



Original Resolution Approved By:  
Township Electorate, November 1954

This Resolution Prepared By:  
Hubbard Township Zoning Commission  
Hubbard Township Administration Building  
2600 Elmwood Dr., Ext.  
Hubbard, Ohio 44425-9700

Adopted By:  
Hubbard Township Board of Trustees  
May 24, 2005  
Last Revised  
March 21, 2016

**CAUTION: For Reference Only**  
**Master Book is maintained by the Hubbard Township Zoning Department**

## **PREAMBLE**

A Resolution of the Township of Hubbard, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the Township into zones and districts, encouraging, regulating and restricting therein the locations, construction, reconstruction, alternation and use of structures and land; promoting the orderly development of residential, business, industrial, recreation, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof.

*Therefore be it resolved by the Board of Township Trustees of  
Hubbard Township, Trumbull County, State of Ohio*

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# ZONING RESOLUTION OF HUBBARD TOWNSHIP

## **ARTICLE I: TITLE, INTERPRETATION AND ENACTMENT**

### **Section 100: Title**

This Resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Hubbard, County of Trumbull, State of Ohio."

### **Section 110: Provisions of Resolution Declared to be Minimum Requirements**

In their interpretation and application, the provisions of this Resolution shall be held to minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Resolution are at VARIANCE with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the more restrictive, or those imposing the higher standards shall govern.

### **Section 120: Separability Clause**

Should any section or provision of this Resolution be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 130: Repeal of Conflicting Resolutions Effective Date**

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

### **Section 140: Plural and Gender**

Whenever the context so requires, the USE of words herein in the singular shall be construed to include the plural, and words, whether in the masculine, feminine, or neuter gender shall be construed to include all genders. By USE of either the masculine or feminine genders, it is for the convenience only and is not to be interpreted to be discriminatory by reason of sex.

## **ARTICLE II: DEFINITIONS**

### **Interpretation of Terms or Words**

For the purposes of this Resolution, certain terms or words used herein shall be interpreted as follows:

- 1) The word "person" includes a firm, association, organization partnership, trust, company or corporation as well as an individual.
- 2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- 4) The words "used" or "occupied" includes the words, "intended, designed, or arranged to be used or occupied".
- 5) The word "LOT" includes the words "plot" or "parcel".
- 6) For any and all definitions not contained within this Resolution refer to the Ohio Revised Code (ORC) or Ohio Administrative Code (OAC).

### **ABBREVIATIONS USED**

**aka** = Also known as; **dba** = Doing BUSINESS as; **et al** = And others; **etc.** = Etcetera, and others in like; **i.e.** = For example; **O.A.C.** = Ohio Administrative Code; **O.R.C.** = Ohio Revised Code.

### **ACCESSORY USE OR STRUCTURE**

**ACCESSORY USE (OR STRUCTURE):** ACCESSORY USE means a USE, object or STRUCTURE constructed or installed on, above, or below the surface of a parcel, which is located on the same LOT as a principal USE, object, or STRUCTURE, and which is subordinate to, or serves the principal USE, object, or STRUCTURE, is subordinate in area to the principal USE, object or STRUCTURE, and is customarily incidental to the principal USE, object, or STRUCTURE. Among other things, ACCESSORY USE includes anything of a subordinate nature attached to, or detached from, a principal STRUCTURE or USE, such as, but not limited to FENCES, walls, sheds, GARAGES, parking places, decks, pole poster panels, BILLBOARDS and WIND TURBINES (to include a county building permit, required as a first step, and a township CONDITIONAL USE Permit as a second step, to AGRICULTURE, commercial, and INDUSTRIAL parcels larger than ten (10) acres). Except as otherwise required in this Resolution, an ACCESSORY USE shall be a permitted USE.

### **AGRICULTURE**

The USE of land for farming, dairying, pasturage, AGRICULTURE, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary ACCESSORY USES for parking, treating or storing the products and items produced, provided, however, that the operation of any such ACCESSORY USES shall be secondary to that of normal agricultural activities and provided further that the above USES shall not include the commercial feeding of garbage or offal to swine or other animals.

Definition Accessory Use modified, #106-08, March 10, 2008  
Added 'Wind Turbines' to Accessory Use Structure; #174-09; Aug. 26, 2009  
Added #6 under Interpretation, #111-12, March 21, 2012

**AIRPORT**

Any runway, land area or other facility designed, USED either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary BUILDINGS and open spaces.

**ALLEY**

See THOROUGHFARE.

**ALTERATION, STRUCTURAL**

Any change in the supporting members of a BUILDING except such change as may be required for its safety, any addition to a BUILDING, any addition to BUILDING materials, any change in USE from one district classification to another, or removal of a BUILDING from one location to another.

**APARTMENT HOUSE**

See DWELLING, MULTIPLE FAMILY.

**ARTERIAL STREETS**

All those streets designated as ARTERIAL STREETS on the street classification map on file in the Office of Hubbard Township Trustees. ARTERIAL STREETS provide for traffic movement from one area of the township to another, and are primarily designed to accommodate through traffic; provision of access to abutting property is a secondary consideration. ARTERIAL STREETS are designated on the transportation element of the Township Comprehensive Plan.

**AUTOMOBILE GRAVEYARD**

See ‘JUNK BUILDINGS, JUNK SHOPS, JUNK YARD.’ (See Ohio Revised Code, Chapter 4737, Section 4737.05).

**AUTOMOTIVE, MOBILE HOME, TRAILER AND FARM IMPLEMENT SALES**

The sale or rental of new and USED MOTOR VEHICLES, MOBILE HOMES, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

**AUTOMOTIVE WRECKING**

The dismantling or wrecking of USED MOTOR VEHICLES, MOBILE HOMES, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises. (Also see Ohio Revised Code, Chapter 4737, Section 4737.05).

**BASEMENT**

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

**BED AND BREAKFAST ACCOMODATIONS**

See TOURIST HOME.

**BILLBOARD**

A flat surface or board, usually located outdoors, on which large advertisements or notices are posted.

Definition Arterial Streets added, #96-09, March 18, 2009

**BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE OR DORMITORY**

A BUILDING or part thereof, other than a HOTEL, MOTEL, or restaurant where meals and/or lodging are provided for compensation for three or more unrelated persons, where no cooking or dining facilities are provided in individual rooms.

**BUILDING**

Any STRUCTURE designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

**BUILDING, ACCESSORY**

A subordinate BUILDING detached from, but located on the same LOT as the PRINCIPAL BUILDING, the USE of which is incidental and accessory to that of the main BUILDING or USE.

**BUILDING, HEIGHT OF**

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

**BUILDING, BUILDING LINE**

See SETBACK LINE.

**BUSINESS, CONVENIENCE – B-2**

Commercial establishments which cater to, and can be located in close proximity to, RESIDENTIAL DISTRICTS without creating undue vehicular congestion, excessive noise, or other objectionable influences. Convenience USES include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 10,000 square feet in FLOOR AREA. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**BUSINESS, HIGHWAY – B-4**

Commercial USES which generally require locations on or near MAJOR THOROUGHFARES and/or their intersections, and which tend to serve the motoring public. Highway BUSINESS USES include, but need not be limited to, such activities as FILLING STATIONS, truck and auto sales and service; restaurant and MOTELS; and commercial recreation.

**BUSINESS, OFFICE TYPE – B-1**

Quasi-commercial USES which may often be transitional between retail BUSINESS and/or MANUFACTURING, and residential USE. Office BUSINESS generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

**BUSINESS SERVICES – B-3**

Any profit-making activity which renders services primarily to other commercial or INDUSTRIAL enterprises, or which services and repairs appliances and machines USED in homes and BUSINESSES.

**CEMETERY**

Land used or intended to be used for the burial of the remains of deceased humans or animals, and dedicated for CEMETERY purposes, including crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of such CEMETERY.

**CENTER LINE OF STREET**

A line midway between and parallel to the two (2) street or property lines.

**CHANNEL**

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CLINIC**

A place USED for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room and board or kept overnight on the premises. Also see VETERINARY ANIMAL, HOSPITAL OR CLINIC.

**CLUB**

A BUILDING, or portion thereof, or premises owned or operated by an organization or a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive USE of members and their guests.

**COMMERCIAL ENTERTAINMENT FACILITIES**

Any premises used for profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMPREHENSIVE DEVELOPMENT PLAN**

A plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of Trumbull County showing the general location and extent of present and proposed physical facilities including housing, INDUSTRIAL and commercial USES, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives, and policies of the community.

**CONDITIONAL USE**

A USE permitted within a district other than a principally permitted USE, requiring a CONDITIONAL USE PERMIT and granted by the Board of Zoning Appeals.

**CONDITIONAL USE PERMIT**

A permit issued by the Board of Zoning Appeals to allow a USE other than a principally permitted USE to be established within the district.

**CONDOMINIUM**

A single housing unit established in a complex of dwelling units in which each unit is individually owned (see DWELLING, MULTIPLE FAMILY).

Added 'Condominium' Feb 8, 2016;

**CORNER LOT**  
See LOT TYPES.

**CUL-DE-SAC**  
See THOROUGHFARE.

**DAY CAMP**  
A camp providing recreation and meals during the day but no overnight facilities.

**DAYCARE**  
An ongoing service, administering to the needs of infants, toddlers, or children by persons other than their parents, immediate family, or guardians, for any part of the day in a residence other than a child's own home. A child day care home does not include any CHILD DAY CAMP. Within this definition of DAYCARE, there shall be two (2) defined elements or functional divisions. They are:

- 1) TYPE 'A' HOME means a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. Reference Section ORC 5104.01 CHILD DAY CARE.
- 2) TYPE 'B' HOME means a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time. Reference Section ORC 5104.01 CHILD DAY CARE, and: Section ORC 5104.054, Zoning for Type 'B' family day care home.

**DEAD-END STREET**  
See THOROUGHFARE.

**DECORATIVE WALL OR FENCE**  
A wall or FENCE that provides no other purpose than decoration. Not an ACCESSORY STRUCTURE.

**DENSITY**  
A unit of measurement; the number of DWELLING units per acre of land.  
1) Gross DENSITY - the number of DWELLING units per acre of the total land to be developed.  
2) Net DENSITY - the number of DWELLING units per acre of land when the acreage involved includes only the land devoted to residential USES (less streets, roadways, etc).

**DETACHED STRUCTURE**  
A STRUCTURE (temporary or permanent) not mechanically fastened to the primary STRUCTURE above or below the ground.

**DISPLAY AREA**  
See Section 1203

**DROP-BOX**  
Drop-box means any container, receptacle or similar device that is located on any PARCEL or LOT of record within the township and that is used for soliciting and collecting clothing, household items or other salvageable personal property for re-distribution. This term does not include:

1. Recycle bins for the collection of recyclable material as long as material is not intended to be re-distributed in its current form;
2. Any rubbish or garbage receptacle;
3. Any collection box located within an enclosed building.

Added 'Day Camp,' # 98-10, March 8, 2010;  
Added "Daycare Center" # 98-10, March 8, 2010;  
Added Drop-Box, #57-15, Jan. 5, 2015

Detached structure amended, 2007  
Modified 'Day Care,' #296-10, Dec. 21, 2010

**DWELLING**

Any BUILDING or STRUCTURE which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

**DWELLING, INDUSTRIALIZED UNIT**

An assembly of materials or products comprising all or part of a total STRUCTURE which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a DWELLING UNIT, except for necessary preparations for its placement, and including a modular or sectional unit.

**DWELLING, MULTIPLE FAMILY**

A BUILDING consisting of three or more DWELLING UNITS, including condominiums, with varying arrangements of entrances and party walls. Multi-FAMILY housing may include public housing, Industrialized units, row houses, town houses, or any other type of multi-unit house or DWELLING, regardless of name or description used.

**DWELLING, SINGLE FAMILY**

A BUILDING consisting of a single DWELLING UNIT only, separated from other DWELLING UNITS by open space.

**DWELLING, TWO FAMILY**

A BUILDING 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 UNIT**

Space, within a BUILDING, comprising living, dining, sleeping 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.

**EASEMENT**

Authorization by a property owner for the USE by another, and for a specific purpose, of any designated part of his property.

**ELECTRONIC MESSAGE CENTER (EMC)**

Electronic Message Centers (EMCs) are computerized programmable electronic visual devices.

**ESSENTIAL SERVICES**

The erection, construction, ALTERATION, or maintenance by public utilities, municipal or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, SEWERS, pipes, traffic signals hydrants, or other similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate service by such public utilities, municipal or other governmental agencies, or for the public health, safety or general welfare, but not including BUILDINGS.



**FACTORY BUILT HOUSING**

FACTORY BUILT HOUSING means a factory-built STRUCTURE designed for long-term residential USE, the components of which are essentially constructed or assembled prior to its delivery to, and installation upon a site. For the purposes of this Resolution, FACTORY BUILT HOUSING shall include the following:

- 1) MANUFACTURED HOME  
See Ohio Revised Code Section 3781.06 (C) (4)
- 2) MODULAR HOME – FACTORY BUILT HOUSING certified as meeting the local or State BUILDING code as applicable to modular housing. Once certified by the State, MODULAR HOMES shall be subject to the same standards as site-built homes.
- 3) MOBILE HOME - A transportable, FACTORY BUILT HOME designed to be used as a year round residential DWELLING and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**FAMILY**

One (1) or more persons occupying a single DWELLING UNIT, provided that all members are related by blood, adoption or marriage.

**FENCE**

A STRUCTURE limiting access, enclosing or separating YARDS, fields, ACCESSORY STRUCTURES or STRUCTURES.

**FILLING STATION**

See GARAGE, SERVICE STATION.

**FLOOR AREA**

The sum of the gross horizontal area of the several floors of a residential BUILDING, excluding BASEMENT FLOOR AREAS not devoted to residential USE. All dimensions shall be measured by exterior walls.

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING TO BE USED IN THE CALCULATION OF PARKING REQUIREMENTS**

The FLOOR AREA of the specified USE excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.

**FLOOR AREA, USABLE**

Measurement of usable FLOOR AREA shall be the sum of the horizontal areas of several floors of the BUILDING, measured from the exterior walls.

**FOOD PROCESSING**

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar BUSINESSES.

**FOOTPRINT**

The outside dimension of the ground floor living space of a BUILDING.

### **GARAGE, PRIVATE**

A detached accessory BUILDING or portion of a PRINCIPAL BUILDING for parking or storage of VEHICLES, travel trailers and/or boats of the occupants of the premises.

### **GARAGE, PUBLIC**

A principal or accessory BUILDING other than a private GARAGE, USED for storage of MOTOR VEHICLES, and in which no service shall be provided for remuneration.

### **GARAGE, REPAIR**

BUILDINGS and premises where the performance of, or sale of, the following services are permitted: major mechanical and body work, straightening of body parts, painting, welding, storage of VEHICLES not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in FILLING STATIONS.

### **GARAGE, SERVICE STATION**

BUILDINGS and premises where gasoline, oil, grease, batteries, tire and MOTOR VEHICLE accessories may be supplied and dispensed at retail. USES permissible at a SERVICE\_STATION do not include major mechanical and body work, straightening of body parts, painting, welding, storage of VEHICLES not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in SERVICE STATIONS. A SERVICE STATION is not a repair GARAGE nor a body shop.

### **GARAGE/YARD SALE**

A garage sale, also known as a yard sale, rummage sale, tag sale, lawn sale, attic sale, estate sale, moving sale or junk sale, is an informal irregularly scheduled event for the sale of goods by private individuals.

### **GROUP HOMES**

Group homes are small, residential facilities located within a community and designed to serve children or adults with chronic disabilities. These homes usually have six or fewer occupants and are staffed 24 hours a day by trained caregivers.

### **HAZARDOUS MATERIAL**

Any substance which is classified as hazardous by the federal or state Environmental Protection Agencies.

### **HOME OCCUPATION**

An occupation conducted in a DWELLING UNIT, including but not limited to:

1. The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher, real estate agent or other like professional person residing on the premises.
2. Workshops not conducted for profit.
3. Customary HOME OCCUPATIONS such as millinery, daycare, dressmaking or hairdressing conducted by a person residing on the premises.

### **HOTEL OR MOTEL AND APARTMENT HOTEL**

A BUILDING in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such it is open to the public, unlike a BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE OR DORMITORY, which is herein separately defined.

Added 'Garage/Yard Sale.' #111-12, March 21,2012

Added 'Group Homes,' # 98-10, March 8, 2010

**HOUSEHOLD EMPLOYEE**

An employee who performs duties in connection with the maintenance or USE of the residence premises, including household or domestic services.

**INDUSTRIAL, HEAVY – I-2**

MANUFACTURING, processing, assembling, storing, testing and similar INDUSTRIAL USES which are major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and generate some nuisances such as but not limited to smoke, noise, vibration, dust, glare, and/or air pollution.

**INDUSTRIAL, LIGHT – I-1**

MANUFACTURING or other INDUSTRIAL USES which are usually controlled operations; clean, quiet, and free of objectionable or hazardous elements such as but not limited to smoke, noise or dusts; operating and storing within enclosed STRUCTURES; and generating little INDUSTRIAL traffic and no nuisances.

**INSTITUTIONS**

BUILDING and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**INTERNET CAFÉ**

An Internet Café is a business that permits customers to buy Internet time and go on websites to play sweepstakes games of chance. Those who win the games receive money or prizes.

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARD**

See Ohio Revised Code Chapter 4737, Section 4737.05.

**KENNEL OR CATTERY, COMMERCIAL**

Any LOT engaging in the boarding of domestic animals for a fee or profit shall be conducted in a BUSINESS DISTRICT (B-2 – B-3), or INDUSTRIAL DISTRICT (I-1 – I-2).

**KENNEL OR CATTERY, PRIVATE**

Any AGRICULTURE or RESIDENTIAL district LOT of a resident on the same LOT, engaging in the boarding of domestic animals for their private USE, shall be considered AGRICULTURE USE and is exempt from Township Zoning. Complaints involving PRIVATE KENNELS or CATTERIES shall be to the controlling agency: Nuisance complaints to the Board of Township Trustees, Township Police Department, Trumbull County Animal Control, Trumbull County Health Department or the Hubbard Township Zoning Division.

**LANDFILL/C&DD CONSTRUCTION & DEMOLITION DEBRIS**

Those materials resulting from the alteration, construction, destruction, rehabilitation or repair of any man-made physical structure including houses, buildings, industrial or commercial facilities and roadways.

**LOADING SPACE, OFF STREET**

Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery VEHICLES expected to be USED, and accessible to such VEHICLES when required off-street PARKING SPACES are filled.

Definition Internet Café, #127-11, May 9, 2011

Definition Kennel/Cattery, Commercial & Private, #106-08, March 10, 2008

Definition Landfill/C&DD, #236-15, November 11, 2013

**LOCATION MAP**

See TOWNSHIP MAP.

**LOT**

Lot means a parcel or tract of land that is formed when a larger parcel of land is subdivided pursuant to Chap. 711 of the revised code as a separate parcel number assigned by the county auditor, and is occupied or intended to be occupied by a dwelling unit. Such LOT shall have frontage on a dedicated and accepted public street, and may consist of:

- a) A single LOT of record;
- b) A portion of a LOT of record;
- c) A combination of complete LOTS of record, of complete LOTS of record and portions of LOTS of record, or of portions of LOTS of record.

**LOT COVERAGE**

The ratio of enclosed ground FLOOR AREA of all BUILDINGS on a LOT to the horizontally projected area of the LOT, expressed as a percentage.

**LOT FRONTAGE**

The front of a LOT shall be construed to be the portion nearest the street. For the purpose of determining YARD requirements on CORNER LOTS and THROUGH LOTS, all sides of a LOT adjacent to streets shall be provided as indicated under YARD in this Section.

**LOT, MINIMUM AREA OF**

The area of a LOT is computed exclusive of any portion of the RIGHT-OF-WAY of any public or private street.

**LOT MEASUREMENTS**

A LOT shall be measured as follows:

- 1) Depth of a LOT shall be the distance between the mid-points of straight lines connecting the foremost points of the side LOT lines in front and the rearmost points of the side LOT lines in the rear.
- 2) Width of a LOT shall be considered to be the distance between straight lines connecting front and rear LOT lines at each side of the LOT measured at the BUILDING SETBACK LINE, provided, however, that the width between side LOT lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required LOT width.

**LOT OF RECORD**

A LOT which is part of a subdivision recorded in the office of the County Recorder, or a LOT or parcel described by metes and bounds, the description of which has been so recorded.

**LOT TYPES**

Terminology USED in this resolution with reference to CORNER LOTS, interior LOTS and THROUGH LOTS is as follows:

- 1) A CORNER LOT is defined as a LOT located at the intersection of two or more streets. A LOT abutting on a curved street or streets shall be considered a CORNER LOT if straight lines drawn from the foremost points of the side LOT lines to the foremost point of the LOT meet at an interior angle of less than 135 degrees.
- 2) An interior LOT is a LOT other than a CORNER LOT with only one frontage on a street.
- 3) A THROUGH LOT is a LOT other than a CORNER LOT with a frontage on more than one street. THROUGH LOTS abutting two streets may be referred to as double frontage LOTS.
- 4) A reversed frontage LOT is a LOT on which frontage is at right angles to the general pattern in the area. A reversed frontage LOT may also be a CORNER LOT.

#### **MAINTENANCE AND STORAGE FACILITIES**

Land, BUILDING, and STRUCTURES devoted primarily to the maintenance and storage of construction and/or maintenance equipment and material.

#### **MAJOR THOROUGHFARE PLAN**

The COMPREHENSIVE PLAN adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local THOROUGHFARES.

#### **MANUFACTURED HOME**

See FACTORY BUILT HOUSING, item 1.

#### **MANUFACTURED HOME PARKS**

See MOBILE HOME PARK.

#### **MANUFACTURING, HEAVY**

See INDUSTRIAL, HEAVY – I-2

#### **MANUFACTURING, LIGHT**

See INDUSTRIAL, LIGHT – I-1

#### **MINING**

Any MINING, quarrying, excavating, processing, storing, separating, clearing or marketing of any mineral natural resource.

#### **MOBILE HOME**

See FACTORY BUILT HOUSING, item 3.

#### **MOBILE HOME PARK**

Any site upon which three or more MOBILE HOMES USED for habitation are parked, either free of charge or for revenue purposes; including any roadway, BUILDING, STRUCTURE, VEHICLES or enclosure USED or intended for USE as a part of the facilities of such park (as regulated by the Trumbull County Health Department).

**MODULAR HOMES:** See FACTORY BUILT HOUSING, item 2.

**MOTOR VEHICLE(S)**

Any VEHICLE, including MOBILE HOMES and recreational VEHICLES, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. See Section 4501.01 of the Ohio Revised Code.

**NONCONFORMING USE**

A BUILDING STRUCTURE or USE of land existing at the time of enactment of this Resolution, or amendment(s), which does not conform to the regulations of the district or zone in which it is situated.

**NURSERY, NURSING HOME**

A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**NURSERY, PLANT MATERIALS**

Land, BUILDING(S), STRUCTURE(S) or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**OCCUPIED STRUCTURE:** See Ohio Revised Code, Section 2909.01(c).

**OTHER USE STRUCTURES**

A STRUCTURE, open or enclosed, less than two hundred (200) square feet, with a USE different from a ‘Private GARAGE.’

**PARCEL**

When a given piece of land has been surveyed so that its boundaries are well-defined, it can then form a parcel which means a piece of land.

**PARKING SPACE, OFF-STREET**

For the purpose of this Resolution, an off-street PARKING SPACE shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or ALLEY and maneuvering room, but shall be located totally outside of any street or ALLEY RIGHT-OF-WAY.

**PARTIES OF INTEREST**

All owners of property within, contiguous to, and directly across the street. The general public will be notified by newspaper legal notice.

**PERSONAL SERVICES**

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Occupied Structure, #107-06; dated April 10, 2006  
Added Parcel, #57-15, Jan. 5, 2015  
New definition, Parties of Interest, 2007

**PLANNED UNIT DEVELOPMENT (PUD)**

An area of land, in which a variety of housing types and/or related commercial and INDUSTRIAL facilities are accommodated in a preplanned environment under more flexible standards (such as LOT sizes and SETBACK), than those restrictions that would normally apply under those regulations. The procedures for approval of such development contains requirements in addition to those of the standard subdivision, such as BUILDING design principles, and landscaping plans.

**PLAT (MAP)**

A map dividing a parcel of land into LOTS, as in a subdivision.

**POND/POOL**

A POND/POOL is a small body of water of more than two (2) with feet in depth with a non-AGRICULTURE USE or function.

**POSTERBOARD**

See BILLBOARD.

**PRINCIPAL BUILDING**

A BUILDING in which is conducted the main or principal USE of the LOT on which said BUILDING is situated.

**PROFESSIONAL ACTIVITIES**

The USE of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**PUBLIC SERVICE FACILITY**

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 municipal or other governmental agency, including the furnishing of electrical, gas, rail, transport, communication, public water and sewage services.

**PUBLIC USES**

Public parks, schools, administrative, and cultural, BUILDINGS and STRUCTURES, not including public land or BUILDINGS devoted solely to the storage and maintenance of equipment, materials and public service facilities.

**PUBLIC WAY**

An ALLEY, avenue, boulevard, bridge, CHANNEL, ditch, EASEMENT, expressway, freeway, highway, land, parkway RIGHT-OF-WAY, road, SIDEWALK, street, subway, tunnel, viaduct, walk, or other way in which the general public or a public entity have a right, or which are dedicated whether improved or not.

**QUASI-PUBLIC USE**

Churches, Sunday Schools, Parochial Schools, Colleges, Hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

### **RECREATIONAL FACILITIES**

Public or private facilities that may be classified as either "intensive" or "extensive" depending upon the scope of services offered and the extent of USE. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, riding CLUBS and parks. Intensive facilities generally require less land (USED more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling ALLEYS.

### **RECYCLING**

Recycling means the process of collecting, sorting, cleansing, treating and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.

### **RESEARCH ACTIVITIES**

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed BUILDINGS, and no noise, smoke, glare, vibration, or odor shall be detected outside of said BUILDING.

### **RESIDENTIAL DISTRICT**

Established to meet the purpose set forth in SECTIONS 812 to 816 inclusive.

### **RIGHT-OF-WAY**

A strip of land taken or dedicated for USE as a PUBLIC 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, landscaped areas, viaducts and bridges.

### **ROADSIDE STAND**

A temporary STRUCTURE designed or USED for the display or sale of agricultural and related products.

### **SANITARY LANDFILL**

An engineered method of disposing of solid waste on land in a manner that protects the environment, by spreading the waste in thin layers, compacting it to the smallest practical volume and covering it with compacted soil by the end of each working day or at more frequent intervals if necessary. Refer to ORC 3734..

### **SATELLITE ANTENNAS/RECEIVERS**

Name given to any system that can either transmit to, or receive signals from, orbiting satellites. Can refer to the typical backyard receive-only system or the sophisticated commercial up-link or down-link systems, i.e., TVRO, Dish, Parabolic Antenna, etc. For the purpose of this Resolution, SATELLITE ANTENNAS/RECEIVERS will be treated as an ACCESSORY USE or STRUCTURE.

### **SCRAP METAL PROCESSING FACILITY**

An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. See Ohio Revised Code Chapter 4737, Section 4737.05.

Added 'Recycling' #176-11, Aug. 1, 2011  
Added Sanitary Landfill, ZC 14-001, Motion #182-14



**SETBACK LINE**

A line established by the subdivision regulations and/or zoning resolution, generally parallel with and measured from the LOT line defining the limits of a YARD in which no BUILDING or STRUCTURE may be located above ground, except as may be provided in said codes. See YARDS.

**SEWERS, CENTRAL OR GROUP**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEWERS, ON-SITE**

A septic tank or similar installation on an individual LOT which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SEXUALLY ORIENTED BUSINESS AND/OR CLUBS**

An adult arcade, adult bookstore, adult novelty store, adult video store, sexually oriented business, adult entertainment establishment, adult motion picture theater, or adult theater, in whole and in part. See Ohio Revised Code Section 2907.39.

**SIDEWALK**

That portion of the road RIGHT-OF-WAY outside the roadway, which is improved for the USE of pedestrian traffic. See WALKWAY.

**SIGN**

Any device designated to inform or attract the attention of persons not on the premises on which the SIGN is located.

- 1) **SIGN, Accessory**: Any SIGN related to a BUSINESS or profession conducted, or a commodity or service sold or offered upon the premises where such SIGN is located.
- 2) **SIGN, Non-Accessory**: Any SIGN unrelated to a BUSINESS or profession conducted, or to a commodity or service sold or offered upon the premises where such SIGN is located.
- 3) **SIGN, Advertising**: A SIGN which directs attention to a BUSINESS, profession, commodity or entertainment conducted, sold or offered elsewhere than upon the same LOT.
- 4) **SIGN, BUSINESS**: A SIGN which directs attention to a BUSINESS, profession, commodity or entertainment conducted, sold, or offered upon the same LOT.
- 5) **SIGN, Temporary**: A SIGN announcing special public or institutional events, the erection of a BUILDING, the architect, the builders or contractors.
- 6) **SIGN, Portable**: A SIGN which by design is not attached to a BUILDING, pole or foundation.

**SOLID ENCLOSURE**

A wall or FENCE without openings or breaks.

**STORY, SOLID ENCLOSURE**

That part of a BUILDING between the surface of a floor and the ceiling immediately above.

### **STRIP-MINING**

To excavate by open-cut methods.

Any material (Coal, Gravel, Stone, Top Soil, etc.) that is removed from the property in a district zoned AGRICULTURE or RESIDENTIAL will require an approved CONDITIONAL USE permit that is consistent with the "Future Use" map in the current COMPREHENSIVE DEVELOPMENT PLAN.

Effective March 15, 2002, disturbing an area greater than one (1) acre per year or a depth greater than five (5) feet requires approval from the Ohio Department of Natural Resources (ODNR) Division of Mineral Research Management. See ORC 1514.02.

### **STRUCTURE**

Anything constructed or erected, the USE of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, STRUCTURES include BUILDINGS, walls, FENCES and BILLBOARDS.

### **SUPPLY YARDS**

A commercial establishment storing and offering for sale BUILDING supplies, landscaping supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

### **THOROUGHFARE, STREET OR ROAD**

The full width between property lines bounding every PUBLIC WAY of whatever nature, with a part thereof to be USED for vehicular traffic and designed as follows:

- 1) ALLEY: A minor street USED primarily for vehicular service access to the back side of properties abutting on another street.
- 2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic usually on a continuous route.
- 3) Collector Street: A THOROUGHFARE, whether within a residential, INDUSTRIAL, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- 4) CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- 5) DEAD END STREET: Temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- 6) Local Street: A street primarily for providing access to residential, commercial or other abutting property.
- 7) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- 8) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).

### **THROUGH LOT**

See LOT TYPES.

**TOWNSHIP MAP**

A drawing showing the Highways, Streets and Roads within the boundaries of the township.

**TRAVEL TRAILER PARK, MARINAS AND AGRICULTURE LABOR CAMPS**

See Ohio Revised Code, Chapter 3733, Section 3733.01

**TOURIST HOME**

BED AND BREAKFAST Accommodations or any other similarly used term for a private residence in which accommodations are provided for sleeping and feeding not more than ten (10) overnight paying guests.

**USE(S)**

The specific purposes for which land or a BUILDING is designated, arranged, intended, or for which it is, or may be, occupied or maintained.

**WELL FIELD**

Any public, private or proposed public well and their capture area.

**VARIANCE**

A VARIANCE is a modification of the strict terms of the relevant regulations where such modification 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 regulations would result in unnecessary undue hardship. (Granted by the Board of Zoning Appeals).

- 1) **USE VARIANCE:** a USE VARIANCE is granted only upon finding of an unnecessary hardship.
- 2) **AREA VARIANCE:** AREA VARIANCES include departures from all of the other typical standards contained in zoning regulations such as area and size requirements, setbacks, heights, lot coverage, parking, signage and similar provisions, i.e. practical difficulty in meeting code requirements.

**VEHICLE**

A carriage or conveyance moving on wheels.

**VETERINARY ANIMAL HOSPITAL OR CLINIC**

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

**VICINITY MAP**

A drawing located on the PLAT which sets forth by dimension or other means, the relationship of the proposed subdivision or USE to other nearby developments or landmarks and community facilities and services within Trumbull County in order to better locate and orient the area in question.

**WALKWAY**

A dedicated PUBLIC WAY, four feet or more in width, for pedestrian USE only, whether along the side of a road or not.

Definition USE(S), modified, #106-08, March 10, 2008  
Add Well Field, ZC 14-001, Motion #182-14

**WIND TURBINE**

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes nacelle, rotor, tower and pad turbine, if any.

**YARD**

A required open space other than a court, unoccupied and unobstructed by any STRUCTURE or portion of a STRUCTURE. Accessories, ornaments, and furniture may be permitted in any YARD; subject to height limitations and requirements limiting obstruction of visibility.

- 1) YARD, Front: An area YARD extending between side lines across the front of a LOT and from the front LOT line to the front of the PRINCIPAL BUILDING.
- 2) YARD, Rear: An area YARD extending between side LOT lines across the rear of a LOT and from the PRINCIPAL BUILDING.
- 3) YARD, Side: An area YARD extending from the PRINCIPAL BUILDING to the side LOT line on both sides of the PRINCIPAL BUILDING between the lines establishing the front and rear YARDS.

**ZONING MAP**

A TOWNSHIP MAP with an overlay of the zoned districts. This map is USED for the purpose of locating and identifying the various districts, showing their current status. An updated map is to be maintained on display in the Zoning Office.

**ZONING PERMIT**

A document issued by the Zoning Inspector authorizing the USE of LOTS, STRUCTURES, USES of land and STRUCTURES, and the characteristics of the USES.

## **ARTICLE III ENFORCEMENT**

### **Section 300: ZONING PERMITS Required**

No BUILDING or other STRUCTURE shall be erected, moved, added to, or structurally altered; nor shall any BUILDING, STRUCTURE or land be established or changed in USE without a permit thereof, issued by the Zoning Inspector.

ZONING PERMITS shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, CONDITIONAL USE, or VARIANCE, or the Board of Trustees approving a PLANNED UNIT DEVELOPMENT, as provided by this Resolution.

### **Section 301: Contents of Application for Zoning**

The application for a ZONING PERMIT shall be signed by the owner or his authorized agent attesting to the truth and exactness of all information supplied on the application. Each application should clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half years. At a minimum, the application shall contain the following information:

- 1) Name, address, and phone number of applicant;
- 2) Legal description of property;
- 3) Existing USE;
- 4) Proposed USE;
- 5) Zoning district;
- 6) Plan, showing the actual dimensions and the shape of the LOT to be built upon; the exact size and location of existing BUILDINGS on the LOT; well, septic tank and leach field; and location and dimensions of the proposed BUILDING(s) or ALTERATION;
- 7) BUILDING heights;
- 8) Number of off-street PARKING SPACES or loading berths;
- 9) Number of DWELLING units;
- 10) A Soil and Erosion (ESC) shall be prepared and submitted for approval by the Trumbull County Soil and Water Conservation District where any construction activities are to occur that fall under the Federal or Ohio Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES) Program requirements. Soil disturbing activities shall not begin and a ZONING PERMIT or CONDITIONAL USE PERMIT shall not be issued without an ESC Plan approved by the Zoning Inspector in accordance with Trumbull County Erosion and Sediment Control Rules; and
- 11) A Zoning Certificate may be issued for any single-family, two-family or three-family dwellings that utilize an individual "Household Sewage Treatment System" only upon compliance with the current rules of the Trumbull County General Health District, Compliance shall be in the form of a "Sewage System Permit" or letter of "Conceptual Approval" issued by the Trumbull County Health Department.

- 12) “Conceptual Approval” means that the individual lot has the potential of meeting the Trumbull County General Health District “Household Sewage Treatment System” rules.
- 13) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

**Section 302: Approval of ZONING PERMIT**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All ZONING PERMITS shall, however, be conditional upon the commencement of work within one (1) year. One copy of plans shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the USE or ALTERATION is in conformance with the provisions of this Resolution.

**Section 304: Expiration of ZONING PERMIT**

If the work described in any ZONING PERMIT has not begun within one (1) year from the date of issuance thereof, said permit shall expire. It shall be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in canceled permit shall not proceed unless and until a new ZONING PERMIT has been obtained or extension granted by the Board of Zoning Appeals.

**Section 310: Certificate of Occupancy**

It shall be unlawful to USE or occupy or permit the USE or occupancy of any BUILDING or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its USE or STRUCTURE, until a certificate of occupancy has been issued by the County BUILDING Inspector stating that the proposed USE of the BUILDING or land conforms to the requirements of this Resolution. An occupancy permit shall be granted or denied within ten (10) days of written application.

**Section 311: Temporary Certificate of Occupancy**

A temporary certificate of occupancy may be issued by the County Building Inspector for a period not exceeding six (6) months during ALTERATIONS or partial occupancy of a BUILDING pending its completion.

**Section 312: Record of Certificates of Occupancy**

The County Building Inspector shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person.

**Section 320: Failure to Obtain a ZONING PERMIT or a Certificate of Occupancy**

Failure to obtain a ZONING PERMIT or certificate of occupancy shall be a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 330: Construction and USE to be Provided in Applications, Plans, Permits, Certificates**

ZONING PERMITS or Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the USE and arrangement set forth in such approved plans and applications or amendments thereto, and no other USE, arrangement, or construction. USE, arrangement, or construction that deviates from that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 350 of this Resolution.

**Section 340: Complaints regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector, who shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

**Section 350: Penalties for Violation**

Violation of the provisions of this Resolution, or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution), shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any BUILDING, STRUCTURE, premises, or part thereof; any architect, BUILDING contractor, agent, or 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. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

**Section 360: Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for ZONING PERMITS, certificates of occupancy, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be noted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application filed with the Zoning Inspector.

**Section 370: House Numbers**

Hubbard Township adopted the County-Wide house numbering system in October 1976, assigning house number to all existing DWELLINGS and STRUCTURES. Since that date, house numbers are assigned to new STRUCTURES with their ZONING PERMIT. Occupants of all STRUCTURES shall install and maintain their assigned number on their DWELLING or STRUCTURE, on the front or street side.

## **ARTICLE IV: NON-CONFORMITIES**

### **Section 400: Intent**

Within the districts established by this Resolution or amendments that may later be adopted, there exists LOTS, STRUCTURES, USES of land and STRUCTURES, and characteristics of USE which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

### **Section 410: Incompatibility of NONCONFORMING USES**

NONCONFORMING USES are declared by this Resolution to be incompatible with permitted USES in the districts in which such USE is located. A NONCONFORMING USE of a STRUCTURE, a NONCONFORMING USE of land, or a NONCONFORMING USE of a STRUCTURE and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a BUILDING or premises, of additional SIGNS intended to be seen from off the premises, or by the addition of other USES of a nature which would be prohibited in the district in which such USE is located.

### **Section 420: Avoidance of Undue Hardship**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designed USE of any BUILDING on which actual construction was lawfully begun to the effective date of adoption or amendments of this Resolution and upon which actual BUILDING construction has been carried on diligently.

### **Section 430: Single Nonconforming LOTS of Record**

In any district in which single FAMILY DWELLINGS are permitted, a single FAMILY DWELLING and customary accessory BUILDINGS may be erected by means of a VARIANCE on any single LOT of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such LOT must be in separate ownership and not of continuous frontage with other LOTS in the same ownership. This provision shall apply even though such LOT fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that YARD dimensions and requirements other than those applying to area or width, or both, of the LOT shall conform to the regulations for the district in which such LOT is located. VARIANCE of YARD requirements shall be obtained only through action of the Board of Zoning Appeals.

### **Section 431: Nonconforming LOTS of Record in Combination**

If two (2) or more LOTS or a combination of LOTS and portions of LOTS that abut each other in single ownership, are of record at the time of passage or amendment of this Resolution and if all or part of the LOTS, with no BUILDINGS, do not meet the requirements established for LOT width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Resolution.

With the receipt of an approved Trumbull County Auditor's Application for Combining Parcels of Real Estate on the Tax Duplicate, no portion of said parcel shall be USED or sold in a manner which diminishes compliance with LOT width and area in this Resolution, nor shall any division



of any PARCEL be made which creates a LOT with a width or area below the requirements stated in this Resolution.

**Section 440: NONCONFORMING USES of Land**

Where, at the time of adoption of this resolution, lawful USES of land exist which would not be permitted by the regulations imposed by this Resolution, the USES may be continued so long as they remain otherwise lawful, provided:

- 1) No such conforming USES shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at effective date of adoption or amendment of this Resolution.
- 2) No such conforming USES shall be moved in whole or in part to any portion of the LOT or PARCEL other than that occupied by such USES at the effective date of adoption or amendment of this Resolution.
- 3) If any such NONCONFORMING USES of land are voluntarily discontinued for a period of more than two (2) years, any subsequent USE of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- 4) No additional STRUCTURE not conforming to the requirements of this Resolution shall be erected in connection with such NONCONFORMING USE of land.

**Section 450: NONCONFORMING STRUCTURES**

Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this resolution by reason of restrictions on area, LOT coverage, or height, such STRUCTURE may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming STRUCTURE may be enlarged or altered more than 25% of existing nonconforming capacity in a way which increases its nonconformity, but any STRUCTURE or portion thereof may be altered to decrease its nonconformity.
- 2) Should such nonconforming STRUCTURE or nonconforming portion of STRUCTURE be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
- 3) Should such STRUCTURE be moved for any reason, for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**Section 460: NONCONFORMING USES of STRUCTURES or of STRUCTURES and Premises in Combination**

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

- 1) If no structural ALTERATIONS are made, any NONCONFORMING USE of a STRUCTURE, or STRUCTURES and premises, may as a CONDITIONAL USE be changed to another NONCONFORMING USE provided that the Board of Zoning Appeals finds that the proposed USE is equally appropriate or more appropriate to the district than the existing NONCONFORMING USE. In permitting such change, the

Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.

- 2) Any STRUCTURE, or STRUCTURE and land in combination, in or on which a NONCONFORMING USE is superceded by a permitted USE, shall thereafter conform to the regulations for the district, and the NONCONFORMING USE may not thereafter be resumed.
- 3) When a NONCONFORMING USE of a STRUCTURE, or STRUCTURE and premises in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the STRUCTURE, or STRUCTURE and premises in combination, shall not thereafter be USED except in conformity with the regulations of the district in which it is located.
- 4) Where NONCONFORMING USE status applies to a STRUCTURE and premises in combination, removal or destruction of the STRUCTURE shall eliminate the nonconforming status of land.

**Section 470: Repairs and Maintenance**

In a NONCONFORMING STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE, work may be done on ordinary repairs, or on replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the STRUCTURE, engineering or restoring to a safe condition of any BUILDING or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 480: USES Under CONDITIONAL USE Provisions Not NONCONFORMING USES**

Any USE which is permitted as a CONDITIONAL USE in a district under the terms of this Resolution shall not be deemed a NONCONFORMING USE in such district.

## **ARTICLE V: ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES**

### **Section 500: Office of Zoning Inspector**

A Zoning Inspector designated by the Board of Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

### **Section 501: Duties of Zoning Inspector**

For the purpose of this Resolution the Zoning Inspector shall have the following duties:

- 1) Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person(s) responsible for such violation(s), ordering the action necessary to correct such violation.
- 2) Order discontinuances of illegal USES of land, BUILDINGS, or STRUCTURES.
- 3) Order removal of illegal BUILDINGS or STRUCTURES or illegal addition or structural ALTERATIONS.
- 4) Order discontinuance of any illegal work being done.
- 5) A monthly written report shall be submitted to the Township Board of Trustees regarding the issuance of permits, inspections made, and any violations of this Resolution. The Zoning Commission shall be advised monthly of current zoning activities and notified in areas of concern/problems through a zoning proposal (ZP) process.
- 6) Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of permits, inspections made, and any other violations of this Resolution.
- 7) Establish and maintain a filing system for the following items: Copies of all Applications and Permits; Copies of all Violations and Complaints; Copies of all Amendments and Zone Changes as adopted by the Board of Trustees.
- 8) Shall display a copy of the current Township ZONING MAP in his office and continually update the Township Street Directory sending written notice of additions or deletions to the Township Safety Forces / 9-1-1.

### **Section 510: Zoning Commission**

See Ohio Revised Code Section 519.04.

### **Section 511: Proceedings of Zoning Commission**

The Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Commission.

**Section 512: Duties of Zoning Commission**

For the purpose of this Resolution, the Zoning Commission shall have the following duties:

- 1) Initiate and/or review all proposed amendments of this Resolution and make recommendations to the Board of Township Trustees.
- 2) Review all PLANNED UNIT DEVELOPMENT and MOBILE HOME PARK proposals and make recommendation to the Board of Zoning Appeals.
- 3) Incorporates Ohio Revised Code Section 519.12 as fully written.

**Section 520: Board of Zoning Appeals Created**

Incorporates Ohio Revised Code Section 519.13 as fully written.

**Section 521: Proceedings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicated such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

**Section 522: Duties of the Board of Zoning Appeals**

In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of Zoning Inspector from whom the appeal is taken. The concurring vote of four members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- 1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.
- 2) To grant such VARIANCES from the terms of this Resolution as would not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- 3) To grant CONDITIONAL USE permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX and such additional safeguards as will uphold the intent of this Resolution.
- 4) To authorize the issuance of a ZONING PERMIT for PLANNED UNIT DEVELOPMENTS after recommendation thereof by the Zoning Commission if the Board of Zoning Appeals finds the proposed PLANNED UNIT DEVELOPMENT is consistent with the intent of this resolution.

**Section 530: Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Board of Zoning Appeals, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the Courts as provided by law.

It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Resolution.

Under this Resolution the Board of Township Trustees shall have only the authority of considering, adopting or rejecting proposed amendment or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution and enforcement of the Resolution.

## **ARTICLE VI: ADMINISTRATIVE PROCEDURES**

### **Section 600: Procedures for Amendments or District Changes**

This Resolution may be amended by utilizing the procedures in Section 601 to 615 inclusive, of this Resolution.

### **Section 601: General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may, by resolution after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, and boundaries or classification of property.

### **Section 602: Initiation of Zoning Amendments**

Amendments to this Resolution may be initiated in one of the following ways:

- 1) By adoption of a Motion by the Zoning Commission.
- 2) By adoption of a Resolution by the Board of Township Trustees.
- 3) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **Section 603: Contents of Application**

The application for amendment shall contain at a minimum the following information:

- 1) Name, address, and phone number of applicant.
- 2) Proposed amendment to the text or legal description.
- 3) Present USE.
- 4) Present zoning district.
- 5) Proposed USE.
- 6) Proposed zoning district.
- 7) A VICINITY MAP at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- 8) A list of all property owners within, contiguous to, and directly across the street from the PARCEL(s) proposed to be rezoned, and others that may have a substantial interest in the case.
- 9) A statement on how the proposed amendment relates to the comprehensive plan.
- 10) A fee as established by the Board of Township Trustees.
- 11) No decision will be rendered on items or subjects not listed on the application prior to publication of notice for the public hearing.

### **Section 604: Transmittal to Zoning Commission**

Immediately after the adoption of a Resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Zoning Commission.

**Section 605: Submission to County Planning Commission**

Within five (5) days after the adoption of a motion or certification of a resolution or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, or application together with the text pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**Section 606: Submission to State Highway Director**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highways for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail to the State Highway Director. The Zoning Commission may proceed as required by the law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the State Highway Director. If the State Highway Director notifies the Board of Township Trustees that he will proceed to acquire any land needed, then the Board of Trustees shall refuse to approve the rezoning. If the State Highway Director notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty day (120) period or an extension thereof agreed upon by the State Highway Director and the property owner, the Board of Township Trustees shall proceed as required by law.

**Section 607: Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their Motion, transmittal of a Resolution from the Board of Township Trustees, or filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such Resolution, or the filing of such application.

**Section 608: Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 607, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

**Section 609: Notice to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten (10) or fewer PARCELS of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from suburb area proposed to be rezoned or redistricted to the address of such owners appearing on the County

Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

**Section 610: Recommendation by Zoning Commission**

Within thirty (30) days after the public hearing required by Section 607, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

**Section 611: Public Hearing by Board of Township Trustees**

Upon receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

**Section 612: Notice of Public Hearing in Newspaper**

Notice of public hearing required in Section 611 shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**Section 613: Notice to Property Owners by Board of Township Trustees**

If the proposed amendment intends to rezone or redistrict ten or less PARCELS of land, as listed in the tax duplicate, written notice of the hearing may be mailed by the Clerk of the Board of Township Trustees by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax lists or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 612.

**Section 614: Action by Board of Township Trustees**

Within twenty (20) days after the public hearing required by Section 611, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

**Section 615: Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendments that are presented to the Board of Township 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 percent (8%) of the total vote cast for all



candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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 616: Resubmission of Petition for Zone Change**

Petition for zone change which has been denied cannot be resubmitted for one (1) year from date of denial, unless the resubmitted petition contains a ten percent (10%) increase or decrease in frontage of total area.

**Section 618: Expiration of Zoning Change**

A change of Zone Classification, when granted, shall be valid for a period not to exceed thirty (30) months unless implementation of the zone change as described on the application is begun within this time frame. Should implementation not begin within thirty (30) months after its approval is granted, the approval shall be void and the land and its USE shall revert to its previous district classification in which it is located. This provision shall not apply to Change of Zone Classifications initiated by the Zoning Commission, the Board of Township Trustees or to a P.U.D. District.

**Section 620: Procedure and Requirements for Appeals and VARIANCES**

Appeals and VARIANCES shall conform to the procedures and requirements of Section 621 and 630, inclusive, of this Resolution.

**Section 621: General**

It is the purpose of Sections 622 to 630, to establish procedures and requirements for the hearing of appeals and VARIANCES. As is specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and VARIANCES.

**Section 622: Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action for appeal was taken.

**Section 623: Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeals is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a

Court of Record on application, on notice to the Zoning Inspector from whom the appeal is taken or due cause shown.

**Section 624: VARIANCES**

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 specific conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No NONCONFORMING USE of lands, STRUCTURES, or BUILDINGS in other districts shall be considered grounds for issuance of a VARIANCE.

**Section 625: Application and Standards of VARIANCES**

A VARIANCE from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a VARIANCE is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- 1) Name, address, and phone number of applicants.
- 2) Legal description of property.
- 3) Description of nature of VARIANCE requested.
- 4) A narrative statement demonstrating that the requested VARIANCE conforms to the following standards:
  - a) That special conditions and circumstances exist which are peculiar to the land, STRUCTURE, or BUILDING involved and which are not applicable to other lands, STRUCTURES, or BUILDINGS in the same district.
  - b) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
  - c) That special conditions do not result from the actions of the applicant.
  - d) That granting the VARIANCE requested will not confer on the applicant any special privilege that is denied by this Resolution, other lands, STRUCTURES, or BUILDINGS in the same district.

**Section 626: Supplementary Conditions and Safeguards**

In granting any appeal or VARIANCE, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation 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 under Section 350 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or VARIANCE to allow a USE not permissible under the terms of this resolution in the district involved, or any USE expressly or by implication prohibited by the terms of this resolution in said district.

**Section 627: Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for an appeal or VARIANCE from the Zoning Inspector or an applicant.

**Section 628: Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 627, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or VARIANCE.

**Section 629: Notice to Parties in Interest**

Before holding the public hearing required in Section 627, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall include the same information as required of notices published in newspapers in Section 628.

**Section 630: Action by the Board of Zoning Appeals**

Within a reasonable time after the public hearing required in Section 627, the Board of Zoning Appeals shall deny, approve, or approve with supplementary for a VARIANCE. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the VARIANCE that will make possible a reasonable USE of land, BUILDING, or STRUCTURE. If the request for appeal or VARIANCE is denied, the applicant may seek relief through the Court of Common Pleas within thirty (30) days.

**Section 640: Procedure and Requirements for Approval of CONDITIONAL USES**

CONDITIONAL USES shall conform to the procedures and requirements of Section 641 to 650 inclusive, of this Resolution.

**Section 641: General**

It is recognized that an increasing number of new kinds of USES are appearing daily, and that many of these and some other more conventional USES possess characteristics of such unique and special nature relative to location, size, method of operation, circulation and public facilities that each specific USE must be considered individually. These special USES as they are CONDITIONALLY PERMITTED under the provisions of Article IX, shall follow the procedures and requirements set forth in Sections 642 to 650, to include the instructional information as provided in Section 920 of the Resolution.

The following functions must secure a CONDITIONAL USE PERMIT from the Board of Zoning Appeals: STRIP-MINING, Casinos, Theaters, Video Arcades, DAYCARE FACILITIES TYPE 'A' ONLY (Type 'B' being exempt from the requirement of a CONDITIONAL USE PERMIT), DAY CAMP, Massage Parlors, SEXUALLY-ORIENTED BUSINESS AND/OR CLUBS in whole and in part, and DWELLINGS and STRUCTURES USED for the viewing of commercial movies and videos and other electronic devices known or unknown at the time of this regulation.

Section 641: Added Sexually Oriented Business and, or Clubs. 2007

Section 641 Removed 'boarding of domestic animals', #106-08, Dated March 10, 2008

Section 641 Modified to add "Daycare Facility Type A", # 98-10, March 8, 2010

Section 641 Modified to include Daycare facilities Type 'A' & Type 'B', #296-10, Dec. 21, 2010

**Section 642: Contents of an Application for a CONDITIONAL USE PERMIT**

An application for a CONDITIONAL USE PERMIT shall be filed with the Chairman of the Board of Zoning Appeals by owner(s) or lessee(s) of the property, including the holders of an option on the property, for which the CONDITIONAL USE is proposed and shall contain the following information:

- 1) Name and address of applicant.
- 2) Legal description of property.
- 3) Description of the existing USE.
- 4) Present zoning district.
- 5) Description of proposed CONDITIONAL USE.
- 6) A plan of the proposed site for CONDITIONAL USE showing the location of all BUILDING(S), parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, SIGNS, YARDS, and other information as the Board may require to determine if the proposed CONDITIONAL USE meets the intent and requirements of this resolution.
- 7) A narrative statement evaluating the economic effects on adjoining property: the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

**Section 643: General Standards Applicable to all CONDITIONAL USES**

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

- 1) Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the resolution.
- 2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or the intended character of the general vicinity and that such USE will not change the essential character of the same area.
- 3) Will not be hazardous or disturbing to existing or future neighboring USES.
- 4) Will be served adequately by essential public facilities and services or that the persons or agency responsible for the establishment of the proposed USE shall be able to provide adequately any such service.
- 5) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 6) Will not involve USES, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 7) 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.
- 8) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

**Section 644: Specific Criteria for CONDITIONAL USES**

Following is a list of specific requirements for conditionally permitted USES as specified in the Official Schedule of District Regulations:

- 1) All STRUCTURES and activity areas should be located at least one hundred (100) feet from all property lines.
- 2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- 3) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets, or not closer than one hundred (100) feet from the intersection of a THOROUGHFARE, street or road.
- 4) There should be no more than one (1) advertisement oriented to each abutting street identifying the activity.
- 5) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
- 6) STRUCTURES should have primary access to a collector street, to arterial streets, or be located at intersections of arterial and/or collector streets; located adjacent to nonresidential USES such as churches, parks, INDUSTRIAL, or commercial USES.
  - a) site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
  - b) landscaped to be harmonious with surrounding residential USES;
  - c) located adjacent to parks and non-residential USES to maximize joint parking facilities.
- 7) All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- 8) Truck parking areas, maneuvering lanes, and access-ways to public streets shall be designed to cause no interference with the safe and convenient movement of MOTOR VEHICLE and pedestrian traffic on and adjacent to the site.
  - a) the site shall not be used for the storage of trucks;
  - b) truck parking shall be limited to a time not to exceed twenty-four (24) hours;
  - c) located on or immediately adjacent to state highways;
  - d) shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any STRUCTURE used for human occupancy in any other district.
- 9) A LOCATION MAP shall be filed with the Zoning Inspector showing areas to be mined;
  - a) location to adjacent properties, roads, and natural features;
  - b) submit detailed plans on anticipated excavations;
  - c) submit detailed plans of effect on water tables and coordinate with the Ohio Division of Water;
  - d) all operations shall be conducted between the hours of 7:30 a.m. and 5:00 p.m., unless otherwise approved and recorded.
  - e) all equipment and machinery shall be operated in such a manner as to minimize dust, noise, and vibration;
  - f) access THOROUGHFARES, streets, and roads shall be maintained in dust-free condition as may be specified by the Township;
  - g) a detailed plan shall be filed with the Board of Zoning Appeals outlining specific plans for the restoration of areas to be mined, for topography, foliage, drainage, roadways, or other contemplated improvements.
- 10) All excavations shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back-filled

with environmentally acceptable material, to secure:

- a) that the excavated area shall not collect and permit to remain therein stagnant water; or
  - b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof – so as to produce a gently running surface that will minimize erosion due to rainfall and which will in substantial conformity to the adjoining land area. The banks of all excavations not back-filled shall not be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- 11) There shall be filed with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

**Section 645: Supplementary Conditions and Safeguards**

In granting any CONDITIONAL USE, 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 CONDITIONAL USE is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this Resolution.

**Section 646: Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing as outlined in Section 519.15 of the Ohio Revised Code.

**Section 647: Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 646, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 646.

**Section 648: Notice to All Parties in Interest**

Before holding the public hearing required in Section 646, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 646

**Section 650: Expiration of CONDITIONAL USE PERMIT**

A CONDITIONAL USE PERMIT shall be deemed to authorize only one particular CONDITIONAL USE and said permit shall automatically expire if, for any reason, the CONDITIONAL USE shall cease for more than six (6) months.

**Section 660: Procedure for Approval of PLANNED UNIT DEVELOPMENT**

PLANNED UNIT DEVELOPMENTS shall be approved in accordance with Article XIII following the procedures of Sections 661 to 675, inclusive. MOBILE HOME PARKS shall follow the same approval procedures, and shall in addition, conform to all the requirements specified in Article XIV.

**Section 661: Pre-Application Meeting**

The developer shall meet with the Zoning Inspector and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with the COMPREHENSIVE DEVELOPMENT PLAN, the MAJOR THOROUGHFARE plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer and water systems of the Township.

**Section 662: Contents of Application for Approval of Preliminary PLANNED UNIT DEVELOPMENT Plan**

An application for preliminary PLANNED UNIT DEVELOPMENT shall be filed with the Chairman of the Zoning Commission by at least one (1) owner or lessee of property for which the PLANNED UNIT DEVELOPMENT is proposed. At a minimum the application shall contain the following information filed in triplicate:

- 1) Name, address, and phone number of applicant.
- 2) Name, address, and phone number of registered surveyor, engineer, and urban planner assisting in the preparation of the preliminary development plan.
- 3) Legal description of property.
- 4) Description of existing USE.
- 5) Present zoning district.
- 6) Proposed zoning district.
- 7) A VICINITY MAP and a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Zoning commission may require to show the relationship of the PLANNED UNIT DEVELOPMENT to the comprehensive plan and to existing schools and other community facilities and services.
- 8) A preliminary development plan at a scale approved by the Zoning Commission showing topography at two (2) foot intervals; layout, dimensions, and names of existing and proposed streets, RIGHT-OF-WAYS, utility EASEMENTS, parks and community spaces, layout and dimensions of LOTS and BUILDING SETBACK LINES; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Zoning Commission deems necessary.
- 9) Proposed schedule for the development of the site.
- 10) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five years.
- 11) The application for preliminary PLANNED UNIT DEVELOPMENT shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PLANNED UNIT DEVELOPMENT would be in the public interest and would be consistent with the Township's statement of objectives for PLANNED

UNIT DEVELOPMENT and with the specific criteria contained in Section 1300 of this Resolution.

**Section 663: Approval in Principle by Zoning Commission**

Within thirty (30) days after the receipt of the preliminary development plan, the Zoning Commission shall review the preliminary plan to determine if it is consistent with the intent and purpose of this Resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land USES, and the inter-relationship with the land USES in the surrounding area justify the deviation from standard district regulations. The Zoning Commission's approval in the principle of the preliminary development plan shall not be construed to endorse a precise location of USES, configuration of PARCELS, or engineering feasibility.

**Section 664: Final Development Plan**

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and endorsed by a qualified professional team which should include an urban planner, license architect, registered civil engineer, and registered landscape architect.

**Section 665: Contents of Application for Approval of Final Development Plan**

An application for approval of the final development plan shall be filed with the chairman of the Zoning Commission by at least one (1) owner or leaser of property for which the PLANNED UNIT DEVELOPMENT is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the permit shall expire and may be revoked if the construction on the project has not begun within five (5) years from the date of issuance of the permit. At a minimum, the application shall contain the following information:

- 1) A survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, STRUCTURES, streets, EASEMENTS, utility lines, and land USES.
- 2) All the information required on the preliminary development plan; the location and proposed DENSITY of DWELLING units; non-residential BUILDING intensity; and land USE considered suitable for adjacent properties.
- 3) A schedule for the development of units to be in progression and a description of the design principles for BUILDINGS and street-spaces; tabulation of the number of acres in the proposed project for various USES, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; and standards for heights, open spaces, BUILDING DENSITY, parking areas, population DENSITY and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning district or other resolution governing development.



- 4) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
- 5) Site plan, showing BUILDINGS, various functional USE areas, circulation's, and their relationship.
- 6) Preliminary BUILDING plan, including floor plans and exterior elevations.
- 7) Landscaping plans.
- 8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the USE, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

**Section 666: Public Hearing by Zoning Commission**

Within thirty (30) days after submission of the final development plan, the Zoning Commission shall hold a public hearing.

**Section 667: Notice of Public Hearing by Zoning Commission in Newspaper**

Before holding the public hearing provided in Section 666, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the PLANNED UNIT DEVELOPMENT.

**Section 668: Recommendation by Zoning Commission**

Within thirty (30) days after the public hearing required by Section 666, the Zoning Commission shall recommend to the Board of Zoning Appeals that the final development plan be approved or presented, approved with supplementary conditions, or disapproved. The Zoning Commission shall then transmit all papers constituting the record and recommendations to the Board of Zoning Appeals.

**Section 669: Criteria for Recommendations by Zoning Commission**

Before making its recommendations as required in Section 668, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- 1) The proposed development can be initiated within five (5) years of the date of approval.
- 2) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the USES proposed will not be detrimental to present and potential surrounding USES, but will have a beneficial effect which could not be achieved under standard district regulations.
- 3) The streets and THOROUGHFARES proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PLANNED UNIT DEVELOPMENT.

- 4) Any proposed commercial development can be justified economically and the locations proposed to provide for adequate commercial facilities of the types proposed.
- 5) Any exception from standard district requirements is warranted by design and other amenities incorporate in the final development plan, in accord with the planned unit development and the adopted policy of the Zoning Commission and the Board of Township Trustees.
- 6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 7) The PLANNED UNIT DEVELOPMENT is in general conformance with the comprehensive plan of the Township and Trumbull County Planning Commission Sub-Division Resolution.
- 8) The existing and proposed utility services are adequate for the population densities and non-residential USES proposed.

**Section 670: Public Hearing by Board of Zoning Appeals**

Within thirty (30) days from the receipt of the recommendations from the Zoning Commission, the Board of Zoning Appeals shall hold a public hearing.

**Section 671: Notice of Public Hearing by Board of Zoning Appeals in Newspaper**

Before holding the public hearing required in section 670, notice of such hearing shall be given by the Board of Zoning Appeals in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and a general description of the PLANNED UNIT DEVELOPMENT.

**Section 672: Notice to Parties in Interest**

Before holding the public hearing as required in Section 670, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the public hearing to all parties in interest. The notice shall contain the same information as required for notices published in newspapers as specified in Section 671.

**Section 673: Action by Board of Zoning Appeals**

Within fifteen (15) days after the public hearing required in Section 670, the Board of Zoning Appeals, shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved or approved with conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a ZONING PERMIT for the PLANNED UNIT DEVELOPMENT listing any supplementary conditions by the Board of Zoning Appeals for approval.

**Section 674: Supplementary Conditions and Safeguards**

In approving any PLANNED UNIT DEVELOPMENT, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

**Section 675: Expiration and Extension of Approval Period**

The ZONING PERMIT for a PLANNED UNIT DEVELOPMENT shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after approval is granted, the approval shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Zoning Commission and Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest. No zoning amendment passed during the time period granted for the ZONING PERMIT shall in any way affect the terms under which approval of the PLANNED UNIT DEVELOPMENT was granted.

**ARTICLE VII: PROVISIONS FOR OFFICIAL ZONING MAP AND FUTURE LAND USE MAP**

**Section 700: Official ZONING MAP**

The districts established in Article VII of this resolution are shown on the Official ZONING MAP which, together with all explanatory matter thereon, is hereby adopted of this resolution. The district boundaries shown thereon are legally described in Sections 701, 710, and 720.

**Section 701: Districts Created**

For the purpose of this Resolution, the Township of Hubbard is divided into classes of districts as outlined in the Official Schedule of District Regulations.

The boundaries of these districts and classes of districts are hereby entitled "ZONING MAP for Hubbard Township," which map accompanies and is hereby declared to be part of this Resolution.

Except when otherwise indicated by dimensions or fixed boundaries shown on the ZONING MAP, the depth of residential and BUSINESS frontage is established, for the purpose of this Resolution, at one hundred fifty (150) feet.

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 restricted 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.

**Section 710: Identification of the Official ZONING MAP**

The Official ZONING MAP shall be identified by the signature of the chairman of the Board of Township Trustees, attested by the Township Clerk.

**Section 715: Future Land USE Map**

The Purpose of the Future Land USE Map is to guide future land USE development within Hubbard Township. The Future Land USE Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township Clerk.

**Section 720: Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official ZONING MAP, the following rules shall apply.

- 1) Where district boundaries are indicated as approximately following the CENTER LINES of streets or highways, street lines, or highway RIGHT-OF-WAY lines, such CENTER LINES, street lines, or highway RIGHT-OF-WAY lines shall be construed to be such boundaries.
- 2) Where district boundaries are so indicated that they approximately follow the LOT lines, such LOT lines shall be construed to be said boundaries.
- 3) Where district boundaries are so indicated that are approximately parallel to the CENTER LINES or street lines of streets, or the CENTER LINES or RIGHT-OF-WAY lines of highways, such district boundaries shall be construed as being parallel

thereto and at such distance therefrom as indicated on the Official ZONING MAP. If no distance is given, such dimensions shall be determined by the USE of the scale shown on the Official ZONING MAP.

- 4) Where the boundary of the district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- 5) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

## **ARTICLE VIII: ESTABLISHMENT AND PURPOSE OF DISTRICTS**

### **Section 800: Intent**

Hubbard Township has established Districts in order to move forward with a COMPREHENSIVE DEVELOPMENT PLAN. These Districts encompass the correlation between the existing and future plans. The township has twelve Districts, each consisting of specific purpose and with its own well defined description. The Districts consist of: Five RESIDENTIAL; four Commercial; two INDUSTRIAL; one Agricultural. These are established for the reason of development, balance and beautification of Hubbard Township. Included are specific permitted USES and standards in each of the Districts to ensure conformity for the future development. See Section 920.

### **Section 810: RESIDENTIAL DISTRICTS**

RESIDENTIAL DISTRICTS are established to meet the purpose set forth in Section 812 to 816, inclusive.

### **Section 812: Low DENSITY RESIDENTIAL DISTRICT (R-1A)**

The purpose of the R-1A District is to permit the establishments of low DENSITY single FAMILY residential USES with LOT sizes sufficient for individual water and sewer facilities, but not to exceed two (2) DWELLING units per gross acre.

### **Section 813: Medium-Low DENSITY RESIDENTIAL DISTRICT (R-1B)**

The purpose of the R-1B District is to permit the establishment of medium-low DENSITY single and two-FAMILY residential USES not to exceed two (2) single FAMILY DWELLING units or one (1) two-FAMILY DWELLING unit per gross acre.

### **Section 814: Medium DENSITY RESIDENTIAL DISTRICT (R-1C)**

The purpose of R-1C District is to permit the establishment of medium DENSITY single and two-FAMILY residential USES not to exceed eight (8) single FAMILY DWELLING units or four (4), two-FAMILY DWELLING units per gross acre. This district is also designed to permit the conversion of large older houses in well established neighborhoods to two-FAMILY units.

### **Section 815: Medium-High DENSITY Multi-FAMILY Residential (R-2)**

The purpose of the R-2 District is to permit the establishment of medium-high DENSITY multi-FAMILY residential USES not to exceed sixteen (16) single FAMILY DWELLING units in any combination from 1 to 16 per gross acre. All such districts abut either an arterial or connector street as specified in the MAJOR THOROUGHFARE Plan and have centralized water and sewer facilities of sufficient size. The predominant housing type will be town houses and garden apartments and CONDOMINIUMS.

### **Section 816: MOBILE HOME PARK RESIDENTIAL DISTRICT (R-3)**

The purpose of the R-3 District is to permit the establishment of MOBILE HOME PARKS, (See Article XIV for full details). This is the only district wherein MOBILE HOMES may be parked and occupied.

### **Section 820: BUSINESS Districts**

BUSINESS Districts are established to meet the purposes as set forth in Sections 821 and 823, inclusive.

Section 800: modified, #106-08, March 10, 2008; Section 815: added CONDOMINIUMS #87-16, Feb 8 2016

**Section 821: Professional – Office District (B-1)**

The purpose of the B-1 District is to permit the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic, and similar USE. Because such USES are generally large generator of traffic, this district must abut an arterial or collector street as specified in the MAJOR THOROUGHFARE Plan. The B-1 District is also designed to act as a buffer between other more intense non-residential USES and high DENSITY residential USES, and is thus a transitional USE.

**Section 822: Local BUSINESS District (B-2)**

The purpose of the B-2 District is to permit the establishment of areas for convenience BUSINESS USES which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector street.

**Section 823: General BUSINESS District (B-3)**

The purpose of the B-3 District is to permit the establishment of areas for general BUSINESS USES to meet the needs of a regional market area. B-3 Districts shall be located on arterial streets.

**Section 824: Accommodation BUSINESS District (B-4)**

The purpose of the B-4 District is to permit the establishment of areas for highway BUSINESS USES only. This district is specifically designed to service the motoring public.

**Section 830: INDUSTRIAL Districts**

INDUSTRIAL Districts are established to meet the purposes set forth in Section 831 to 832, inclusive.

**Section 831: Light INDUSTRIAL District (I-1)**

The purpose of the I-1 District is to permit the development of INDUSTRIAL, LIGHT and wholesale BUSINESS establishments; operate entirely within enclosed STRUCTURES and generate little INDUSTRIAL traffic. This district is further designed to act as a transitional USE between heavy INDUSTRIAL USES and other less intense BUSINESS and residential USE.

**Section 832: Heavy INDUSTRIAL District (I-2)**

The purpose of the I-2 District is to permit the development of INDUSTRIAL, HEAVY processing, warehousing, and research and testing operations. These activities are expected to require reasonable access to arterial highways, open storage, service areas, and generate heavy traffic.

**Section 833: Restrictions on Operations where HAZARDOUS MATERIALS Exist**

The operation of any facility where HAZARDOUS MATERIALS exist shall be in compliance with all applicable local, state and federal regulations governing the same.

**Section 840: Special Districts**

The Special Districts are established to meet the purposes set forth in Section 841.

**Section 841: AGRICULTURE District (A)**The purpose of the A District is to preserve and protect agricultural land. See O.R.C. 519.21

## **ARTICLE IX: DISTRICT REGULATIONS**

### **Section 900: Compliance with Regulations**

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of STRUCTURE or land, except as hereafter provided:

- 1) No BUILDING, STRUCTURE, or land shall be USED or occupied and no BUILDING or STRUCTURE or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- 2) No BUILDING or other STRUCTURE shall be erected or altered,
  - a) to provide for greater height or bulk; or
  - b) to accommodate or house a greater number of families; or
  - c) to occupy a greater percentage of LOT area; or
  - d) to have smaller or narrower rear YARDS, front YARDS, side YARDS, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution.
- 3) No YARD or LOT existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirement set forth herein. YARDS or LOTS created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.
- 4) All territory which may be annexed to the cities or villages shall be administered according to the applicable township zoning district regulations unless otherwise classified.

### **Section 910: Official Schedule of District Regulations**

District regulations shall be set forth in the Official Schedule of District Regulations Section 1006, hereby adopted and declared to be part of this Resolution and in Article X of this Resolution "Supplementary District Regulations".

### **Section 920: District Uses (see charts on pages 48 – 52).**



**SECTION 920: District Uses**

The following table indicates the **permitted USES** (noted in **bold type**) within each of the Zoning Districts of Hubbard Township. Where a specific USE is proposed that is not specifically listed as a permitted USE in the following table, the Board of Zoning Appeals shall make a determination, upon appeal, as to whether the proposed USE is similar to the permitted USES listed and compatible with the stated purpose of the District.

PERMITTED (**P**) with zoning permit section # 300 et al

CONDITIONAL USE (**CU**) permit is required per section # 640 - #650.

HOME OCCUPATION (**H**) compliance is required per section # 1008

OCCUPANCY (**O**) Certificate per section # 310 - # 350

BLANK BLOCK = Not permitted unless appealed by VARIANCE (#624); by CONDITIONAL USE (#640); or Zone Change (#600) is approved.

Use	District											
	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2	A
ARTICLE VIII	812	813	814	815	816	821	822	823	824	831	832	841
SECTION #												
<b>Residential</b>												
Single Family	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>							<b>P</b>
Two Family		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>							<b>P</b>
Multi-Family				<b>P</b>	<b>P</b>							
Condominium				<b>P</b>	<b>P</b>							
Mobile Home					<b>P</b>							
Group Home												
<b>Commercial Wholesale</b>									<b>P</b>	<b>P</b>	<b>P</b>	
<b>Commercial Retail</b>												
Appliance Store							<b>P</b>	<b>P</b>				
Art or Antique Shop	<b>H</b>						<b>P</b>	<b>P</b>				
Automobile Sales (New)								<b>P</b>	<b>P</b>			
Automobile Sales (Used)							<b>P</b>	<b>P</b>				
Boat Sales								<b>P</b>	<b>P</b>			
Book Store							<b>P</b>	<b>P</b>				
Building Materials – Lumber, Electrical, Heating, Plumbing Supplies and Equipment								<b>P</b>	<b>P</b>			
Clothing/Apparel Shop							<b>P</b>	<b>P</b>				
Delicatessen							<b>P</b>	<b>P</b>				
Dept. Store < 10,000 s.f.							<b>P</b>	<b>P</b>				
Dept. Store > 10,000 s.f.								<b>P</b>	<b>P</b>			
Drug Store							<b>P</b>	<b>P</b>				
Electronics Store							<b>P</b>	<b>P</b>	<b>P</b>			
Flea Market							<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
Florist or Gift Shop	<b>H</b>						<b>P</b>	<b>P</b>				
Furniture Store							<b>P</b>	<b>P</b>	<b>P</b>			
Gas Station								<b>P</b>	<b>P</b>	<b>P</b>		
Greenhouse, Nursery, Landscaping,							<b>P</b>	<b>P</b>				<b>P</b>
Grocery Store < 10,000 s.f.							<b>P</b>					
Grocery Store > 10,000 s.f.							<b>P</b>	<b>P</b>				
Hardware Store							<b>P</b>	<b>P</b>				
Jewelry Store							<b>P</b>	<b>P</b>				
Meat Market							<b>P</b>	<b>P</b>				
Mobile Home Sales								<b>P</b>	<b>P</b>			
Pet Shop / Grooming	<b>H+O</b>					<b>P</b>	<b>P</b>	<b>P</b>				

#920 New Resolution 07-003 Dated Oct. 15, 2007; added 'Blank Block' & 'Flea Market' #96-09, March 18, 2009  
 #920 Added 'Group Home,' #98-10, March 8, 2010; added Condominium #87-16, Feb 8, 2016

Use	District											Page 2 of 4	Case# 07-003
	ARTICLE VIII	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2	A
SECTION #	812	813	814	815	816	821	822	823	824	831	832	841	
Pharmacy							P	P					
Shoe Store							P	P					
<b>Commercial Services</b>													
<b>Business Services</b>													
Advertising Agency	H					P	P	P					
Business Associations	H					P	P	P					
Carpentry, Cabinet Shop	H						P	P					
Dry Cleaning								P					
Employment Agency							P	P					
Funeral Home							P	P					
Hotel, Motel									P				
Plumbing	H						P	P					
Real Estate	H						P	P					
Storage									P	P			
Studios	H					P	P	P					
Recycling											P		
<b>Financial Services</b>													
Banks, Savings & Loan						P	P	P					
Finance Companies						P		P					
Insurance	H					P		P					
<b>Food Services</b>													
Banquet Centers							P	P					
Bakery	H						P	P					
Butcher Shop							P	P					
Delicatessen							P	P					
Drive-in Restaurants									P				
Restaurants							P	P	P				
Taverns							P	P	P	P	P		
<b>Personal Services</b>													
Beauty / Barber Shop	H+O						P	P					
Boarding of domestic animals	CU	see Section # 641						CU	CU	CU	CU	CU	
Day Care Type 'B'	Location info sheet + Certification of Job & Family Child Day Care Registration												
Day Care Type 'A'	Location info sheet + Conditional Use Permit approved by Twp. BZA												
Day Camp	Location info sheet + Conditional Use Permit approved by Twp. BZA												

Added 'Day Camp,' #98-10, March 8, 2010; Day Care Type A&B, Day Camp explanation #296-10, Dec. 21, 2010  
 Added 'Recycling' #176-11, Aug. 1, 2011

Use	District											Page 3 of 4	Case# 07-003
ARTICLE VIII	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2	A	
SECTION #	812	813	814	815	816	821	822	823	824	831	832	841	
Laundry	H						P	P					
Massage Parlor	CU	See Section #641											
Escort, Limo's etc										CU	CU		
<b>Professional Services</b>													
Accountant	H					P	P	P					
Architect	H					P	P	P					
Dentist						P	P	P					
Physician						P	P	P					
Engineer, Surveyor	H					P	P	P					
Lawyer	H					P	P	P					
Photography	H					P	P	P					
Professional or Business Organizations	CU					P	P	P					
Veterinarians						P	P	P				P	
<b>Repair Service</b>													
Automobile, Truck Repair	H					P	P	P	P			H	
Service Station						P	P	P	P				
Appliances	H					P	P	P	P			H	
<b>Health Care</b>													
Clinics	CU						P	P					
Hospitals	CU						P	P					
Medical or Dental Laboratory								P					
Assisted Living	CU					P	P	P				CU	
<b>Social, Institutional</b>													
Churches, Places of Worship	CU			P		P	P					CU	
Community Centers	CU			P			P					CU	
College, University	CU						P					CU	
Private Clubs, Lodges	CU					P	P					CU	
Professional Schools	CU							P				CU	
Public Buildings	CU						P	P				CU	
Public Service Facilities	CU			P			P	P	P	P		CU	
Public & Private Schools	CU						P					CU	
Trade Schools	CU							P				CU	

Use	District											Page 4 of 4	Case# 07-003
ARTICLE VIII	R-1 A	R-1 B	R-1 C	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2	A	
SECTION #	812	813	814	815	816	821	822	823	824	831	832	841	
<b>Arts &amp; Entertainment</b>													
Adult Entertainment	see ARTICLE XVI												
Conservatory							CU						
Theaters	see Section # 641												
Casinos	see Section # 641												
Video Arcades	see Section # 641												
Sexually Oriented	see Section # 641												
Internet Cafe	see Section #1064												
<b>Recreation</b>													
Billiards							P	P					
Bowling							P	P					
Camp Grounds												P	
Golf Course							P	P				P	
Parks	CU			P				P				P	
Recreational Buildings	CU			P			P	P					
Recreational Vehicle Sites										CU	CU	CU	
Sports Fields										CU	CU	CU	
Swimming	CU			P	P	P	P	P	P			CU	
<b>Governmental</b>													
Health & Welfare Agencies				CU	CU	CU	P	P					
Governmental Buildings				CU	CU	P	P	P	P				
<b>Industrial</b>													
Fabrication										P			
Landfill											P		
Manufacturing										P	P		
Processing										CU	CU	CU	
Research & Testing										CU	P		
Warehousing										CU	P		
Strip Mining	see Section # 641												

Added 'Internet Cafe ,' #127-11, May 9, 2011

## **ARTICLE X: SUPPLEMENTARY DISTRICT REGULATIONS**

### **Section 1000: General**

The purpose of supplementary district regulations is to set specific conditions for various USES, classification of USES, or areas where problems are frequently encountered.

### **Section 1001: Conversion of DWELLINGS to More Units**

A residence may not be converted to accommodate an increased number of DWELLING units unless:

- 1) The YARD dimensions still meet the YARD dimensions required by the zoning regulations for new STRUCTURES in that district.
- 2) The LOT area per FAMILY equals the LOT area requirements for new STRUCTURES in that district.
- 3) The FLOOR AREA per DWELLING unit is not reduced to less than that which is required for new construction in that district.
- 4) The conversion is in compliance with all other relevant codes and resolutions.

### **Section 1002: Private Swimming Pools, Spas and Hot Tubs**

A receptacle having a water surface area of more than one hundred square feet and a depth greater than two (2) feet shall be considered to be a swimming pool for the purpose of this ordinance. Private residential swimming pools constructed and USED in accordance with the following provisions pertain to all zoning districts.

- 1) In-Ground Swimming Pools:
  - a) No portion of such pool shall be permitted to be closer than twenty (20) feet from any property line.
  - b) The pool area shall be entirely enclosed by a wall or FENCE. All FENCE openings into the pool area shall be not less than four (4) feet and not over six (6) feet in height above ground level, commencing at grade level and extending vertically.
  - c) All entrance gates and steps shall be equipped with self-closing and latching devices.
- 2) Above ground Swimming Pools
  - a) No portion of such pool shall be permitted to be closer than twenty (20) feet from any property line.
  - b) All entrance gates and steps shall be equipped with self-closing and latching devices.
  - c) If pool STRUCTURE is less than four (4) feet above ground the rules of paragraph 1 apply.

Also see Section 1003 for Community or CLUB Swimming Pools.

### **Section 1003: Community or CLUB Swimming Pools**

Community or CLUB swimming pools require a CONDITIONAL USE PERMIT and shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or CLUB under which ownership or jurisdiction the pool is operated.

- 2) The pool and ACCESSORY STRUCTURES thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said FENCE or wall shall not be less than six (6) feet in height and maintained in good condition.

#### **Section 1004: Temporary BUILDINGS**

(A) Temporary BUILDINGS, construction trailers, equipment and material used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon the completion of the construction work at that same site or parcel. Storage of such facilities or equipment beyond the completion date of the project shall require a CONDITIONAL USE PERMIT granted by the Board of Zoning Appeals.

B) Drop-box and other similar outdoor collection units.

1. These boxes are the total responsibility of the property owner on which they stand.
2. Each box requires a conditional-use permit from the township issued only to the property owner or his legal representative.
3. These boxes shall not obstruct pedestrian or vehicular circulation or be located in public right-of-way, any other required setback, and fire lane, required parking space or cause any hazardous condition.
4. Each box shall have a firmly closing lid and shall have a capacity no greater than six (6) cubic yards. No box shall exceed seven (7) feet in height.
5. When the box is no longer maintained or in use, the box must be removed by the property owner.
6. The box cannot be placed in a residential or agricultural zone district. The box must be located on commercial property only.
7. Donation Drop-boxes may be constructed of painted metal, rubber, wood or plastic and shall be properly maintained in a safe and good condition.
8. Donation Drop-boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The donation Drop-box shall also display a notice stating that no items or materials shall be left outside of the donation Drop box.
9. Occupation of parking spaces by the donation Drop-box shall not reduce the number of available parking spaces below the minimum number required for the site.
10. All donated items must be collected and stored in the donation Drop-box. Donated items or materials shall not be left outside of donation Drop-boxes and the area around each donation drop-box shall be maintained by the property owner, free of litter and any other undesirable materials.
11. A setback of 60 feet from right-of-way is required for a Drop-box.

**Section 1005: Parking and Storage of Certain VEHICLES in Residential & Agriculture Zoned Districts**

A. MOTOR VEHICLES or trailers of any kind that perform or function as non-farm or agricultural purpose, that are without current license plates shall not be parked or stored on any residentially or agriculturally zoned property other than in completely enclosed BUILDINGS.

Exempt in Agricultural Districts are all farm/agriculture purpose vehicles. Under no condition will the contents of this section conflict with the intent or provision of Ohio Revised Code section 519.21 "Limitation on Zoning Commission to prohibit for agricultural purposed.

B. Parking or storage of the following licensed VEHICLES is not permitted other than in a completely enclosed STRUCTURE.

- 1) Junk or apparently inoperable and/or extensively damaged MOTOR VEHICLES (See Section 505-173 O.R.C.)
- 2) Truck tractors.
- 3) Commercial and non-commercial buses.
- 4) Truck trailer combinations of all classes and types.
- 5) Trailers of the following types:
  - a) Semi trailers.
  - b) Full trailers.
  - c) Pole trailers.
  - d) Commercial trailers, construction trailers, office trailers, concession trailers.
  - e) Commercial campers.

C. Parking or storage of the following non-commercial licensed VEHICLES and trailers is restricted to the side or rear YARD only not to exceed a total of two (2) of the following:

- 1) Motor homes.
- 2) Travel trailers.
- 3) Campers
- 4) Boat trailers.
- 5) Recreational haulers of any kind or type.
- 6) Heavy and light duty, home made or assembled trailers.

D. Any deviations from the parking and storage conditions described in Sections A, B and C above will be considered to be in direct violation of this resolution unless a CONDITIONAL USE PERMIT has been approved per Section 640.

E. Definitions:

- 1) Bus – A motor vehicle consisting primarily of a transportation device designed for carrying more than ten (10) persons.
- 2) Trailer -- A road VEHICLE designed to be drawn by another road VEHICLE.
  - a) Pole Trailer – A trailer designed to be attached to the towing VEHICLES by means of a reach or pole, or by being boomed or otherwise secured to the towing road VEHICLE and ordinarily used for carrying property of a long or irregular shape.

- b) Semi Trailer – A trailer other than a pole trailer, designed for carrying property and so constructed that part of its weight rests upon or is carried by the towing road VEHICLE.
- c) Full Trailer – A trailer, other than a pole trailer, designed for carrying property and so constructed that no part of its weight rests upon or is carried by the towing VEHICLE.
- 3) Truck Trailer – A MOTOR VEHICLE consisting of a single motorized transport Device designed for drawing trailers.
- 4) Truck Combination – A truck consisting primarily of a transport device, which is a single-unit truck, or truck tractor together with one or more attached trailers, to include the following:
  - a) Truck tractor with semi trailer.
  - b) Truck tractor with semi trailer and one or more full trailers.
  - c) Single unit truck with one or more full trailers.
  - d) And others.
- 5) Travel Trailer and Camper Trailer – Trailers designed to be towed by another VEHICLE, be non-commercial in nature and registered/licensed, utilized for the sole purpose of providing living accommodations away from the primary residence on or for a short period of time. Travel trailers and camper trailers are not to be considered as structured residences or attached to any public or private utility service on a permanent basis.
- 6) Boat Trailer – A trailer designed to be towed by another VEHICLE and specifically designed for the purpose of carrying a boat.

**Section 1006: Schedule of District Regulations**

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

Requirements	District (Re: Article VIII)					
	<u>R1A</u>	<u>R1B</u>	<u>R1C</u>	<u>R2</u>	<u>B</u>	<u>I</u>
<b>Front YARD:</b>						
Depth in feet from RIGHT-OF-WAY line	60	60	60	50	50	50
Width at BUILDING SETBACK LINE	100	60	60	50	N/A	N/A
<b>Side YARD:</b>						
Sum	30	24	24	16	20(4)	20
Smallest	10	7	7	5	10(4)	10
<b>Rear YARD:</b>	40	40	40	40	10	10
<b>FLOOR AREA per Unit:</b>	1200	1200	900	900	1200	1200

**Maximum height** controlled by available fire equipment.

**Minimum LOT area:** See Article VIII

Residential-use structures in an agricultural district must meet residential district (R1 A, R1 B and R1 C) requirements; this includes, but not limited to, setbacks, square footage and zoning permits. An appeal is required for any changes to these regulations.

Sec. 1006, added Residential-use structures sub-paragraph #57-15, Jan. 5, 2015



**CORNER LOT:** (Section #1011) Requires the Front YARD Depth, a Side YARD Depth from the side street RIGHT-OF-WAY line of twenty (20) feet minimum and a smallest Side YARD minimum.

NOTE 1: All LOTS platted after enactment of this amendment (5/1983) shall conform to the R1(A) requirements

NOTE 2: The smallest Side YARD requirement will be increased a like amount for each additional STORY or FAMILY unit for single STORY STRUCTURES.

NOTE 3: Combining LOT(s), see Section #431.

NOTE 4: Abutting residential districts, see Section 1013.

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### **Section 1007: Residential FENCES**

A STRUCTURE limiting access, enclosing or separating YARDS, fields, ACCESSORY STRUCTURES, STRUCTURES. FENCES must be erected in accordance with the following provisions:

- 1) Before a permit is granted for the erection of a FENCE, the applicant must be able to show evidence that any LOT along which the FENCE is to be erected is correct and/or is marked by pins placed on said LOT by a registered surveyor.
- 2) All FENCES shall be located no closer than two (2) feet from the property line – with a VARIANCE down to six (6) inches minimum, provided it is a maintenance-free fence.
- 3) No FENCE shall extend closer to any street property line than twenty (20) feet.
- 4) No FENCE shall exceed six (6) feet in height.
- 5) FENCE be installed with the finished side out.

### **Section 1008: HOME OCCUPATION**

#### 1008.01: Purpose

The purpose of Sections 1008.00 and 1008.03 inclusive is to allow a homeowner the opportunity to operate a home based BUSINESS while ensuring public health, safety and welfare and the rights of the neighborhood residents through regulation of allowable HOME OCCUPATIONS. It is intended to allow limited non-residential USES in residences which are compatible with their surrounding residential character.

#### 1008.02: Definition

‘HOME OCCUPATION’ or Home Profession – An ACCESSORY USE (activity, profession, occupation, service, craft or revenue-enhancing hobby) accepted as clearly incidental and subordinate to the USE of the premises as a DWELLING, with no significant adverse effect upon the surrounding neighborhood.

1008.03: HOME OCCUPATION as a Permitted USE

HOME OCCUPATION shall be a permitted USE where there is compliance with the following:

- 1) There shall be no change in outside appearance of the BUILDING or premises, or other visible evidence of HOME OCCUPATION other than one SIGN, non-illuminated, not exceeding four (4) square feet in area, mounted flat against a wall of the STRUCTURE.
- 2) There shall be no outside storage of any kind, and only commodities produced on-premises may be sold on-premises; no display of products may be visible from the street.
- 3) The total area usable for HOME OCCUPATION is limited to an area not exceeding 25% of the footprint on the ground floor living space.
- 4) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances. Nor shall equipment, process, materials or chemicals be used or disposed of in any manner that would be in violation of any federal, state, or local regulation that would otherwise apply to a non-residential BUSINESS. Electrical demand shall not create visual or audible interference in any radio or television receivers off premise, or cause fluctuation in line voltage.
- 5) No traffic shall be generated in greater volume than normally expected and acceptable to abutting property owners, and no additional parking demand shall be created. Parking shall meet off-street requirements specified in this resolution and shall not be located in a required front YARD.
- 6) No person other than residents of the premises may participate in home occupation as an employee or volunteer, unless the participation of those non-resident employees or volunteers takes place at a site other than the subject home site.

**Section 1009: Private GARAGES and Other DETACHED STRUCTURES Located on Residential USE Property**

One (1) detached private GARAGE and one (1) detached OTHER USE STRUCTURE shall be placed in the rear YARD area of a RESIDENTIAL USE PROPERTY with the open space of ten (10) feet minimum between the rear line of the residential STRUCTURE and the front of the DETACHED STRUCTURE(S) (See Section 1022, part 3).

**Section 1010: Supplemental YARD and Height Regulations**

In addition to all YARD regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Section 1011 to 1016, inclusive shall be USED for interpretation and clarification.

**Section 1011: Setback Requirements for Corner BUILDINGS**

On a CORNER LOT the principal BUILDING and its ACCESSORY STRUCTURES shall be required to have the same setback distance from all street RIGHT-OF-WAY lines as required for the front YARD in the district in which such STRUCTURES are located, and a minimum of twenty (20) feet from the other street RIGHT-OF-WAY.

**Section 1012: YARD Requirements for Multi-FAMILY or Group DWELLINGS**

Group or multi-FAMILY DWELLINGS shall be considered as one (1) BUILDING for the purpose of determining front, side, and rear YARD requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side YARDS as specified for DWELLING in the appropriate district.

**Section 1013: Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

Non-residential BUILDINGS or USES shall not be located or conducted closer than forty (40) feet to any line of a RESIDENTIAL DISTRICT, except that the minimum YARD requirements may be reduced to 50% of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid FENCE between four (4) and eight (8) feet in height, maintained in good condition and free of all advertising or other SIGNS. Landscaping provided in lieu of such wall or FENCE shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

**Section 1014: Architectural Projections**

Open STRUCTURES such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the BUILDING to which attached and shall not project into the required minimum front, side, or rear YARD.

**Section 1015: Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antenna, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such STRUCTURES will constitute a hazard to the safe landing and take-off of aircraft at an established AIRPORT.

**Section 1016: Factory Built Unit Foundations**

In addition to the supporting STRUCTURES, the perimeter must be fully enclosed with a masonry wall.

**Section 1017: Prohibition of Storage of Used Tires**

The storage of USED tires is prohibited in all districts except in a BUSINESS District wherein said BUSINESS is involved in the retail, wholesale or distribution of tires.

**Section 1020: Special Provisions for Commercial & INDUSTRIAL Uses**

No land or BUILDING in any district shall be used or occupied in any manner that would create any unsafe conditions in violation of applicable local, state and federal regulations.

**Section 1021: Agricultural – Use Buildings (Size and Location)**

Agricultural Use buildings or structures in any platted subdivision approved under Section 711.05, or 711.09 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 another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous and adjacent to the opposite side of the same dedicated and public road and are not greater than five acres must meet residential district (R-1A, R-1B, AND R-1C) requirements, this includes; setback building lines, height, and square footage in accordance with Section 519.21 of the Ohio Revised Code.

**Section 1022: Special Provisions for Accessory BUILDINGS on RESIDENTIAL use property Excluding INDUSTRIAL 1, INDUSTRIAL 2, all BUSINESS categories and AGRICULTURE**

1) No accessory STRUCTURE shall be erected, constructed, placed or located on the property until such time that a zoning permit has been issued for the principal STRUCTURE. The principal STRUCTURE shall be in compliance with Section 1006 of this Zoning Resolution.

2) The maximum first floor area of a detached STRUCTURE is as follows:

<u>Lot Size</u>	<u>Not to Exceed Sq. Ft.</u>	<u>Number of Stories</u>
0 acres to less than 1.5 acres	768 sq. ft.	one story permitted
1.5 acres to less than 5.0 acres	1,800 sq. ft.	two story permitted
5.0 acres or more	2,400 sq. ft.	two story permitted

3) A detached OTHER USE STRUCTURE shall not exceed two hundred (200) square feet and shall have an open space of ten (10) feet between it and the principal STRUCTURE or any other accessory unit on the same property. When an existing structure will be used as the OTHER USE STRUCTURE, the new primary detached structure shall be reduced to comply with the total allowable square footage per LOT size. (Example: 768+200= 968 total square feet.)

4) The minimum side and rear yard setback requirements for a DETACHED STRUCTURE shall be five (5) feet. Should the DETACHED STRUCTURE include a second story, the minimum side and rear setback requirement shall increase to ten (10) feet.

5) The maximum number of detached accessory STRUCTURES per property is one (1) Private garage, and one (1) OTHER USE STRUCTURE.

6) For a corner lot STRUCTURE, See Section 1011.

**Section 1023: Special Provisions for FACTORY BUILT HOUSING or Industrialized UNITS**

When a MANUFACTURED HOME, MODULAR HOME, or INDUSTRIALIZED UNIT with wheels, axles, and hitch removed, is placed on a fully enclosed block foundation on a lot in a residential zone to make it a permanent single family residential STRUCTURE, it shall be treated as a conventional dwelling and must comply with O.R.C. Section 3781.06 inclusive; O.R.C. 519.21.2 and 519.212.

**Section 1024: Front Yard Requirement Exceptions for Residential Uses**

No BUILDING including open porches, steps and overhanging eaves and cornices, shall extend nearer to the front street property line than the mean distance of setback of the nearest BUILDING or BUILDINGS, other than accessory BUILDINGS within one hundred (100) feet on each side of said BUILDING and fronting on the same side of the street.

Section 1022; # 107-06; dated April 10, 2006; Section 1022, 6, # 98-10, March 8, 2010

**Section 1025: Front Yard Requirements for Business & INDUSTRIAL USES**

Business and INDUSTRIAL STRUCTURES and USES shall not be placed in a front yard area except for the following: 1) Sign set-back requirements in Sections 1240, 1241 and 1242; 2) Receipt of CONDITIONAL USE PERMIT issued by the Board of Zoning Appeals.

**Section 1026: CONDOMINIUM**

CONDOMINIUMs are intended to encourage a more efficient use of the land through the clustering of residential dwellings having single family ownership in accordance with CONDOMINIUM provisions of Chapter 5311 of the Ohio Revised Code. Because of the special characteristics of CONDOMINIUMs, special provisions for the development of land for this purpose are required. The submission of a development plan is required at the time of the zoning amendment application and development in accordance with the approved plan. This includes any expandable open-ended CONDOMINIUM development. The development plan shall include, but not limited to:

1. The gross area of the tract to be developed shall be a minimum of 10 acres.
2. A green space of at least 20 feet deep of dense evergreen trees six (6) feet in height or closed fencing six (6) feet high, where the property abuts any business or residential zoned property. The trees shall be planted in offset spacing to minimize visibility.
3. The developer shall submit a landscape plan for final approval by the zoning board.
4. Modern lighting shall not trespass, spill or cause glare to any abutting property.
5. Active recreational areas shall be centrally located in the development.
6. On-street parking cannot be used to meet minimum parking requirements, additional parking shall be concealed by green space.
7. All utilities shall be underground.
8. Buildings shall not exceed a height of thirty-four (34) feet.
9. Any visible garbage collection located near abutting property shall be enclosed as requirements in item 2) above.
10. All storm water retention requirements shall be those of the county or the Water & Soil District Regulations.
11. All elements of the Township Comprehensive Plan shall be addressed and made to conform to the elements of the plan.

**Section 1030: ACCESSORY USE of a Modified, Unlicensed Vehicle.**

For the purpose of this section, an unlicensed VEHICLE shall include all of those VEHICLES defined in ORC 4501.01, as well as to include but not limited to, the following: Modified rail or trolley cars, cargo containers, liquid bulk freight or rail containers; ship, ocean, or "Conex" type containers, cargo (over the road) vans, freight boxes, shipping containers, refuse and/or trash containers, dumpsters, semi-truck trailers, flat bed trailers, construction trailer or MOBILE HOMES, tool lockers or equipment storage trailers which have been converted, modified, changed or reconstructed to an ACCESSORY USE STRUCTURE OF OTHER BUILDING USE, shall be permitted and strictly limited to INDUSTRIAL ZONED DISTRICTS ONLY. Placement of subject STRUCTURE in an INDUSTRIAL Zoned District is additionally restricted as to placement, positioning and/or attachment to other STRUCTURES and shall be in accordance with the BUILDING code for INDUSTRIAL STRUCTURES. In such case, BUILDING and ZONING PERMITS will be required.

Section 1025 revised, #241-05, Oct. 10, 2005  
Added Section 1026: CONDOMINIUMs #87-16, Feb 8, 2016

### **Section 1039: Required Refuse Collection Areas**

The refuse collection areas provided by all commercial, INDUSTRIAL and multi-family residential uses for the collection of trash, garbage and other refuse material shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed BUILDING or STRUCTURE. In addition, the following requirements shall be met:

- 1) The storage of hazardous or toxic materials or wastes shall not be permitted.
- 2) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- 3) Required refuse area shall be maintained in a clean and sanitary manner by the owner and shall be large enough to contain all waste material.
- 4) Refuse areas shall be located to the rear of all STRUCTURES and have adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector.

### **Section 1040: Transient Vendors**

Any person or corporation in the Township for the purpose of selling or soliciting sales at a stationary location shall first obtain a Transient Vendors Permit, pay appropriate fee and meet the following requirements:

- 1) Contents of application for Transient Vendors Permit:
  - a) Name, address and phone number of applicant.
  - b) Name address and phone number of landowner granting permission.
  - c) Plan showing the actual dimensions and shape of the lot being used, the exact size and location of the transient vending facilities.
  - d) Zoning District.
  - e) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.
- 2) Applicant must supply a signed letter stating that the landowner granted permission to be on the property for such purpose.
- 3) Permission may be revoked at any time by the property owner by notifying the Zoning Department.
- 4) A minimum setback of thirty (30) feet from the right-of-way shall be required.
- 5) At no time shall any person enter the roadway to solicit or deliver products.
- 6) No temporary signs shall be permitted.
- 7) Door-to-door sales are **not** permitted, with the exception of local non-profit sales.
- 8) Transient vendor permits shall be displayed in a conspicuous location.

### **Section 1041: Garage/Yard Sale (Private)**

The on-premises sale of unwanted and useable household goods and/or articles may not exceed twelve (12) days total per year. Control of noise, traffic and parking are the responsibility of the person/persons conducting the sale.

Section 1040 Transient Vendors, continued, adding item 7, #57-15, Jan. 5, 2015  
New section 1041, 'Garage/Yard Sales,' #111-12, March 21,2012

**Section 1050: Dangerous or Nuisance Animals**

Dangerous or nuisance animals of the following types are prohibited in all districts except as provided for in O.R.C. 519.21:

- 1) Predatory: Any non-domesticated animal, reptile, fish, bird or insect which bites, claws, injects venom, strangles or constricts prey in a manner which could cause serious injury or death to humans.
- 2) Nuisance: Non-domesticated animals, birds or reptiles which emit noises or odors of an offensive nature.
- 3) Nature: Any non-local animal, bird, reptile, fish or insect, which if released or escaped could create a threat to local ecology or proliferate to nuisance proportions.

**Section 1055: Lighting, Residential/Agricultural**

Light Trespass: Light emitted by a lighting fixture which is cast beyond the boundaries of the property on which the light is installed. All exterior residential/agricultural lighting shall not trespass or spill onto any adjacent property or cause direct glare onto adjacent property. Such lighting shall be shaded or covered to protect the adjacent property.

**Section 1060: POND**

A POND shall be permitted with a minimum distance of 20 feet from all adjacent property lines. A POND shall not be closer than 50 feet from any leach bed and 25 feet from any water well. This includes all adjacent properties. For dam construction, see the Ohio Department of Natural Resources Division of Water for permitting and construction guidelines.

**Section 1064: INTERNET CAFÉ**

INTERNET CAFES that permit on-site wagering by means of websites on internet computers may not operate within 1,000 feet of a residence, church, school or public park. Must meet all building regulations of county and state prior to any Use Permit by Hubbard Township Zoning.

**Section 1070: RECYCLING**

All commercial collection, transfer and processing of recyclable materials shall be restricted to I-2 (Heavy Industrial) Zoning District.

Section 1055: 'Lighting' added; #174-09; Aug. 26, 2009  
Section 1060: 'Pond' added; #174-09; Aug. 26, 2009  
Section 1064: 'Internet Café' added, #127-11, May 9, 2011  
New Section 1070, 'Recycling' added #176-11, Aug. 1, 2011

## **ARTICLE XI: OFF-STREET PARKING AND LOADING FACILITIES**

### **Section 1100: General Requirements**

- 1) No BUILDING or STRUCTURE shall be erected, altered, or its USE changed unless permanently maintained off-street parking and LOADING SPACES have been provided in accordance with the provisions of this resolution.
- 2) The provisions of this Article, except where there is a change of USE shall not apply to any existing BUILDING or STRUCTURE. Where the new USE involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution
- 3) Whenever a BUILDING or STRUCTURE existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) per cent or more in FLOOR AREA, number of employees, number of housing units, seating capacity or otherwise, said BUILDING or STRUCTURE shall then and thereafter comply with the full parking requirements set forth herein.
- 4) Whenever a BUILDING or STRUCTURE, constructed after the effective date of this Resolution, is changed or enlarged in FLOOR AREA, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of PARKING SPACES, additional PARKING SPACES shall be provided on the basis of the enlargement or change.

### **Section 1110: Parking Space Dimensions**

A PARKING SPACE shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street PARKING SPACES is established in Section 1130.

### **Section 1111: Loading Space Requirements and Dimensions**

A LOADING SPACE shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, streets, ALLEY RIGHT-OF-WAYS, *aisles* and other circulation areas, and a height or clearance of not less than fifteen (15) feet. One off-street LOADING SPACE shall be provided and maintained on the same LOT for every separate occupancy requiring delivery of goods and having a modified gross FLOOR AREA of up to five thousand (5,000) square feet. One LOADING SPACE shall be provided for each additional ten thousand (10,000) square feet or fraction thereof. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside any street or alley right-of-way.

### **Section 1112: Paving**

The required number of parking and LOADING SPACES as set forth in Section 1111 and 1130 together with driveways, aisles, and other circulation areas shall be improved with acceptable impervious and or porous material to provide a durable dust-free surface.



**Section 1113: Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or WALKWAYS.

**Section 1114: Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

**Section 1115: Lighting**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accident. Any lights used to illuminate a parking LOT shall be so arranged as to reflect the light away from the adjoining property.

**Section 1116: Location of Parking Spaces**

The following regulations shall govern the location of off-street PARKING SPACES and areas:

- 1) PARKING SPACES for all detached residential USES shall be located on the same LOT as the USE for which they are intended to serve.
- 2) PARKING SPACES for commercial, INDUSTRIAL, or institutional USES shall be located not more than seven hundred (700) feet from the principal USE. Parking *spaces* farther than seven hundred (700) feet from the principal USE shall require a CONDITIONAL USE permit granted by the Board of Zoning Appeals.
- 3) PARKING SPACES for apartments, dormitories, or similar residential USES shall be located not more than three hundred (300) feet from the principal USE.

**Section 1117: Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a RESIDENTIAL DISTRICT it shall be effectively screened on all sides adjoining or facing any property used for residential purposes, by an acceptably designed wall, FENCE, or planting screen. Such FENCE, wall or planting screen shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such FENCE, wall, or planting screen, and the LOT line of the adjoining premises in any RESIDENTIAL DISTRICT shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

**Section 1118: Open Storage of Miscellaneous Materials**

No abandoned, wrecked, dismantled or junk motor vehicles, watercraft, aircraft, trailers, farm equipment, furniture, debris, refuse or other miscellaneous materials shall be permitted to remain on the premises, except those stored in an enclosed BUILDING or those located in Light INDUSTRIAL Districts.

Junk motor vehicles, watercraft, aircraft, trailers and farm equipment are defined as follows: Having damage, including but not limited to any of the following: Missing wheels, tires, motor or transmission, parts, windshields, or being inoperable, or being unsightly as a result of substantial rust, discoloration or other surface disfiguration.

**Section 1119: Disabled Vehicles**

The parking of a disabled VEHICLE within a BUSINESS District shall be prohibited with this exception: On the premises of a BUSINESS establishment whose advertised BUSINESS includes VEHICLE repairing, the following shall apply: Any VEHICLE whose condition, whether it be body damage or mechanical failure, will not permit it to be driven on a public street or highway, shall be stored within a SOLID ENCLOSURE at least six (6) feet high, located in the side or rear YARD area of said premises.

**Section 1120: Minimum Distance and Setbacks**

- 1) No part of any parking area for more than ten (10) VEHICLES shall be closer than twenty (20) feet to any DWELLING unit, school, hospital, or other institution for human care located on an adjoining LOT, unless separated by an acceptable designed screen.
- 2) If on the same LOT with a one-FAMILY residence, the parking area shall not be located within the front YARD required for such BUILDING.
- 3) In no case shall any part of a parking area be closer than four (4) feet to any established street or ALLEY RIGHT-OF-WAY.

**Section 1121: Joint USE**

Two (2) or more non-residential USES may jointly provide and use PARKING SPACE(s) when their hours of operation do not normally overlap. Requires a CONDITIONAL USE permit granted by the Board of Zoning Appeals.

**Section 1122: Wheel Blocks**

Whenever a parking LOT extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked VEHICLE from extending beyond the property line.

**Section 1130: Residential**

<u>Type of Use</u>	<u>Minimum Parking Spaces Required</u>
1) Single FAMILY or two FAMILY DWELLING.....	Two(2) for each
2) Apartment HOTELS, apartments, or multi- FAMILY DWELLING, etc. ....	Two (2) for each unit
3) BOARDING HOUSES, ROOMING HOUSES,..... dormitories, fraternity houses which have sleeping rooms.	Two (2) for each sleeping room or two for each permanent occupant.

**Section 1132: Business**

<u>Type of Use</u>	<u>Minimum Parking Spaces Required</u>
1) Automobiles service stations which also provide repair.....	One (1) for each two gasoline pumps and two(2) for each bay.

- 2) HOTELS, MOTELS.....One (1) per each sleeping room plus one (1) space for each two (2) employees.
- 3) Funeral parlors, mortuaries and similar Type USE..... One (1) for each 100 square feet of FLOOR AREA in parlors or service rooms.
- 4) Retail Stores.....One (1) for each 100 square feet of FLOOR AREA
- 5) Banks, financial INSTITUTIONS and similar USES.....One (1) for each 100 square feet of floor or area
- 6) Offices, public or professional administration, or service.....One (1) for each 200 square feet of FLOOR AREA BUILDINGS
- 7) Permanent auction, flea market and similar activities.....One (1) for each 50 square feet.
- 8) All other types of BUSINESS or commercial USES permitted in any commercial district.....One (1) for each 500 square feet of FLOOR AREA

**Section 1133: Recreational or Entertainment**

<u>Type of Use</u>	<u>Minimum Parking Spaces Required</u>
1) Dining rooms, restaurants, taverns, night CLUBS, etc.....	One (1) for each 100 square feet of FLOOR AREA
2) Bowling Alleys.....	Four (4) for each alley or lane plus one additional space for each additional 100 square feet used for other activities.
3) Dance floors, skating rinks.....	One (1) for each 50 square feet of FLOOR AREA USED for the activity.
4) Outdoor swimming pools, public or community or CLUB.....	One (1) for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet FLOOR AREA used for seating purposes whichever is greater.
5) Auditoriums, sport arenas, theaters, and similar USES.....	One (1) for each 4 seats

**Section 1134: Institutional**

<b><u>Type of Use</u></b>	<b><u>Minimum Parking Spaces Required</u></b>
1) Churches and other places of religious assembly	One (1) for each 5 seats
2) Hospitals	One (1) for each bed
3) Sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar USES	One (1) for each 2 beds
4) Medical and dental CLINICS	One (1) for every 200 square feet of FLOOR AREA of examination, treating room office, and waiting room
5) Libraries, museums, and art galleries	One (1) for each 400 square feet

**Section 1136: INDUSTRIAL**

<b><u>Type of Use</u></b>	<b><u>Minimum Parking Spaces Required</u></b>
1) All types of MANUFACTURING, storage and wholesale USES permitted in any INDUSTRIAL district	One (1) for every 2 employees (on the largest shift for which BUILDING is designed) plus one (1) for each MOTOR VEHICLE USED in the BUSINESS
2) Cartage, express, parcel delivery, and freight terminals	One (1) for every 2 employees (on the largest shift for which the BUILDING is designed) and one (1) for each MOTOR VEHICLE maintained on the premises

**Section 1140: General Interpretations**

In the interpretation of this Article, the following rules shall govern:

- 1) PARKING SPACES for other permitted or CONDITIONAL USES not listed in this Article shall be determined by the Board of Zoning Appeals.
- 2) Fractional numbers shall be increased to the next whole number.
- 3) Where there is an adequate public transit system or where for any other reason parking requirements are unusually low, then the PARKING SPACE provisions cited above may be reduced proportionately by the Board of Zoning Appeals.

**Section 1144: Barricading Places of Egress**

Whenever a BUILDING or STRUCTURE with off-street parking or loading facilities as required in Article XI shall terminate its USE of said BUILDING or STRUCTURE, the owner of said premises, shall erect within forty-five (45) days after vacating said premises, a barricade along the property line at all places of egress to prevent public trespass. Design of the barricade shall be approved by the Zoning Inspector and Township Safety Forces.

## **ARTICLE XII: SIGNS**

### **Section 1200: Intent**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising SIGNS, and outdoor SIGNS of all types. It is intended to protect property values, create a more attractive economic and BUSINESS climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce SIGN or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by SIGN overhanging or projecting over public RIGHT-OF-WAYS, provide more open spaces and curb the deterioration of the natural environment and enhance community development.

### **Section 1202: General Requirements**

The regulations contained in this Section shall apply to all SIGNS and all districts.

- 1) Any illuminated SIGN or lighting device shall employ only light emitting a light of constant intensity, and no SIGN shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated SIGN or lighting device be placed or directed or beamed upon a public street, highway, SIDEWALK, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- 2) No projecting SIGN shall be erected or maintained from the front or face of a BUILDING a distance of more than two (2) feet, including those projecting from the face of any theater, HOTEL, or MOTEL marquee.
- 3) No portable or temporary SIGN shall be placed on the front or face of a BUILDING or on any premises, except as provided in Section 1220 herein.
- 4) No SIGN or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be USED for the purpose of advertising or attracting attention when not part of a SIGN.
- 5) No SIGN erected or maintained in the window of a BUILDING, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface.
- 6) No SIGN of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- 7) All SIGNS hung and erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting the SIGN.
- 8) Should any SIGN be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such SIGN in a safe and secure condition or remove the SIGN.
- 9) No SIGN shall be placed in any public RIGHT-OF-WAY except publicly owned SIGNS, such as traffic control SIGNS and directional SIGNS. SIGNS directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property.

- 10) No BUILDING wall or roof shall be USED for display of advertising except that pertaining to the USE carried on within such BUILDING.
- 11) In the event that a business closes or the commercial/industrial property becomes vacant, and sign(s):
  - a) either wall mounted, free standing or other sign display and their related frame and fixture becomes hazardous, unsafe, unattractive, abandoned, rusted, damaged, or lacking in protective maintenance coating, upon the determination of the zoning inspector, and said sign being located within any public right-of-way, upon notification, the violation shall be corrected within ninety (90) days. If upon the determination of the zoning inspector the violation is not corrected or the sign in violation being removed, then the township shall proceed with a corrective public nuisance action under the provisions of ORC 505.86 whereas the township, upon legal notice to the property owner, would provide for the removal and charge the cost against the property owners tax duplicate. Under no condition shall the violation be allowed to continue in excess of one-hundred-twenty (120) days.
- 12) Upon the change of zoning classification of the subject property, the sign(s) shall be removed
  - a) within thirty (30) days of the reclassification action. Under no conditions shall a sign(s) covered by this section be allowed to remain 60 days after the zone change becomes effective.
- 13) Any structural materials, to include poles, up-rights, supports, wires of support, etc. associated with the operation and maintenance of the sign(s) which conform to the provisions of Sections # 1221, 1222 and 1240 "SET BACK REQUIREMENTS " and in good condition in the opinion of the zoning inspector, shall by appeal/application being granted, be given an additional nine (9) months for the property owner to secure a new business, lease, or renter for property covered by this section (#1202).

### **Section 1203: Measurement of Sign Area**

The surface area of a SIGN shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the SIGN and including all of the elements of the matter displayed. Frames and structural members not being advertised matter shall not be included in computation of surface area.

A SIGN or BILLBOARD shall not have more than two (2) DISPLAY AREAS per STRUCTURE. Off premises SIGNS or BILLBOARDS located less than six hundred (600) feet on property that fronts on a public highway shall have a DISPLAY AREA that does not exceed three hundred (300) square feet per DISPLAY AREA or a total of six hundred (600) square feet for the two (2) DISPLAY AREAS on each STRUCTURE.

Off premises SIGNS or BILLBOARDS located over six hundred (600) feet from a Federal Aid Primary Highway shall have a DISPLAY AREA that does not exceed eight hundred (800) square feet per DISPLAY AREA or a total of sixteen hundred (1,600) square feet for the two (2) DISPLAY AREAS on each STRUCTURE.

**Section 1210: Signs Permitted in all Districts Not Requiring a Permit**

- 1) SIGNS advertising the sale, lease, or rental of the premises upon which the SIGN is located, shall not exceed twelve (12) square feet in area, except in all RESIDENTIAL DISTRICTS where the area of the SIGN shall not be more than six (6) square feet.
- 2) Professional name plates not to exceed two (2) square feet in area.
- 3) SIGN denoting the name and address of the occupants of the premises not to exceed two (2) square feet.

**Section 1211: Signs Permitted in Any District Requiring a Permit**

- 1) SIGNS or bulletin boards customarily incidental to places of worship, libraries, museums, social CLUBS, or societies, which SIGNS or bulletin board shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- 2) Any SIGN in a district zoned residential shall:
  - a) Not exceed twelve (12) square feet in area;
  - b) Be limited to one (1) sign per parcel;
  - c) Not exceed six (6) feet in overall height;
  - d) Not be less than ten (10) feet from the street RIGHT-OF-WAY line;
  - e) Not be less than thirty (30) feet from an adjacent property line;
  - f) Require a CONDITIONAL USE permit by the Board of Zoning Appeals.
  - g) Be located on premises.

**Section 1212: Signs Permitted in Commercial, INDUSTRIAL and Agricultural Districts Requiring a Permit**

The regulations set forth in this section shall apply to all SIGNS in all commercial, INDUSTRIAL and agricultural districts and shall require a permit. In a commercial,

INDUSTRIAL or agricultural district, each business shall be permitted one (1) flat or wall SIGN per side of the primary STRUCTURE. Projection of wall SIGNS shall not exceed two (2) feet measured from the face of the main BUILDINGS. The area of all permanent advertising SIGNS for any single business enterprise may have an area equivalent to one and one-half (1.5) square feet of SIGN area for each linear foot of BUILDING width, or part of a BUILDING, occupied by such enterprise but shall not exceed a maximum of one hundred (100) square feet.

**Section 1218: LED, Digital Signs and Electronic Message Centers (EMCs).**

This regulation shall be divided into four (4) sections for the purpose of control, regulation, permitting and the overall concerns of neighborhood stabilization.

The four (4) sections are:

1. HIGHWAY COMMERCIAL/INTERSTATE-INTERCHANGE AREAS: Designed specifically for the I-80 interchange area and interstate areas; (reference 1218 table).



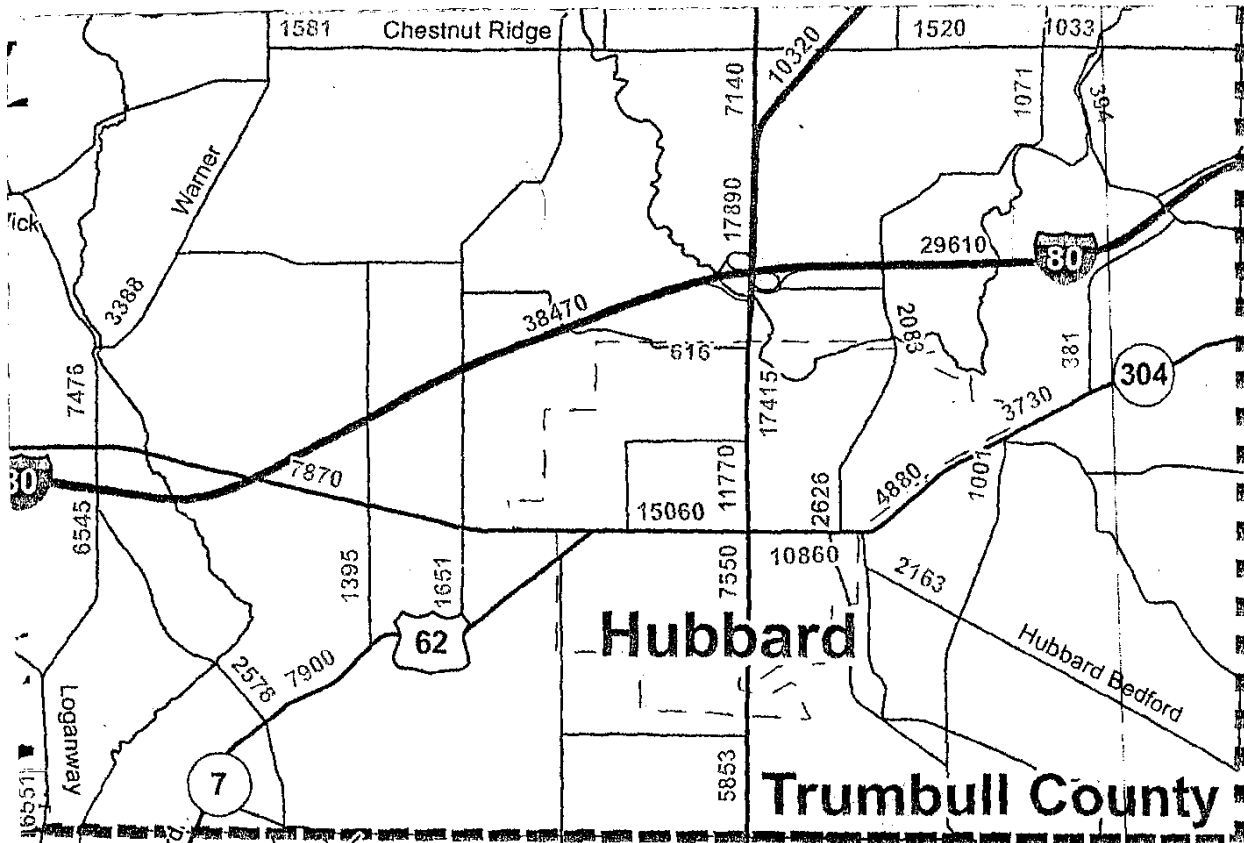
2. GENERAL COMMERCIAL (as in a) BUSINESS DISTRICT, NON-INTERSTATE/INTERCHANGE location and/or area as covered in Section #1 of this regulation. (reference 1218 table).

3. MIXED USE: Mixed zoning, spot zoning, non-conforming zoning utilization of lands or property not supported by Sections #1 or #2 (above) MAY require a conditional use permit application subject to the determination of the zoning inspector upon a site review and a cursory neighborhood review. (reference 1218 table).

4. RESIDENTIAL AND AGRICULTURAL USE AND ZONED DISTRICTS: SHALL NOT BE PERMITTED except with a conditional use permit approved by the Hubbard Township Board of Zoning Appeals that SHALL make any and all efforts to respect and stabilize neighborhoods as a first requirement of any granting of a CONDITIONAL USE PERMIT; additionally, it shall be the specific requirement of the Hubbard Township Board of Zoning Appeals to establish VERY SPECIFIC GUIDELINES for the hours of operation, size, placement, regulate brightness, nature of message specific to the business of ONLY a home occupation or agricultural/farm function. It is required that if this specific guideline cannot be established, then the applicant SHALL file a ZONE CHANGE.

**TABLE 1218**

District	Traffic Volume	DISPLAY					EMC Of Total	% Sign Single
		Static	Fade In	Fade Out	Brightness Daylight	Brightness Night		
					NITS	NITS		
Applicable Sections 1 thru 8 (see pg. 67c)	VPD minimum				NITS	NITS		
Highway Commercial/Interstate Interchange	15,000	2 sec.	0-1 sec.	0-1 sec.	9000	900	30-50	80
General Commercial – as in a business district (non-interstate)	7,000	8 sec.	0-1 sec.	0-1 sec.	5,000	500	30-50	80
Mixed Use (mixed zoning, spot zoning, NON-CONFORMING)	Tbd via zoning inspection	8 sec.	0-1 sec.	0-1 sec.	5,000	500	30-50	50
Residential/agricultural (zoned districts)	<b>Not permitted:</b> EMC (electronic message center) requires <b>CONDITIONAL USE PERMIT</b> approved by the Hubbard Township Board of Zoning Appeals.							



## **SECTIONS (requirement sections)**

- 1). In the areas of MIXED USE OR ZONING, SPOT ZONING OR NON-CONFORMING utilization of the property, EVERY effort shall be made to provide for the integrity of the residential/agricultural neighborhood with a MINIMUM light pollution effect onto properties that are zoned as residential/agricultural. Mixed use applications may require a CONDITIONAL USE APPLICATION/PERMIT PREDICATED ON THE DECISION OF THE ZONING INSPECTOR upon a site visit and a cursory neighborhood review.
- 2). Any part of this regulation or the provisions thereof are subject to immediate change predicated upon changes and the future of the technology. i.e., traffic count map (pg. 67b)
- 3). Require automatic brightness control keyed to ambient light levels for day and night operation.
- 4). Require that the display “go dark” in the event of a malfunction.
- 5). No light from LED, digital sign, EMC or any like device, known or unknown, shall be permitted to shine, flash or disturb onto or into any residential or agricultural zoned or use property.
- 6). All signs must meet any and all other sign requirements of the Zoning Resolution of Hubbard Township to include setback and size requirements RE: Section #1200 HTZR; additionally, it shall be the burden of the sign owner, property owner, contractor or the applicant to be informed and comply with any state, federal or other regulation outside of the legal jurisdiction of the authority of Hubbard Township.
- 7). All traffic-count requirements shall be established by official governmental agencies, i.e.: State of Ohio, Trumbull County Engineer or the Eastgate Regional Council of Governments. (\*).
- 8). SCROLLING shall NOT be permitted in any district.

### **Section 1219: Portable SIGNS**

Portable SIGNS shall comply with Section 1240 through 1244 inclusive.

### **Section 1220: Temporary SIGNS**

Temporary SIGNS not exceeding thirty-two (32) square feet in area may be erected for a period of sixty (60) consecutive days per year plus the construction period. A CONDITIONAL USE PERMIT issued by the Board of Zoning Appeals is required after that period of time. See Sections 640 through 650 of this Resolution.

Section 1220 revised, #241-05, Oct. 10, 2005

**Section 1221: Free-Standing SIGNS (Greater than 30 sq. ft. display)**

Free-standing SIGNS not over thirty (30) feet in height, having a maximum total SIGN area of one hundred (100) square feet per DISPLAY AREA and located not closer than ten (10) feet from any street RIGHT-OF-WAY and not closer than thirty (30) feet from any adjoining LOT line may be erected to serve a group of BUSINESS establishments in one BUILDING. There shall be only one (1) free-standing SIGN for each BUILDING, regardless of the number of BUSINESSES conducted in said BUILDING.

**Section 1222: SIGNS (Less than 30 sq. ft. display)**

Pole SIGNS of symbolic design shall be permitted for BUSINESS establishments, provided no part of such SIGN shall project into the RIGHT-OF-WAY and does not obstruct traffic visibility of any street or highway. The maximum area of any face of such SIGN shall not exceed thirty (30) square feet, and the pole support of the SIGN shall not be less than fifty (50) feet from any LOT in any RESIDENTIAL DISTRICT.

**Section 1223: Wall SIGNS Pertaining to NONCONFORMING USES**

Wall SIGNS pertaining to a NONCONFORMING USE shall be permitted on the same premises of such USE, provided that the area of such SIGN does not exceed twelve (12) square feet.

**Section 1230: Political SIGNS**

No political SIGN shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

**Section 1240: SIGN Setback Requirements**

Except as provided in this resolution, SIGNS and outdoor advertising STRUCTURES where permitted shall be set back from the established RIGHT-OF-WAY line of any street or highway at least as far as the required front YARD depth for a principal USE in such district except for the modifications in Section 1241 to 1244, inclusive.

**Section 1241: Increased Setbacks**

For every square foot by which such SIGN or outdoor advertising STRUCTURE exceeds fifty (50) square feet, the setback shall be increased by one-half foot but need not exceed one hundred (100) feet.

**Section 1242: Setback at the Intersection of Highways**

At the intersection of any State or Federal Highway with an arterial or collector street, the setback of any SIGN or outdoor advertising STRUCTURE shall not be less than (50) fifty feet from the established RIGHT-OF-WAY of each highway or street.

**Section 1243: Setbacks for Public and Quasi-Public SIGNS**

Real estate SIGNS and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established RIGHT-OF-WAY line of any street or highway provided such SIGN or bulletin board does not obstruct traffic visibility at street or highway intersections.

**Section 1244: Special Yard Provisions**

SIGNS and advertising STRUCTURES where permitted shall be erected or placed in conformity with the side and rear YARD requirements of the district in which located except that no SIGN or advertising STRUCTURE shall be erected or placed closer than fifty (50) feet of a side or rear LOT line in any RESIDENTIAL DISTRICT.

**Section 1250: Violations**

In case any SIGN shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such SIGN so as to comply with this resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this resolution.

## **ARTICLE XIII: PLANNED UNIT DEVELOPMENT (PUD)**

### **Section 1300: Objectives for Planned Unit Developments**

It shall be the policy of Hubbard Township of Trumbull County to promote progressive development of land and construction thereon by encouraging PLANNED UNIT DEVELOPMENTS to achieve:

- 1) A maximum choice of living environments by allowing a variety of housing and BUILDING types and permitting an increased DENSITY per acre and a reduction in LOT dimensions, YARDS, BUILDING setbacks, and area requirements;
- 2) A more useful pattern of open space and recreations areas and, as permitted as part of the project, more convenience in the location of accessory commercial USES and services;
- 3) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- 4) A more efficient USE of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- 5) A development pattern in harmony with land USE DENSITY, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to accept a greater population DENSITY in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

### **Section 1301: Provisions Governing Planned Unit Developments**

Because of the special characteristics of PLANNED UNIT DEVELOPMENTS, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this resolution, the provisions of this Article shall prevail for the development of land for PLANNED UNIT DEVELOPMENTS. Subjects not covered by this Article shall be governed by the respective provision found elsewhere in this Resolution.

### **Section 1310: USES Permitted**

Only those USES permitted or conditionally permitted in each district or interpreted to be included under Article IX of this resolution may be proposed for development under the PLANNED UNIT DEVELOPMENT approach. Compatible residential, commercial, INDUSTRIAL, public and QUASI-PUBLIC USES may be combined provided that the proposed location of the commercial or INDUSTRIAL USES will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial and/or INDUSTRIAL USE in a residential-commercial-INDUSTRIAL or residential-commercial development shall be determined by the Planning Commission and approved by the Board of Zoning Appeals.

**Section 1320: Minimum Project Area**

The gross area of the tract to be developed under the PLANNED UNIT DEVELOPMENT approach shall conform to the following schedule:

<b><u>Type of PUD</u></b>	<b><u>Minimum Area (Acres)</u></b>
Residential	20
Commercial	5
INDUSTRIAL	30
Residential-Commercial	30
Commercial-INDUSTRIAL	50
Residential-Commercial-INDUSTRIAL	50

When the PLANNED UNIT DEVELOPMENT is a mixture of USES no more than eight (8) percent of the tract may be devoted to commercial activities nor more than twelve (12) percent of tract to INDUSTRIAL activities.

**Section 1321: Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

**Section 1330: Common Open Space**

A minimum of thirty (30) percent of the land developed in any PLANNED UNIT DEVELOPMENT project shall be reserved for common open space and RECREATIONAL FACILITIES for the residents or users of the area being developed. The open spaces shall be disposed of as required in Section 1331 of this resolution.

**Section 1331: Disposition of Open Space**

The required amount of common space land reserved under a PLANNED UNIT DEVELOPMENT shall either be held in corporate ownership by owners of the project area for the USE of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreations, and related USES. All land dedicated to the Township must meet the Zoning Commission's requirements as to size, shape, and location. Public utility, parking areas and similar EASEMENTS and RIGHT-OF-WAYS, for water courses and other similar CHANNEL are not acceptable for common open spaces dedication to the Township unless such land or RIGHT-OF-WAY is usable as a trail or other similar purpose and 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.

**Section 1340: Utility Requirements**

Underground utilities, including telephone and electrical systems, are required within the limits of all PLANNED UNIT DEVELOPMENTS. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed PLANNED UNIT DEVELOPMENT.

**Section 1350: Residential Planned Unit Development**

Residential PLANNED UNIT DEVELOPMENTS may be developed following the provisions of Sections 1351 - 1353.

**Section 1351: Minimum Lot Sizes**

- 1) LOT area per DWELLING unit may be reduced by not more than sixty (60) percent of the minimum LOT area required in the Official Schedule of District Regulations. A PLANNED UNIT DEVELOPMENT need not conform to the DENSITY requirements of Article VIII. A diversification of LOT sizes is encouraged.
- 2) LOT widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

**Section 1352: Lots to Abut Upon Common Open Spaces**

Every property developed under the PLANNED UNIT DEVELOPMENT approach should be designed to abut upon common open space or similar areas. A clustering of DWELLINGS is encouraged. In areas where town houses are USED there shall be no more than eight (8) town house units in any contiguous group.

**Section 1353: Height Requirements**

For each foot of BUILDING height over the maximum height regulations specified in Article IX, the distance between such BUILDINGS and the side and rear property lines of PLANNED UNIT DEVELOPMENT project area shall be increased by a one (1) foot addition to the side and rear YARD required in the district.

**Section 1360: Commercial Planned Unit Developments**

The provisions of Section 1361 to 1363 shall apply to commercial PLANNED UNIT DEVELOPMENTS.

**Section 1361: Arrangement of Commercial USES**

Commercial BUILDINGS and establishments shall be planned as groups having common parking areas and common ingress points in order to reduce the number of potential accident locations as intersections with THOROUGHFARES. Planning screens or FENCES shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences. The plan of the project shall provide for the integrated and harmonious design of BUILDINGS, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.



**Section 1362: Parking**

Off-street parking, loading, and service areas shall be provided in accordance with Article IX of this resolution. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential USE.

**Section 1363: Open Space**

Open space gained through the varying of setback and area requirements as established in Section 1330 is to be used for the development of open plazas, pedestrian malls, and other public spaces and USES adequate arrangement, design, and planting.

**Section 1370: INDUSTRIAL Planned Unit Developments**

The provisions of Section 1371 to 1373 shall apply to INDUSTRIAL PLANNED UNIT DEVELOPMENT.

**Section 1371: Arrangement of INDUSTRIAL Uses**

PLANNED UNIT DEVELOPMENT of INDUSTRIAL establishments is encouraged by varying the setback and other requirements if it can be shown that the development results in a more efficient and desirable USE of land. INDUSTRIAL USES and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading area or docks, and/or outdoor storage of raw materials or products. A planned INDUSTRIAL area shall provide for the harmony of BUILDINGS and a compact grouping in order to economize in the provision of such utility services as are required. THOROUGHFARES shall be kept to a minimum throughout a planned INDUSTRIAL area in order to reduce through traffic. Project side YARDS of forty (40) feet and a rear YARD of fifty (50) feet shall be required if the project is located adjacent to any RESIDENTIAL DISTRICT or residential PLANNED UNIT DEVELOPMENT. All intervening spaces between the RIGHT-OF-WAY line and project BUILDING line and intervening spaces between BUILDINGS, drives, parking areas, and improved area shall be landscaped with trees and plantings and properly maintained at all times.

**Section 1372: Permitted USES**

Certain types of commercial USES such as a restaurant, central secretarial and stenographic pools, or other BUSINESS service type USES, repair services, or CLINICS as may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in an INDUSTRIAL PLANNED UNIT DEVELOPMENT as ACCESSORY USES.

## **ARTICLE XIV: MOBILE HOMES AND MOBILE HOME PARKS**

### **Section 1400: Intent**

It is the intent of this Article to regulate the location of MOBILE HOMES and to encourage, stabilize, and protect the development of well planned MOBILE HOME PARKS.

### **Section 1410: Approval Procedures**

MOBILE HOME PARKS may be located only in residential (R-3) districts. For MOBILE HOMES located in MOBILE HOME PARKS, the requirements of Section 1420 and O.A.C. Chapter 3701.27 shall govern.

### **Section 1420: General Standards for Mobile Home Parks**

The Zoning Commission shall review the particular facts and circumstances of each proposed MOBILE HOME PARK in terms of the following standards and shall find adequate evidence showing that the MOBILE HOME development:

- 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 and that such USE will not change the essential character of the same area;
- 2) Will not be hazardous or detrimental to existing or future neighboring USES;
- 3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse, disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- 4) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 5) Will be consistent with the intent and purpose of this resolution and the comprehensive plan;
- 6) Will have vehicular approaches to the MOBILE HOME PARK 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;
- 8) Will meet all requirements of the Ohio Revised Code and Sanitary Codes.

### **Section 1430: Contents of Application**

A written application shall be filed with the Chairman of the Zoning Commission. At a minimum, the application shall contain the following information:

- 1) Name, address and phone number of applicant;
- 2) Legal description of property;
- 3) Present USE;
- 4) Present zoning district;
- 5) Proposed zoning district;
- 6) A VICINITY MAP at a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the development to the Comprehensive Plan;

- 7) A plan at a scale approved by the Zoning Commission, showing the location and dimensions of streets, and other roadways; LOTS; typical LOT improvement; areas for recreation, storage, and off-street or on-street parking; buffering; screening, or fencing, provisions for garbage and trash removal; location of utilities including street lighting, pedestrian WALKWAYS; and such other things the Zoning Commission deems necessary; and
- 8) The fee as established by the Board of Township Trustees.

**Section 1435: Emergency Use**

When a property owner is residing in a DWELLING located in Hubbard Township, and that DWELLING is partially or totally destroyed by fire, flood, tornado, or other Act of God, so as to be rendered temporarily unfit for human habitation, then such property owner, should he desire to reside temporarily in a MOBILE HOME, shall make immediate application to the Hubbard Zoning Inspector for an Emergency USE Permit. Such permit shall be for a period of ninety (90) days from the date of the fire or other Act of God and shall authorize the placing of a MOBILE HOME, as defined for usage in an R-3 District, upon the premises where the damaged DWELLING is located, for the purpose of providing temporary housing for the property owner and his FAMILY until proper repairs can be made upon said damaged DWELLING.

Before issuing the Emergency USE Permit, the Zoning Inspector shall determine that:

- 1) There exist a genuine emergency of the kind defined in this statement,
- 2) The owner intends to rebuild the damaged DWELLING,
- 3) The MOBILE HOME will comply with the existing health regulations,
- 4) The MOBILE HOME is located no less than five (5) feet from adjacent property lines.

NOTE: Should the five (5) foot requirement cause undue hardship, an EASEMENT from the abutting property owner will be acceptable. The Zoning Inspector shall then notify the Hubbard Township Board of Zoning Appeals so that necessary procedures may be commenced by the property owner for a CONDITIONAL USE Permit, if deemed necessary, under the applicable provisions contained in the Hubbard Township Zoning Resolution.

**Section 1440: Mobile Home Park Requirements**

MOBILE HOME PARKS shall meet the requirements of O.A.C. Chapter 3701.27 as administered by the Trumbull County Health Department.

## **ARTICLE XV: CONSTRUCTION AND DEMOLITION DEBRIS STORAGE MANAGEMENT SITES (C.&D.D. LANDFILLS)**

### **Section 1500: General**

Sites designated in Hubbard Township for the storage and maintenance of Construction and Demolition Debris will be located only in HEAVY INDUSTRIAL DISTRICT (I-2). The sites will be established in accordance with the Ohio Revised Code (ORC) Section 3714, the Ohio Environmental Protection Agency (OEPA), the U.S. Army Corp of Engineers, the Trumbull County Soil and Water District, the Trumbull County Board of Health and these Hubbard Township Zoning Regulations. The sites will be locally controlled by Hubbard Township as follows:

Construction and Demolition Debris (C&DD) are those materials resulting from the alteration, construction, destruction, rehabilitation or repair of any man-made physical structure including houses, buildings, industrial or commercial facilities and roadways. C&DD includes structural and functional materials comprising the structure and surrounding site improvements, such as: brick, concrete and other masonry materials; stone, glass wall coverings, drywall, framing and finishing lumber; roofing materials, plumbing fixtures, such as toilets, sinks, water heaters and pipes; heating equipment, such as furnaces and ductwork; insulation, wall-to-wall carpeting, asphalted substances, metal incidental to any of the above; weathered railroad ties and weathered utility poles; electrical wiring and components containing no hazardous fluids, refrigerants or solids.

### **Section 1510: Site Location**

- 1) Be no closer than:
  - a) One thousand (1,000) feet to any residential, commercial, school, or religious building.
  - b) One (1) mile of any environmentally "natural area" to include any undisturbed, established or re-established areas intended for scientific, recreational, educational purpose, naturally set aside areas controlled or owned by any governmental agency or district or any area so designated by the Ohio Department of Natural Resources or the U. S. Army Corps of Engineers as wetlands.
- 2) Consists of a minimum of fifty (50) contiguous acres.
- 3) Not allow contamination of any aquifer, stream, river, or potable water source as determined by hydrologic survey.
- 4) Not be within the natural terrain boundaries of a 100 year flood plain as determined by the Trumbull County Engineer.
- 5) Not create a nuisance, hazard, or pollution effect: i.e: visual, olfactory, audio or water runoff for adjacent properties.

- 6) Obtain certification from the Ohio Department of Natural Resources that no mine shafts are located beneath the proposed site.
- 7) Obtain approval from the Youngstown-Warren Regional Port Authority as to proposed height of sites at or near any airport, runway or glide approach area.
- 8) That no landfill shall rise above 30 feet from the grade, i.e., height restriction equals 30 ft. maximum above grade.

**Section 1520: Site Material Management**

- 1) All material presented for storage at the site may be randomly inspected by a Hubbard Township representative as stipulated by the Hubbard Township Board of Trustees.
- 2) Materials will be accepted only for permanent storage, "tipping" or temporary storage of material will not be permitted.
- 3) Hazardous materials will not be accepted for storage. Ref: ORC Section 3734.
- 4) Unacceptable or disputed material will be set aside, accumulated and covered, then disposed of in a safe and legally determined manner within one (1) week (seven (7) days) or less of discovery.
- 5) Material received each day for storage will be covered within each day with approved Earth before the site is closed for that day.
- 6) Obtain the written approval of the Trumbull County Board of Health and the Trumbull Soil and Water District for the establishment of the proposed storage site.
- 7) Provide to the Hubbard Township Board of Trustees for their approval a plan for the continued restoration and maintenance to include the daily clean up of any and all roads leading to and from any part of the storage site.
- 8) Obtain written approval of a fire fighting plan by the Fire Chief of the Fire District to include any additional manpower or equipment that may exceed the capacity or manpower levels of the part time volunteer Fire Department.
- 9) Materials received and generated only from within the state of Ohio.

**Section 1530: Site Closure**

- 1) With the cessation of operations for any reason, all materials will either be completely removed or placed in an excavation and completely covered with dirt so as to integrate with the surrounding natural terrain formations.
- 2) All filled in and covered excavations will be replanted or reforested so as to harmoniously integrate with local vegetation.
- 3) Upon closure, the site operator and/or agent will provide to Hubbard Township Trustees a plan to address any and all long term storage related problems that may occur to include storm water runoff from the site, ground water and air pollution.
- 4) After site closure the operator will insure that Hubbard Township Trustees have notice of any other owner or operator of record and to further keep the Trustees advised of ownership changes for a minimum of one hundred (100) years after closure.

**Section 1540: Storage Costs**

- 1) Fees and bonds will be established by the ORC Section 3714 and will increase or decrease as such new laws are established or amended, effective the date of such law, permit or bond requirement becomes effective.
- 2) The Township Board of Trustees shall establish the bond rate annually. A copy of all bonds associated with the site and activity shall be sent in its original form to the Hubbard Township Zoning Administrator, Township Administration Building, 2600 Elmwood Drive, Hubbard, Ohio 44425. The Administrator shall produce a receipt for such bond after posting. The Zoning Administrator shall be responsible for maintaining and monitoring the bond requirements.

**Section 1550: Hours of Operation**

- 1) Hours of business/operation of the site shall be between 7:00 a.m. and 6:00 p.m. Monday through Friday.
- 2) Hours for acceptance and removal of materials at the site shall be between the hours 7:00 a.m. and 6:00 p.m. Monday through Friday.
- 3) As authorized by the Hubbard Township Board of Trustees, upon receipt and approval of a Special Request from the operator to deviate from the stated hours of operation in Section 1550, parts (1) and (2).

**ARTICLE XVI: SEXUALLY ORIENTED BUSINESS AND, OR CLUBS  
IN WHOLE AND IN PART**

**Section 1600: General**

It is the purpose of this section to regulate SEXUALLY ORIENTED BUSINESS AND/OR CLUBS, in whole and in part, through the institution of a CONDITIONAL USE PERMIT, to promote the health, safety, morals and general welfare of the citizens of Hubbard Township, and in support of Hubbard Township's adoption of Ohio Revised Code Sections 503.51 and 503.52.

**Section 1610: Conditions for a Conditional Use Permit**

The Board of Zoning Appeals may issue a CONDITIONAL USE PERMIT for a SEXUALLY ORIENTED BUSINESS AND/OR CLUB, in whole and in part, in an I-1 LIGHT INDUSTRIAL DISTRICT and in an I-2 HEAVY INDUSTRIAL DISTRICT in each particular instance only on the following conditions.

- 1) The proposed business is located more than one thousand (1,000) feet from a church, a public or private school, the boundary of a RESIDENTIAL DISTRICT as established by the Board of Township Trustees; the lot line of a lot devoted to residential uses; public park or playground; an already existing SEXUALLY ORIENTED BUSINESS AND/OR CLUB, in whole and in part, or one that received a CONDITIONAL USE PERMIT; any social services facility or neighborhood center; any boundary of a RESIDENTIAL DISTRICT in a local government abutting Hubbard Township; or any structure that contains a residence.
- 2) All viewing booths and viewing areas in an adult arcade, adult book store, adult video store, adult motion picture theater or adult theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure.
- 3) No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.
- 4) Minimum Lighting Levels: The interior of the public areas shall be adequate so as to make facial, gender and age identification of any occupant/employee/customer or agent.
- 5) Exterior Display/Exterior Lighting/Monitoring:  
Exterior Display – There shall be NO exterior display of any kind, except for a business sign, of any nature that would suggest or cause a person to believe that the nature or contents of the business activity related to any sexual nature to include windows, display areas or the like that would advertise or suggest a purchase, announcement, advertisement, demonstration or the promotion of any service, product, or ware available within the structure(s).  
Exterior Lighting – The exterior areas of the building shall be illuminated in such a manner so to provide for the common safety and utility of the business enterprise during all hours of operation, after dark plus one additional hour after closing.  
Monitoring – There shall be electronic/visual monitoring with the capability of 24 hour capture and retention inside the public areas of the building and specifically the private viewing areas. There shall also be the exterior monitoring of all doorways and the customer parking areas during all hours of operation plus one hour after closing.

- 6) Loitering: There shall be no loitering of or by any customers or potential customers inside the facility or on the exterior property of the business. There shall be no overnight parking of any public or private vehicles at any time.
- 7) Signage: In addition to the current regulations (Article XII) that address signage of commercial/industrial businesses, the additional requirement of this resolution shall include the following when a business qualifies under the provisions of this article:
  - a) Signs will not be visible or illuminated after business hours.
  - b) No sign will be permitted that involves the portrayal of the human form in any explicit format or condition, or photos thereof involving sex or the sexual nature of the business therein to include Human Signs that utilize human or animal life portrayals involving the nature of the permitted business.
- 8) Requirements Regarding Employee Dressing Rooms and Public and Employee Restrooms: No business employee other than maintenance/repair personnel shall be permitted in the public restrooms of the facility. No customer shall be permitted into the dressing rooms or restrooms of the business employees at any time and under any condition.  
 There shall be no video or audio monitoring of any restrooms and dressing rooms. Dressing rooms and restrooms shall be well lighted and free of any obstructions so as to hide any explicit or non-lawful/permitted act, condition or activity.
- 9) Additional Regulation Regarding the Exhibition of Sexually Explicit Films, Videos or Live Entertainment Booths: Nothing herein would suggest the permitted use or approval of any product, act or activity by employees or customers that would cause any reasonable person to be offended or cause moral decay of any community, group or person.

**Section 1620: Revocation of Conditional Use Permit**

The Zoning Inspector shall revoke the CONDITIONAL USE PERMIT for any SEXUALLY ORIENTED BUSINESS AND, OR CLUB, if so determined pursuant to the action of the Board of Zoning Appeals.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he or she has reason to believe that the operation of a SEXUALLY ORIENTED BUSINESS AND, OR CLUB, has resulted in a violation of any provision of items in Section 1610. Within thirty (30) days from said notification the Board of Zoning Appeals shall hold a Public Hearing to determine whether the CONDITIONAL USE PERMIT should be revoked. Notice of this hearing shall be served on the SEXUALLY ORIENTED BUSINESS AND, OR CLUB at least ten (10) days before the hearing and if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice, as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within a reasonable amount of time after the hearing and shall notify the SEXUALLY ORIENTED BUSINESS AND, OR CLUB and, if applicable, the complainant, within ten (10) days after such decision.



## **ARTICLE XVII: SANITARY LANDFILLS, SOLID WASTE MANAGEMENT SITES**

### **Section 1700: General**

Sites designated in Hubbard Township for the storage and maintenance of Solid Waste in a Sanitary Landfill will be located only in a HEAVY INDUSTRIAL DISTRICT (I-2). The sites will be established in accordance with the Ohio Revised Code (ORC) Section 3734, the Ohio Environmental Protection Agency (OEPA), the U.S. Army Corp of Engineers, the Trumbull County Soil and Water District, the Trumbull County Board of Health and these Hubbard Township Zoning Regulations. The sites will be locally controlled by Hubbard Township as follows:

An engineered method of disposing of solid waste on land in a manner that protects the environment, by spreading the waste in thin layers, compacting it to the smallest practical volume and covering it with compacted soil by the end of each working day or at more frequent intervals if necessary.

For further information, refer to ORC 3734.

### **Section 1710: Site Location**

- 1) Be no closer than:
  - a) One thousand (1,000) feet to any residential, commercial, school or religious building or to any park district and 5,000 feet from any WELL FIELD.
  - b) One (1) mile of any environmentally "natural area" to include any undisturbed, established or re-established areas intended for scientific, recreational, educational purpose, naturally set aside areas controlled or owned by any governmental agency or district or any area so designated by the Ohio Department of Natural Resources or the U. S. Army Corps of Engineers as wetlands.
- 2) Consists of a minimum of fifty (50) contiguous acres.
- 3) Not allow contamination of any aquifer, stream, river, or potable water source as determined by hydrologic survey.
- 4) Not be within the natural terrain boundaries of a 100-year flood plain as determined by the Trumbull County Engineer.
- 5) Not create a nuisance, hazard, or pollution effect: i.e., visual, olfactory, audio or water runoff for adjacent properties.
- 6) Obtain certification from the Ohio Department of Natural Resources that no mine shafts are located beneath the proposed site.
- 7) Obtain approval from the Youngstown-Warren Regional Port Authority as to proposed height of sites at or near any airport, runway or glide approach area.

8) That no landfill shall rise above 30 feet from the grade, i.e., height restriction equals 30 ft. maximum above grade.

9) The sanitary landfill shall have access to hard-surface state highway, hard-surface county road or hard-surface township road that is regularly maintained and the road network that services the sanitary landfill shall have the carrying capacity to carry the traffic foreseeably expected to be generated by the operation of the sanitary landfill, without creating hazardous congestion in the road network and without upgrade or expansion of the road network because of truck traffic generated by the sanitary landfill.

### **Section 1720: Site Material Management**

- 1) All material presented for storage at the site may be randomly inspected by a Hubbard Township representative as stipulated by the Hubbard Township Board of Trustees.
- 2) Materials will be accepted only for permanent storage, "tipping" or temporary storage of material will not be permitted.
- 3) Hazardous materials will not be accepted for storage. Ref: ORC Section 3734.
- 4) Unacceptable or disputed material will be set aside, accumulated and covered, then disposed of in a safe and legally determined manner within one (1) week (seven (7) days) or less of discovery.
- 5) Material received each day for storage will be covered within each day with approved earth before the site is closed for that day.
- 6) Obtain the written approval of the Trumbull County Board of Health and the Trumbull Soil and Water District for the establishment of the proposed storage site.
- 7) Provide to the Hubbard Township Board of Trustees for their approval a plan for the continued restoration and maintenance to include the daily clean up of any and all roads leading to and from any part of the storage site.
- 8) Obtain written approval of a fire fighting plan by the Fire Chief of the Fire District to include any additional manpower or equipment that may exceed the capacity or manpower levels of the part time volunteer Fire Department.
- 9) Materials received and generated only from within the state of Ohio.
- 10) The sanitary landfill shall be screened and fenced with a fence that is at least six (6) feet in height and solid enough to prevent trash and litter from being blown off the sanitary landfill into the environment.
- 11) Formal engineering preparations: designs should be developed from local geological and hydrological investigations. A waste disposal plan and a final restoration plan shall also be developed.

**Section 1730: Site Closure**

- 1) With the cessation of operations for any reason, all materials will either be completely removed or placed in an excavation and completely covered with dirt so as to integrate with the surrounding natural terrain formations.
- 2) All filled in and covered excavations will be replanted or reforested so as to harmoniously integrate with local vegetation.
- 3) Upon closure, the site operator and/or agent will provide to Hubbard Township Trustees a plan to address any and all long term storage related problems that may occur to include storm water runoff from the site, ground water and air pollution.
- 4) After site closure the operator will insure that Hubbard Township Trustees have notice of any other owner or operator of record and to further keep the Trustees advised of ownership changes for a minimum of one hundred (100) years after closure.

**Section 1740: Storage Costs**

- 1) Fees and bonds will be established by the ORC Section 3714 and will increase or decrease as such new laws are established or amended, effective the date of such law, permit or bond requirement becomes effective.
- 2) The Township Board of Trustees shall establish the bond rate annually. A copy of all bonds associated with the site and activity shall be sent in its original form to the Hubbard Township Zoning Administrator, Township Administration Building, 2600 Elmwood Drive, Hubbard, Ohio 44425. The Administrator shall produce a receipt for such bond after posting. The Zoning Administrator shall be responsible for maintaining and monitoring the bond requirements.

**Section 1750: Hours of Operation**

- 1) Hours of business/operation of the site shall be between 7:00 a.m. and 6:00 p.m. Monday through Friday.
- 2) Hours for acceptance and removal of materials at the site shall be between the hours 7:00 a.m. and 6:00 p.m. Monday through Friday.
- 3) As authorized by the Hubbard Township Board of Trustees, upon receipt and approval of a Special Request from the operator to deviate from the stated hours of operation in Section 1550, parts (1) and (2).

