brightness levels for digital billboards shall not exceed 0.2 (two-tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all time;
- (iv) Brightness of digital billboards shall be measured as follows:
 - A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter directly at the sign area at the pre-set location;
 - B. The sign shall be turned on to full white copy to take another reading with the meter at the same location;
 - C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

[3] Other Requirements. The use, size and location of digital billboards must comply with all other relevant regulations contained in Section 15.03-Billboard Signs, of the Milton Township Zoning Resolution.

ARTICLE 16.00

OUTDOOR SWIMMING POOLS

SECTION 16.01 PERMITS REQUIRED

No person shall construct, on any lot or land, an outdoor 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, without obtaining:

- A. A permit to do so from the Zoning Inspector;
- B. A permit to do so from the Mahoning County Building Inspection Department when required.

SECTION 16.02 PROCEDURE

Applicant shall submit to the Zoning Inspector a plan or sketch of the lot or land area, including a legal description, showing existing buildings or structures thereon; abutting property and building or structures contiguous thereto; proposed location of pool and all pertinent dimensions thereof; distances to lot or land lines; type of fencing and details of water supply, water disposal; and electrical installations.

All in-ground pools shall be entirely enclosed with a safety fence no less than four (4) feet nor more than six (6) feet in height. Such fence may enclose the pool area or the entire yard (with the exception of lake front properties where the fence must enclose only the pool area), so long as it serves adequately to protect children from entry to the pool. All such fence doors or gates shall be equipped with self-closing and self locking devices or any other type of latch device that a young child cannot open from outside the fence.

Upon issuance of such permit by the Zoning Inspector, and when required to do so, the applicant shall thereupon submit such permit to the Mahoning County Building Inspection Department, and comply with its requirements to obtain a permit to construct such pool.

SECTION 16.03 UNUSABLE POOLS

Pools that are no longer usable shall be filled in or removed.

ARTICLE 17.00

FENCES

SECTION 17.01 GENERAL

- A. Fences, walls, and hedges may be permitted in any required yard in any District or along the edge of any yard, provided that no fence, wall or hedge between any road right-of-way facing building lines of the main structure and a road right-of-way more than four (4) feet in height above grade. On parcels of land which have any property lines that are abutting State property and area also facing the waters of Milton Reservoir or property lines that abut the waters of Milton Reservoir and from which such waters are clearly visible at least eight months of the calendar year, except along natural shoreline embankments with a vertical drop in excess of thirty (30) feet and a horizontal plane of not more than fifty (50) feet towards the water at the 951-foot elevation above sea level, no fence may be placed along the water-facing property lines abutting State property, the area in between such property line and the main structure or within the area or along side property lines extending one hundred fifty (150) feet back from such water facing property line, whichever is shorter, or any side lot line between the water side building line of the main structure and the water, except for swimming pools as permitted in Article 16.
- B. In such prohibited areas, a barrier fence eighteen (18) inches or less is allowed to border or surround decorative or garden uses.
1. Non vision impairing safety fences, railings or banisters may be permitted along naturally elevated areas with vertical drops (level of rise) less than thirty (30) feet, stairways, docks, break-walls, decks or porches upon a showing of clear and convincing evidence of the safety need and upon the express approval of the Township Board of Zoning Appeals which may include specific contingencies.
- C. Except as limited above regarding road right-of-ways, fences, walls, or hedges may be permitted along the side or rear lot lines to a height of more than six (6) feet above the natural grade, except as permitted in Section 12.03. Informal planting, however, may be higher than six (6) feet.
- not
in

- D. Any fence, wall, or hedge shall be well maintained and will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous to existing neighboring uses.
- E. No sharp wire or points shall project from the top, side, end, or bottom of any fence. No electrified fence or fence containing broken glass, barbed wire, or any other substance reasonably calculated to do bodily harm shall be permitted in any use district without the express approval of the Township Board of Zoning Appeals, except as permitted in Section 12.03 or state law.
- F. No person or land owner shall construct, erect, maintain, or place on a corner lot in any residential district any “vision impairing” fence in excess of four (4) feet in height above the established grade of the street or the natural grade of the land or within thirty (30) feet of the street right-of-way lines.

ARTICLE 18.00

SUPPLEMENTAL PROVISIONS

SECTION 18.01 HEIGHT LIMITATION EXCLUSION

The height limitations contained in all districts shall not apply to aerials, antennas, belfries, bulkheads, chimneys, church spires, elevators, farm buildings, fire towers, flag poles, monuments, silos, smokestacks, or water towers.

SECTION 18.02 SHOWS, CARNIVALS, GENERAL EXHIBITIONS

No professional show, exhibition, or performance, except aquatic, golf, or athletic, where admission in any form is charged, nor any circus, carnival, tent show, side show, etc, shall be permitted in any use district unless a Conditional Zoning Certificate therefore be first obtained from the Township Board of Zoning Appeals.

The township reserves the right to waive the permit fee for any nonprofit organization that has a current 501c (3) or 501 c(4) designation.

SECTION 18.03 MOVING BUILDINGS OR STRUCTURES

No building or structure shall be moved from any lot or parcel of land to another lot or parcel of land unless such building or structure shall thereupon be made to conform to all the provisions of this Resolution relative to buildings or structures upon the lot or parcel of land to which so moved and shall be made to conform to the general character of the existing buildings in the neighborhood or better. Conditional Zoning Certificate must be obtained from the Township Board of Zoning Appeals.

SECTION 18.04 DETERMINING SIDE LINE OF STREET

If there is no established right-of-way and the street right-of-way line is not readily ascertainable, such street right-of-way line shall be deemed to be twenty-five (25) feet from the ascertainable center line of such street.

SECTION 18.05 VACATION OF STREET

Whenever any street is vacated, the zoning use district adjoining each side thereof shall automatically be extended to the center line of the street.

SECTION 18.06 WIDENING OR NARROWING STREET

Whenever any street is widened or narrowed, the building line applicable thereto shall automatically be reduced or increased in proportion to the increase or decrease that take place on that side of the street.

SECTION 18.07 CONSTRUCTION SHEDS, ETC.

Temporary accessory buildings or structures to be used for storage materials or construction purposes only, but not for dwelling purposes, may be placed upon a lot or land prior to and during construction of the main building or structure, but no closer than one-half (1/2) the distance from the building line to the street right-of-way line and shall be removed within thirty (30) days after construction is completed unless additional time is granted by the Zoning Inspector.

SECTION 18.08 AGRICULTURAL USES IN SUBDIVISION

In a platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one or another, or some of which are contiguous to one another and adjacent to one side of the dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the agricultural use of such land will be regulated as follows:

- A. Except for the growing of crops, plants and vegetation for personal use and or consumption of the property resident(s), and the keeping and harboring of domestic household pets of the resident(s) boarded inside of the residence dwelling, and not raised or bred for sale; the use of property for agriculture is prohibited in residential districts on lots of one (1) acre or less
- B. On lots greater than one (1) acre but not greater than five (5) acres in size, buildings or structures incidental to the use of the land for agricultural purposes shall be subject to all set back, building lines, height restrictions and size restrictions of the use district in which the agricultural use is located.
- C. Dairying and animal and poultry husbandry shall not be permitted on lots

greater than one (1) acre but not greater than five (5) acres in size when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code.

- D. After thirty-five percent (35%) of the lots are so developed, any pre-existing dairying and animal and poultry husbandry use shall be considered a non-conforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

SECTION 18.09 "RCA" RECREATIONAL CAMPING AREAS

The Zoning Inspector shall review the particular facts and circumstances of each proposed recreational camp in terms of the following standards and shall find evidence showing that the development complies with the following:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be served adequately by essential public services and facilities, such as highways, streets, police and fire protection, drainage and refuse disposal; or that the person(s) or agencies responsible for the establishment of the trailer camp shall be able to provide adequately for such services;
4. Will not create excessive additional requirements at public cost for public facilities and services;
5. Will be consistent with the intent and purpose of this Resolution;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
7. Will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance; and
8. Will meet all the requirements of the Ohio Revised Code and Ohio Administrative Code (Section 3701-25).

A. ADDITIONAL REQUIREMENTS FOR APPLICATION

1. A vicinity map at a scale approved by the Zoning Inspector showing pro-

- property lines, streets, existing and proposed zoning districts and other such items as the Commission may require to evaluate the relationship of the proposed development to the surrounding areas;
2. A plan at a scale approved by the Zoning Inspector showing the location and dimensions of streets and other roadways, all individual camp sites, improvements, recreation areas, all accessory buildings and parking areas, buffering, screening or fencing, provisions for garbage and trash removal, provisions for restrooms, water supply, etc., location of utilities including lighting, walkways, etc., and other such things that the Commission deems necessary.

B. PERMITTED USES

1. Buildings and uses customary to any use of the RCA are permitted, including the sale of refreshments, limited retail sales, and propane sales, provided such accessory facilities are for the exclusive use of the camp's occupants.

- C. HEIGHT REGULATIONS:** No main building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. No accessory building or structure shall exceed fifteen (15) feet in height.

D. AREA REGULATIONS

1. **MINIMUM AREA:** The minimum square footage of each lot or parcel of land shall be no less than ten (10) acres, be developed at a rate of not more than ten (10) individual camp site per acre, and provide a minimum of fifty (50) sites upon opening.
2. **WIDTH and DEPTH:** The minimum width of a site shall not be less than 300 feet. The ratio of width to depth shall not exceed one to five (1:5).
3. **SETBACKS:** All individual sites or buildings shall be located no closer than fifty (50) feet from the front property lines, nor closer than thirty-five (35) feet from the side or rear property lines. If the side or rear property line abuts a public or private right-of-way, the minimum side or rear yard shall be fifty (50) feet.
4. **ACCESS:** All RCA's shall have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for trailer camps that have direct access onto an arterial street. 150

- STREETS: The design and construction of the interior streets shall be sufficient to adequately serve the size and density of the development. All interior streets shall be all-weather roads with a right-of-way not less than twenty-five (25) feet and a road surface of not less than twenty (20) feet. Parking on the interior streets shall not be permitted.
5. WALKWAYS: All RCA's shall have walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Zoning Inspector and may vary relative to location, purpose, intensity of use, and location of recreational areas and service facilities.
 6. RECREATIONAL OPEN SPACE: At least thirty-five percent (35%) of the gross land area of the RCA shall be reserved for recreational and open space. This figure is in addition to any other open areas required by yard dimensions or any other sections of this Resolution. Individual sites shall not be included in this recreation and open space area.
 7. BUFFERING AND SCREENING: The outer boundaries of the RCA shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all boundaries. In addition, all tents and recreational vehicles shall be located no closer than one hundred (100) feet from any property in a residential district. Proper buffering shall be determined by the Zoning Inspector and may include fencing, screening and/or the planting of trees and bushes.
- E. INDIVIDUAL SITE REQUIREMENTS: In addition to the foregoing, individual sites within an RCA shall meet the following requirements:
1. DENSITY: Not more than one (1) recreational vehicle or tent may be placed on a site.
 2. SITE AREA: Each tent site shall be at least eight hundred (800) square feet in area. Sites for a recreational vehicle shall be at least two thousand (2,000) square feet in area. Sites that are for the accommodation of tents shall be separated from the recreational vehicle sites.
 3. SITE WIDTH: Each individual site shall be at least twenty (20) feet in width.
 4. SITE SETBACK: There shall be a minimum of ten (10) feet open space between the vehicle, trailer, tent or structure used for camping purposes and any such site boundary line. The width and/or length of the

vehicle, trailer, tent or structure shall include all projections, awnings porches, tip outs, flip outs, slip outs, etc.

5. SITE MARKINGS: Each site shall be plainly marked and numbered for Identification.
6. STREETS: All individual sites shall front on an all-weather road with a right-of-way not less than twenty-five (25) feet and a pavement surface of not less than twenty (20) feet, and a maximum speed limit of ten (10) miles per hour.

F. SUPPLEMENTAL REGULATIONS

1. RCA's shall conform to the requirements of Ohio Administrative Code 3701-25.
2. CAMPFIRES: If campfires are permitted, suitable facilities shall be provided and necessary precautions taken, in accordance any additional restrictions provided by the Milton Fire Department.
3. DUMP STATIONS: Recreational vehicles with self contained waste water tanks must be provided a sanitary dumping station in the ratio of one (1) sanitary station for each one hundred (100) sites or fraction thereof. Sanitary stations must be adequately screened and located at least fifty (50) feet from any site.
4. DURATION OF OCCUPANCY: No occupant shall reside nor tent or recreational vehicle be located within the RCA over fifteen (15) days in any one thirty (30) day period.
5. INSPECTION: The County Board of Health and the Zoning Inspector shall have the right of entry and access to trailer camps at any reasonable time for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the regulations and requirements of the Resolution.
6. PERMISSION TO OPERATE: No person shall operate or maintain a camp unless written authorization for the operation of the camp has been obtained from the Zoning Inspector and the provisions of this Resolution are met. Such written authorization may be required if deemed necessary for each calendar year prior to opening the camp for the calendar year for which the application is made.
7. PETS: Domestic animals or pets must not be allowed to run at large or cause any nuisances within the RCA. Any kennels, pens or other facili-

- ties provided for animals must be maintained in a sanitary condition.
8. RECORDS: The camp owner or operator shall keep a record of occupants by name, home address, date and duration of stay, and license number which shall be available at all times for inspections by the Zoning Inspector.
 9. SALE OF SITES: The sale of individual sites shall be prohibited.
 10. TRASH: Adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and not less than once each week. RCAs must be free of accumulation of debris or material which may provide rodent harborage or breeding places for insect pests.

SECTION 18.10 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS

- A. STORAGE: One mobile home may be stored in the rear of a lot in any Agriculture, Business, or Industrial District, provided that no use shall be made and no living quarters shall be maintained or any business practiced in a mobile home that is stored.
- B. LOCATION OF MOBILE HOMES: All mobile homes used for occupancy must be located in a mobile home park or subdivision.
- C. MOBILE HOME PARKS and MOBILE HOME SUBDIVISIONS:
 1. The applicant shall present plans, specifications, design criteria, and other data for the proposed park or subdivision in compliance with Ohio Administrative Code, Section 3701-027 and in a form suitable for making the determination that the following requirements are also met. The Mahoning County Planning Commission and the Milton Township Board of Zoning Appeals may review the plans.
 2. Such plans shall be submitted at a scale approved by the Milton Board of Zoning Appeals and shall show the location and dimensions of streets and other roadways, lots, typical lot improvements, areas for recreation, storage, accessory uses, parking, buffering/screening/fencing, provisions for garbage and trash removal, location of utilities including street lighting, pedestrian walkways, flood plain information, and such other things the Board deems necessary.
 3. The proposed site shall contain not less than ten (10) acres and it shall

- have not less than twenty-five (25) mobile home spaces available at first occupancy.
4. The maximum density shall not exceed six (6) mobile home units per acre for a mobile home park. The maximum density per acre for a mobile home subdivision shall not exceed six (6) units per acre and shall meet all other county and state requirements.
 5. The minimum width of the mobile home development shall not be less than two hundred fifty (250) feet. The ration of width to depth shall not exceed one to five (1:5) ratio.
- D. All mobile home parks shall have access to public roads. Marginal access roads may be required if deemed necessary for mobile home developments that would have access onto arterial streets.
 - E. Streets for mobile home developments should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm water systems. Street installation shall follow the applicable regulations either imposed by the Mahoning County Subdivision Regulations or the Ohio Administrative Code, Sections 3701-27.
 - F. At least ten percent (10%) of the gross land area of the mobile home development shall be reserved for recreational and open space uses. The required isolation area around a package treatment sewerage plant may not be counted as part of the ten percent (10%) requirements. The ten percent (10%) is in addition to any other open areas required by yard requirements.
 - G. A green belt planting strip of not less than fifteen (15) feet in width shall be placed along the perimeter of the mobile home park where it abuts a public right-of-way or areas used in a residential manner. The green belt shall be developed with a mixture of hardy deciduous and coniferous plant material and maintained thereafter in a neat and orderly manner by the park management.
 - H. Withered and/or dead plant material shall be replaced within a reasonable period of time, but not longer than one growing season. Excluded from such planting shall be the following plant materials: Ailanthus (tree of heaven), box elders; willows, Chinese elms, and catalpa.
 - I. A buffer strip or zone shall separate the residential portion of the mobile home park from major accessory uses as determined by the Milton Board of Zoning Appeals. The buffer may consist either of screen planting or

fencing suitable to screen such areas from view and to isolate such accessory uses to a confined designated area.

- J. Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. Setbacks for such buildings shall be at least as great as that for mobile homes on the same street.
- K. Accessory uses, such as on-site mobile home sales, storage, repair, offices, customarily incidental to the proper operation of the mobile home park are permitted provided they are properly screen from view as provided for in this Section and that they do not exceed ten percent (10%) of the land area of the park at any time.
- L. The installation of all utilities, pads, services, garbage and refuse storage, public facilities, and any other structures, facilities, or services not mentioned in the Milton Township Zoning Resolution shall be governed by the highest applicable regulations.
- M. In approving any mobile home development, the Milton Board of Zoning Appeals may recommend and the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the zoning permit, shall be deemed a violation of this Resolution punishable under Section 10, Paragraph (C) and/or the Ohio Revised Code Sections 519.23 and 519.24.

SECTION 18.11 COMPUTING TIME

The time within which an act is required by this Resolution to be done shall be computed by excluding the first and including the last day, except that the last day shall be excluded if it falls on Sunday or on a legal or national holiday.

SECTION 18.12 INDEPENDENT SECTIONS

Each Section of this Resolution is an independent Section and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other Section or part thereof.

SECTION 18.13 PROHIBITED USES/STORAGE

The following uses are prohibited in any Use District:

- A. The manufacture of acetylene gas, acids, ammonia, asbestos, asphalt, asphalt roofing, bleaching powder, brick except handicraft products, bronze powder, carbon black, caustic soda, chlorine, coke, creosote dye stuff, cement, emery cloth, enamel, excelsior, explosives, fertilizer, fibre, fireworks, flour milling, gelatin, glucose, glue, graphite, gypsum, lampblack, lime, linoleum, matches, oil, oilcloth, oiled rubber goods, paints, paper, potash, pulp, shellac, size, snuff, soap, soda ash, starch, tar, tar roofing, terra cotta or tile except handicraft products, turpentine, varnish, vinegar, washing compounds, yeast, etc.
- B. Automobile dismantle or wrecking yards, bag cleaning, boiler works, blast furnaces, cabin camps, coal yard of more than fifty (50) tons capacity except where coal is stored in dust-proof containers, cooperage works, dead animal processing works, garbage or offal reduction or dumping, distillation of bones, coal, or wood, enameling, japanning or lacquering except where incidental to a permitted use, fat rendering, forge plants, grease, lard or tallow refining, junk yards, junk, junk iron or rag bailing or storage, motor vehicle dump, nitrating processes, rock crushing, rolling mills, stock yards, sugar refining, sand blasting or cutting except where dust is controlled by effective devices, slaughterhouses, tanning, curing, or storage of raw hides or skins, trailers, bronze, copper, iron, or steel foundries, etc.
- C. No person in any use district shall store, leave, or cause or permit the storing or leaving of any discarded or salvaged materials such as scrap or waste metals, used building materials, used lumber, used glass, paper, rags, tires, tire rims, boxes, pallets, automobile or truck parts, chassis, quarter panels, appliances, furniture, rubber in any shape or form, cordage, barrels, containers or other salvageable materials on any lot or land or premises, unless such items or materials are completely enclosed in a building.

No such storage or leaving shall be permitted in any front, side or rear yard area in any use district.

Such storage or leaving shall not be permitted in violation of any applicable fire rules, regulations, restrictions, requirements, statutes, or orders of Milton Township, Mahoning County, or State of Ohio.

- D. Hazardous Waste Dumping: No manufacturing, assembling, dumping, or storage of any hazardous or toxic waste or of any nuclear product or the processing of any materials which are volatile, corrosive, reactive, or hazardous to the environment or a public health nuisance shall be permitted in Milton Township.
- E. Heavy Equipment Storage: In a residential district, the parking or storage of heavy equipment used for business purposes is prohibited>

SECTION 18.14 FILLING OPERATIONS

- A. No dumping of junk, bottles, glass, fly ash, scrap iron, industrial waste, wood, garbage, household trash, aluminum, tin or any other metal cans of any kind, chemicals in any form. However, the dumping or filling of fill dirt, gravel, stone, sand, concrete, brick, blocks, or any forms of construction materials will be permitted upon application for and the issuance of a fill permit from the Mahoning County Board of Health.
- B. Each property owner, his agent, or assignee shall make application for a conditional use permit. Proof of ownership, agency, assignment lease, option, or other evidence of interest in the land to be used for a private filling operation shall be produced at the time of application for a filling permit. The permit shall be subject to revocation by the Milton Township Zoning Inspector for violation of any of the conditions set forth in this article.
- C. All dumped or filled debris shall be covered with clean fill dirt within forty-eight (48) hours or sooner if required for the health, safety, and welfare of the residents of Milton Township. Such covering shall be enough fill dirt to keep all debris completely covered. Roadways entering and leaving the dumping or filling site shall be kept clear of all dirt and debris of every kind and nature whatsoever on a daily basis. Dumping or filling may only be done between the hours of 8 AM and 6 PM. When a dumping or filling operation has been completed, grade level may not exceed the grade level of the contiguous properties. The area filled is to be graded level and seeded with grass within thirty (30) days of completion unless immediate construction is to be undertaken on the property.
- D. The owner of the property for which the filling permit is issued shall bear all responsibility for the maintaining of these regulations. All dumping and filling is to be done according to the existing rules and regulations of the Milton Township Zoning Resolution, the Mahoning County Health Depart-

ment, the Federal Environmental Protection Agency, the Ohio Environmental Protection Agency, the Ohio Revised Code, the Mahoning County Engineer, and any other applicable agencies of local, state, and federal governments.

SECTION 18.15 UNLICENSED/INOPERABLE VEHICLES

A. No person shall park, store, leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a wrecked, junk, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the Township unless the same is completely enclosed within a building.

B. Individuals or auto wrecking companies are prohibited from burning cars.

C. It is required that all automobile towing and auto wrecking companies erect such a solid type fence as to hide junk and cars from view of the public.

Auto towing companies must keep all vehicles for storage inside a fenced area. Such fence should meet the standards of the foregoing paragraph. The storage must be in a commercial or industrially zoned area.

D. The rebuilding or dismantling of any automobile, truck, or other motor vehicle in an open yard area is prohibited.

E. The use of any type of truck, trailer, or bus as an accessory building for storage is prohibited in all districts.

F. Dwelling in a recreation vehicle, converted buses or any other mobile conveyance under this section is prohibited.

SECTION 18.16 SATELLITE TELEVISION ANTENNAS

Satellite television antennas are permitted as accessory structures in all zoning districts and shall be subject to any permits required for an accessory building.

A. GROUND-MOUNTED AND TOWER-MOUNTED SATELLITE TELEVISION ANTENNAS: Ground-mounted and tower-mounted satellite television antennas are permitted in all use districts. They shall be located in the side and rear yards primarily. If a usable satellite signal cannot be obtained from a side or rear yard location, a satellite television antenna may then be located in the front yard. The installer of the antenna shall provide evidence

to the Zoning Inspector that a usable satellite signal cannot be obtained from a side yard or rear yard location.

Antennas located in a side yard or rear yard shall be at least five (5) feet from the nearest part of the main building on the same lot and at least five (5) feet from any rear or side property line. Antennas located in a front yard shall be at least five (5) feet from the nearest part of the main building on the same lot and at least twenty (20) feet from the street right-of-way line. Ground-mounted antennas shall not exceed fifteen (15) feet in height above the ground. Tower-mounted antennas shall not exceed the maximum height for the use district.

No tower-mounted antennas shall be permitted in any front yard. Except in commercial, industrial, or multi-family residential zones, ground-mounted antennas shall be designed and screened to reduce visual impact from surrounding properties at street level and from public streets.

- B. ROOF-MOUNTED SATELLITE TELEVISION ANTENNAS: Roof-mounted antennas shall not extend more than ten (10) feet above the height limit established for the zone in which the structure is located.
- C. GENERAL REQUIREMENTS: All antennas and the construction and installation thereof shall conform to applicable building code and electrical code regulations and requirements. Antennas shall meet all manufacturer's specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner. Every antenna must be adequately grounded for protection against a direct strike of lightning.

SECTION 18.17 PRIVATE SALES—FUND RAISING SALES—TEMPORARY SALES

A. BUSINESS PROPERTIES

- 1. Fleas markets, white elephant sales, sales on vacant lots, sales in parking areas of businesses, street corner vendors, door-to-door sales, or any type of outdoor sales shall be permitted in any Business District after first obtaining a Vendors Permit as provided by resolution of the Milton Township Trustees.
- 2. Permits shall not exceed any seventy-two (72) hour period at a stated location and the permit must be displayed in plain view at the sale location. A written authorization of the property owner must be submitted before a vending permit is issued.

3. Business sales permits shall not be issued for more than four (4) sales at a location per year and are valid for the date and location as indicated on the permit.
4. No signs advertising a sale may be posted on utility poles, township, county, or state posts along highways, nor may be posted on any vacant structures or vacant lots.
5. Sales must contain their stand, including merchandise and supplies, with in an area no larger than twelve (12) by twelve (12) feet. All merchandise must be located on private property, and not be placed in any township, county, or state right-of-way. All merchandise must be removed after the sale.
6. Businesses conducting going out of business sales may be issued a permit for a thirty (30) day period; this permit may be extended by the Board of Trustees after an inventory of merchandise yet to be sold is provided. This permit would entitle a "liquidator" to advertise with off premises signage within the Township, and further subject to sign regulations of the Milton Township Zoning Resolution. Said signs shall not be located within fifty (50) feet of a sign advertising the same sale.
7. Schools and churches permanently located and operating within the Township shall be exempt from the vendor's permit fee. Permits must be obtained and posted complying to all other regulations. Special fund raising sales by service clubs, fraternal organizations, non-profit organizations, or any other group or special interest club having all profits designated to a school, school program or activity, church or church activity shall be exempt from the permit fee.

B. RESIDENTIAL PROPERTIES

1. Garage sales and yard sales shall not exceed a seventy-two (72) hour period and no more than four (4) sales may be conducted at a location per year. Residential sales are limited to personal items. No permit is required for a residential sale.
2. All merchandise must be removed from yard areas after the seventy-two (72) hour period.
3. Signs advertising such a sale shall be restricted and placed on the subject residential property only. Such signs shall not exceed four (4) square feet. Signs shall not be placed on the public right-of-way or on utility poles.

SECTION 18.19 LIGHTING

All lighting shall be so arranged as to direct light downward, towards a parcel and away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners, as determined by the Zoning Inspector.

SECTION 18.20 WELLS

- A. Salt or deep water wells may be permitted as a use in any district upon approval by the Township Board of Zoning Appeals and a Conditional Zoning Certificate issued therefore.
- B. Exploration of oil and/or gas and the operation of wells therefore may be done in any Agriculture or Industrial zoned district, or in any other district where the applicant is the fee holder of all the property located in the drilling unit, and as permitted by the Division of Ohio 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 or nearer than five hundred (500) feet from any public building which may be 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 incidental to an 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.
- C. Oil and/or gas wells and 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 land forms such as earthen berms may also be used as a visual screen.
- D. 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.
- E. Storage tanks, separators, and well installations shall be entirely enclosed by a six (6) foot high chain link type fence, plus three (3) strands of barbed wire above. Fences shall be kept in a good state of repair until the well is

abandoned and the tanks are taken out of service.

- F. No more than two (2) 210 barrel oil tanks shall be permitted at an oil and/or gas well site at any one time. All oil storage shall be in approved storage tanks. Tanks required for the storage of oil shall be considered an integral part of an oil well and shall, therefore, be subject to the minimum site and yard regulations specified for oil wells in Chapter 1501.9 of the Ohio Administrative Code.

SECTION 18.21 ACCESS ROADS

- A. Permanent, unobstructed access roads meeting the following requirements shall be approved between oil and/or gas wells and public roads:
 - 1. 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 gravel 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.
 - 2. 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.
 - 3. LOCATION: No oil and/or gas access road shall be located closer than forty (40) 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 closer than thirty (30) feet from which such road is intersected by another road or driveway.
 - 4. TURNAROUND AT WELL END: A turnaround area of a size adequate to accommodate the largest contemplated oil tank shall be provided at the well end of an oil and/or gas well access road.
- B. During the time wells are in operation, a metal sign showing the street or road numbers as may be approved by the Zoning Inspector shall be installed on the access road gate so that the police, fire, and road departments may find the area when necessary.
- C. The names, addresses, and telephone numbers of the persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector, who in turn shall advise the Police and Fire Departments.

- D. Pits and/or containers for the storage of waste substances such as waste oil, frac water, brine, or acids used in connection with or resulting from drilling as approved by the State of Ohio are not considered integral parts of an oil and/or gas well for purposes of these regulations. All waste substances shall be removed from the oil and/or gas well site via tank truck along with all tanks for the storage of such substances and all pits shall be filled with soil and returned to original grade within thirty (30) days of the completion of drilling operations for such well and/or commencement of production therefrom, whichever comes first. All waste substances shall be deposited at state approved dump sites.
- E. Where access roads connect with Township roads, culvert and ditching shall be done under supervision of the Milton Township Road Superintendent, who shall be notified before operation are started. The Road Supervisor's final inspection shall be made after completion of all such work.
- F. When drilling any wells for oil/gas, the drilling rig shall have a blow-out preventer in good working order attached to the drilling equipment to prevent oil or gas from blowing out of control and causing damage to surrounding areas.

LIGHTING: When provided at an oil and/or gas well site, lighting shall be erected and maintained so as not to shine directly on adjacent or nearby residences or public roads.

DIKES: Earthen dikes shall be provided around all oil well pumping units and storage tanks for the purpose of containing any oil spill resulting from a leaking pumping unit or ruptured tanks. Such dikes shall be of a height capable of containing all foreseeable leaks, but shall in no event be less than two (2) feet in height.

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.

1. **NOISE:** No oil and/or gas well shall emit noise which, when measured at the nearest residence not in the drilling unit as defined in Chapter 1501.0 of the Ohio Administrative Code, exceeds 45 (d) (B) (A). In addition, no oil and/or gas well shall emit intermittent or shrill noises which are perceptible at the nearest residence not in the drilling unit.

2. ODORS: No malodorous gas or matter shall be emitted by any oil and/or gas well which is discernible at any residence not in the drilling unit.
3. VIBRATIONS: Vibrations which are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by an oil and/or gas well.

SECTION 18.22—CAMPER TRAILERS AND RECREATIONAL VEHICLES

A. The following uses are prohibited in any zoning district:

1. The occupancy of any recreational vehicles, travel trailers, pick-up campers, motorized homes, folding tent trailers, camping trailers, truck campers or trailers on a vacant, undeveloped parcel of land;
2. The occupancy of recreational vehicles, travel trailers, pick-up campers, motorized homes, folding tent trailers, camping trailers, truck campers, or trailers on developed parcels of land, which cumulatively exceeds twenty-one (21) days in any one calendar year.

B. Section 18.22 Definitions

1. “Undeveloped parcel of land” – A parcel of land not having a single family dwelling, duplex or multi-family units thereon;
2. “Developed parcel of land” – A parcel of land having a single family dwelling, duplex, or multi-family units thereon.

SECTION 18.23 - OFF-SITE DETACHED GARAGES

- A. In any agricultural, residential, or business districts, a property owner may construct a free standing garage for the purposes of personal boat and/or residential storage on a vacant, undeveloped parcel adjacent to or across the street from the primary residence lot. The vacant parcel on which the garage will be constructed must be owned by the primary residence property owner.

- B. The free standing garage may not exceed 1,200 square feet of land coverage and may not exceed sixteen (16) feet in height, with the height measured as the distance between the finished floor to the top plate of the side wall.

SECTION 18.24 – SIZE LIMITATION OF ATTACHED RESIDENTIAL GARAGES

- A. In any residential or business district, the ground coverage area of an attached residential garage shall not exceed the square footage area of the dwelling foundation; and said attached garage shall not exceed the height of the roofline of the dwelling.

ARTICLE 19.00

NON-CONFORMING USES

- A. **DEFINITION:** A non-conforming use of a building, structure, lot, or land is one that existed prior to the adoption of zoning and does not conform to and comply with the use regulations of the district in which such is located.
- B. **CONTINUANCE:** The use of any building, structure, lot, or land, as existing and lawful on the effective date of this Resolution, may be continued although such does not conform with the use regulations of the district in which such is located. It is the intent of this Resolution to permit non-conformities to continue until they are removed, but not to encourage their survival.
- C. **ENLARGEMENT—EXTENSION—REMOVAL:** A non-conforming building, structure, or use existing at the time of this Resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty percent (20%) in square foot area, upon application to and determination of the Board of Zoning Appeals. A non-conforming use may be altered to decrease its non-conformity.
- D. If any non-conforming use is voluntarily discontinued for a period of two (2) years or more, any subsequent use of such building, structure, lot, or land shall be in full compliance with the use regulations for the District in which such is located.
- E. **COMPLETION OR SUBSTITUTION:** Any partially completed building or structure, the lawful construction or reconstruction of which has been commenced on the effective date of this Resolution, may be completed and used but only for the purpose for which it was originally designed and intended, unless upon proper appeal, the Township Board of Zoning Appeals approves a substituted non-conforming use therefore.

- F. RESTORATION: Any non-conforming building or structure damages in extent of more than fifty percent (50%) of the value or bulk, shall not be re-stored or thereafter used except in full compliance with the use regulations for the district in which such is located.
- G. REPAIRS AND MAINTENANCE: On any non-conforming structure work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. The provisions of this section shall not apply in respect to non-conformity in yard requirements.

ARTICLE 20.00

REMEDIES AND PENALTIES

- A. **REMEDIES AND PENALTIES:** In case any building or structure is, or is proposed to be located, erected, constructed, enlarged, changed, maintained, or used, or any land is or proposed to be used in violation of Section 519.01 et seq. Revised Code of Ohio, or in violation of any regulation or provision of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of Mahoning County, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to any other remedy provided by law or by this Zoning Resolution, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- B. **VIOLATION OF ZONING REGULATIONS:** Whoever violates any section, regulation, or provision of this Zoning Resolution shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not more than five hundred dollars (\$ 500) for each such offense. Each day's continuance, during which such violation shall continue, shall be deemed to constitute a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- C. **VIOLATION OF ZONING CERTIFICATE/PERMIT:** Whoever builds or constructs in violation of any detailed statement of plans submitted and approved, or in violation of the provisions of any Zoning Certificate or Conditional Zoning Certificate issued pursuant to the provisions of this Resolution, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more

than five hundred dollars (\$ 500.00) for each such offense. Each day's continuance shall be deemed to constitute a separate offense.

ARTICLE 21.0

SMALL SOLAR ENERGY SYSTEMS (under 50 MW)

SECTION 21.01 – SMALL SOLAR ENERGY SYSTEMS (under 50 MW)

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Definitions:

Agrivoltaics: means a solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

Ground Mounted Solar Energy System: means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy System: means a solar energy system that is incorporated into or replaced standard building materials or does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Rooftop Solar Energy System: means a solar system that is mounted to a structure or building's roof either on racks either raised or flush with the roof.

Residential/Business Solar System: means solar energy that is **less than one (1) MW** and is used only for the primary structure located on that property and not for use by others. This includes ground mounted, integrated, and rooftop solar energy systems.

Site Size: means the calculated area that includes the perimeter of the outermost panels together with any and all equipment necessary for the function of the SES,

including transformers, and inverters, but not including fencing and landscaping.

Small Solar Facility System: means a Solar Energy Systems and its associated facilities, that is greater than one (1) MW, and has a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts. **The land required for this facility must be at least ten (10) acres.**

Solar Energy: means radiant energy (direct, diffused or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System (SES): means a system and associated facilities that collect solar energy, which may include, but not limited to, an integrated solar system, rooftop solar energy system, ground mounted energy system, or small scale energy solar facility.

SECTION 21.02 - USES

A. Permitted uses:

1. Subject to the restrictions contained herein, any construction, erection, or siting of an integrated solar system, rooftop solar system, or a ground mounted solar system shall be a permitted use in the following zoning districts: Ag, R-1, R-2, R-3, LFRD, B-1, B-2, B-3 and I.
2. A ground mounted solar energy system will be treated as an Accessory Structure and must meet all requirements set forth in this resolution.
3. Agrivoltaics will be a permitted use in an AG Agriculture District only.
4. In any of the following districts, Ag, R-1, R-2, R-3, LFRD, B-1, B-2, B-3 or I, if the SES exceeds the general requirements set forth in this resolution, then a variance through the Board of Appeals is required.

B. Conditional Uses.

1. A Small Solar Facility is allowed in an Ag Agriculture District of ten (10) acres or more and requires a Conditional Use Permit.

C. Development Restrictions.

1. Some Subdivision Parcel Deed Restrictions, Homeowner and Condo

Association bylaws may have additional restrictions/requirements on the use of Solar Energy Systems. The applicant is responsible for researching and obtaining written permission as needed before applying for a Zoning Permit Application and/or Building Permit.

SECTION 21.03 - GENERAL REQUIREMENTS

A. Integrated or Rooftop Solar Energy Systems:

1. Height: The maximum height of any integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal Structures located in the zoning district where located. An integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
2. Coverage: An integrated or Rooftop Solar Energy System shall cover no more than 40% of a structure's walls or roof. Roof mounted energy systems shall comply with applicable state and local fire codes to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide areas for smoke ventilation, and provide emergency egress from the roof.
3. Location: An integrated or Rooftop Solar Energy System shall be located on the roof and/or walls of a structure.
4. Signage: Prohibited.

B. Ground Mounted Solar Energy Systems:

1. Height. A Ground Mounted Solar Energy System cannot exceed ten (10) in any Ag, R-1, R-2, R-3, or LFRD zoning district. It cannot exceed fifteen (15) feet in a B-1, B-2, B-3 or I zoning district.
2. Location. A Ground Mounted Solar Energy System shall meet the applicable setback requirements for an Accessory Structure in the zoning district where it is located AND shall be constructed behind the primary structure located on the property.
3. Signage. Prohibited.

C. Small Scale Solar Energy Facility (10+acres. Pver 1MW, AG District only):

Conditional Use Permit required. Criteria as follows:

1. Height. Cannot exceed fifteen (15) feet.

2. Setbacks:
 - **50 feet** from the boundary of non-participating parcels.
 - **300 feet** from non-participating residential structures.
 - **150 feet** from the center of the road that is adjacent to the project area.
3. Visual Buffer. Where the property adjoins property zoned for residential use (whether exclusively residential or in part), the facility shall have a visual buffer of natural vegetation and/or plantings that provides reasonable screening to reduce view and noise from the facility located on adjacent parcels.
4. Glare. Solar Panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
5. Lighting. Exterior lighting for a Small Scale Solar Energy Facility shall be limited to that required for safety and operational purposes. If lighting is required, the lighting shall be narrowly focused inward, downlit, and shielded so as to contain spillover onto adjacent property.
6. A safety and security plan must be submitted and must contain adequate provisions for site security and safety, including those involving emergency responders.
7. The applicant is required to obtain all applicable road use permits, including a Road Use Maintenance Agreement (RUMA), if required by the jurisdictional governing body.
8. Signage. 4 x 4 sign allowed with owner(s) and operator(s) names.
9. Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit or variance.

SECTION 21.04 – DRAINAGE (with a site size over 1,000 square feet)

- A. All Solar Energy Systems must meet the requirements of Milton Township and Mahoning County regarding drainage and erosion control. Stormwater design and calculation must be done in accordance with Mahoning County stormwater and sediment control requirements.
- B. Vegetation must be planted between, around and under all solar panels.

SECTION 21.05 – MAINTENANCE (applicable for all systems)

Solar Energy Systems must be maintained in good working order at all times. The owner of the property and owner/operator of the Small Scale Solar Energy Facility shall, within thirty (30) days of permanently ceasing transmission of electricity, provide written notice of abandonment to the Zoning Inspector. An unused Small Scale Solar Facility may stand no longer than six (6) months following abandonment. The cost of removal of all equipment, apparatuses, supports, batteries and/or other hardware associated with the existing Small Scale Solar Energy Facility and the demolition/dismantling of such a system shall be borne by the property owner and the company/operator, so long as the company/operator is still in business. Additionally, if the SES falls into such a state of disrepair that it creates a health or safety hazard, then action may be taken by Milton Township to rectify the issue.

SECTION 21.06 – BUILDING PERMITS

- A. All Small Scale Energy Facilities and parts thereof shall obtain all applicable required building permits from the State of Ohio and Mahoning County or other local building jurisdiction.
- B. Other Restrictions: A Small Scale Solar Energy Facility shall comply with all applicable federal, state, and local laws, rules and regulations.

SECTION 21.07 – CERTIFICATE OF ZONING COMPLIANCE

- A. A certificate of zoning compliance shall be required before any construction is commenced on any Solar Energy System (SES).
- B. Applicant shall provide the township zoning inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - 1. An engineering report (Small Solar Facility only) that shows:
 - The total size and height of the proposed Small Solar Facility.
 - Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
 - Hazardous materials containment and disposal plan.
 - 2. A site plan showing the location of the SES, including all equipment and components thereof in relation to (and measurements from) existing

structures on the property, roads, and other public right-of-way and neighboring property lines.

3. Evidence of compliance with applicable setbacks and all other zoning restrictions.
4. A maintenance schedule, as well as, a dismantled plan that outlines how the SES including all equipment and components thereof will be dismantled and disposed of at the end of their use and/or upon abandonment.
5. Any other information or materials reasonably requested by the Zoning Inspector.

