

# **ZONING RESOLUTION**

## **BEAVER TOWNSHIP MAHONING COUNTY, OHIO**

**As Recommended by the  
Beaver Township Zoning Commission**

**And**

**Adopted by  
Beaver Township Trustees on  
December 13, 2004**

**With Amendments Through  
March 1, 2025**

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**ARTICLE 1**

**GENERAL PROVISIONS**

**SECTION 101 TITLE**

This Zoning Resolution shall be known as the Beaver Township Zoning Resolution.

**SECTION 102 AUTHORIZATION**

The authority for establishing “The Beaver Township Zoning Resolution” is derived from Chapter 519.00 inclusive of the Ohio Revised Code.

**SECTION 103 PURPOSE**

In order to promote and protect the health, safety, and general welfare of the residents of the unincorporated area of Beaver Township, Mahoning County, Ohio, and to insure orderly growth and development in said township in conformance with the adopted Beaver Township Comprehensive Plan, the Board of Township Trustees has found it necessary and advisable to adopt a comprehensive plan of zoning which will regulate the location, height, bulk, number of stories, and size of buildings and other structures; percentages of lot areas which may be occupied; building setback lines; size of yards and other open spaces; use of buildings and other structures; uses of the land for trade, industry, residence, recreation, or other purposes, and for such purposes to divide the unincorporated area of Beaver Township into districts and to provide for the administration and enforcement of such regulations.

**SECTION 104 VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent that, if any provision(s) of this Zoning Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectiveness of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Zoning Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

**SECTION 105 REPEALER**

All existing Zoning Resolutions of Beaver Township, Mahoning County, Ohio, inconsistent herewith, are hereby repealed.

**SECTION 106 EFFECTIVE DATE**

This Zoning Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

**SECTION 107 INTERPRETATION**

In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Whenever the requirements of this Zoning Resolution are at variance with the requirements of any lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.

**SECTION 108 ESTABLISHMENT OF DISTRICTS**

For the purposes set forth in this Zoning Resolution, the land area within the unincorporated area of Beaver Township is hereby divided into the following districts:

- A Agricultural District
- R-R Rural Residential District
- S-R Suburban Residential District
- HD-R High-Density Residential District
- MF-R Multi-Family Residential District
- C-C Convenience Commercial District
- G-C General Commercial District
- O-I Office / Industrial District
- G-I General Industrial District.

**SECTION 109 OFFICIAL ZONING MAP**

The zoning districts and their boundary lines are indicated upon the map entitled, “Zoning Districts Map of Beaver Township, Mahoning County, Ohio”, which said map is made part of this Zoning Resolution. The said Official Zoning Map together with all notations and references, thereon are hereby declared a part of this Zoning Resolution. The original map shall be maintained in the administrative offices of Beaver Township, and shall show thereon all amendments or changes made hereafter.

**SECTION 110 INTREPRETATION OF DISTRICT BOUNDARIES**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- A. Where Boundaries Approximately Follow Lot Lines. Where a district boundary line is shown to approximately follow a lot line, such lot line shall be construed to be the boundary line.
- B. Where Boundaries Approximately Parallel Street and Highway Right-of-Way Lines. Where a district boundary line is shown as approximately parallel to the centerline or right-of-way line of a street or highway, the district boundary line shall be construed as being parallel thereto and at a distance therefrom as indicated on the Official Zoning Map.
- C. Natural Boundary. 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 high water line.
- D. Railroad Lines. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.
- E. Vacation of Public Ways. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended district.
- F. If no measurement is given, dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

**SECTION 111 RULES OF CONSTRUCTION**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Zoning Resolution and the words used in the present tense include the future; singular number shall include the plural, and the plural the singular; the word “building” shall include the word structure; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word “person” shall include a corporate firm partnership, or association of persons, as well as an individual; the word “lot” shall include the word plot or parcel; and the word “shall” is mandatory and not directory.

**SECTION 112      DEFINITIONS**

**ACCESSORY BUILDING:** A building customarily incidental and subordinate to the principal building, located on the same lot as the principal building.

**ACCESSORY STRUCTURE:** A structure customarily incidental and subordinate to the principal building and use and located on the same lot as the principal building and use. Accessory Structures may include, but are not limited to, swimming pools, fences, satellite dishes, solar panels, gazebos, and trellises.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building, located on the same lot as the principal use or building.

**AIRCRAFT:** Any contrivance, now known, or hereinafter invented, used or designed for navigation of or flight in the air, included but not limited to airplanes, helicopters, powered parachutes, and ultralight type devices, regardless of whether such contrivances or devices are otherwise regulated or classified by any government agency. Aircraft shall not include a non-powered parachute or other contrivance for such navigation used primarily and customarily as safety equipment.

**AIRCRAFT LANDING FIELD:** Any location on land or water of such size and nature as to permit the landing or taking off of aircraft with safety, and used for that purpose but not equipped to provide for the shelter, supply, or care of aircraft.

**AIRPORT:** Any runway, land area or other facility designed or used whether publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down area, hangers and other necessary buildings and open spaces.

**ANIMAL, EXOTIC:** An animal normally found in the wild state, whether or not indigenous to Beaver Township, but not including domestic animals or common household pets.

**ANIMAL, DOMESTIC:** An animal generally accepted as outdoor farm animals including but not limited to horses, cows, llamas, alpacas, sheep, goats, hogs, mink, or fowl.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals, chattels or property.

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

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS, TEMPORARY:** Any place at which goods, wares, merchandise, or services sold or offered for sale, other than from a permanent structure duly approved for such use; and further



means roadside stands, tables, or booths at which goods, wares, merchandise, or services are sold or offered for sale or advertised.

**BUSINESS, WHOLESALE:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CEMETERY:** Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated with and within the boundaries of such cemetery.

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMMERCIAL RECREATIONAL FACILITIES:** Any profit making activity which is generally related to recreational pursuits, such as indoor court sports, shooting ranges, athletic clubs, bowling alleys, batting cages, and other similar recreational activities.

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

**DAY CARE, CHILD:** Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residences of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

**DAY-CARE HOME, TYPE A FAMILY:** A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**DAY-CARE HOME, TYPE B FAMILY:** A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to three (3) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**DWELLING, MULTI-FAMILY:** A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**DWELLING, SINGLE-FAMILY DETACHED:** A building designed for or used exclusively for residence purposes by a single housekeeping unit.

**DWELLING, SINGLE-FAMILY ATTACHED:** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

**DWELLING UNIT:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

**FENCE:** An accessory structure which is an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas, but not including any building or structure otherwise regulated by this Zoning Resolution.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the floors of a building, as measured from the outside of the exterior walls.

**FLOOR AREA, LIVABLE:** The sum of the net areas customarily used as living space. The following are excluded from the calculation of the livable floor area of a dwelling: basements, non-habitable attics, garages, and unenclosed spaces such as covered exterior steps, porches and breezeways.

**GARAGE, PRIVATE:** A detached accessory building or portion of the principal building for the parking or temporary storage of automobiles, boats, and/or trailers of the occupants of the premises.

**GROUP RESIDENTIAL FACILITY, CLASS I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities.

- A. Class I Type A Group Residential Facility contains six (6) or more residents, exclusive of staff.
- B. Class I Type B Group Residential Facility contains five (5) or less residents, exclusive of staff.

**HOME OCCUPATION, TYPE 1:** An accessory use conducted entirely within a dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and

subordinate in area, extent, and purpose to the dwelling unit, and shall not change the appearance of the structure and/or property.

**HOME OCCUPATION, TYPE 2:** An accessory use involving any of the following activities: maintenance or construction services including but not limited to landscaping, plumbing, heating, wood working, cabinet making, electrical; which is clearly incidental and subordinate in area, extent, and purpose to the dwelling unit, and shall not change the appearance of the structure and/or property.

**JUNK:** Dismantled or wrecked automobiles or parts; inoperable vehicles; old scrap copper, tin, zinc, aluminum, brass, iron, steel or other metal; rope, rags, batteries, paper, glass, rubber, plastic and other waste scrap, discarded and/or re-usable materials.

**KENNEL / ANIMAL SHELTER/PET SPA/PET SALON:** Any lot on which domesticated animals, other than those owned by the owner are housed, groomed, bred, trained, or sold and may offer provisions for minor surgery.

**LOT:** A parcel of land occupied by, or which may be occupied by, a building and accessory buildings and including the yards and other open spaces required by this Zoning Resolution

**LOT AREA:** The area within the lot lines of a lot measured on a horizontal plane and computed exclusive of any portion of the right-of-way.

**LOT, CORNER:** A lot abutting two or more streets at their intersection, provided that the rights-of-way of the streets do not form an interior angle of greater than 135 degrees.

**LOT COVERAGE:** The land area covered by all buildings and structures on the lot.

**LOT DEPTH:** The distance between the midpoints 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.

**LOT FRONTAGE:** Contiguous length of the front lot line measured at the street right-of-way line.

**LOT WIDTH:** The horizontal distance between the side lines of a lot measured at right angles to the depth of the lot along a straight line parallel to the front lot line at the minimum required setback line.

**MANUFACTURING:** Activities including assembling component parts in manufactured products; mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, other forms of energy; the blending of new materials; and the packaging of materials

**MASSAGE ESTABLISHMENT:** An establishment as defined in Ohio Revised Code Section 503.40 including amendments thereto that may be made from time to time.

**MEDICAL CLINIC:** An establishment where patients are admitted for examination and treatment by physicians but are not lodged overnight.

**NONCONFORMING LOT:** A lot which does not conform with the lot area, lot width, lot depth or other area requirements of the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure which does not conform with the requirements for height, floor area, yard, or other requirements applicable to a structure in the district in which it is located.

**NONCONFORMING USE:** A use existing at the time of the enactment of this Zoning Resolution, and which does not conform to the use regulations of the district in which it is located.

**OCCUPANCY PERMIT:** A document issued by the Zoning Inspector confirming that the use of all or part of a building, structure, or parcel of land is in compliance with the provisions of this Zoning Resolution and all other pertinent Codes.

**OFFICE:** A use, conducted within a building or part of a building, involving the conduct of the administrative, executive, management, or clerical affairs of a business, service, industry, or government; or the activities of a profession; and generally furnished with desks, tables, files, and communication equipment. The term “office” includes but is not limited to: lawyers; architects, engineers, landscape architects, or other design professions; sales offices without stock in trade; and other similar uses. The term “office” does not include: financial services, retail business, or personal services.

**OUTDOOR STORAGE:** The permanent, temporary or periodic use of a yard for the purpose of storing goods, equipment, vehicles, waste materials, or other matter used or produced by a business enterprise, except the storage of vehicles used in the conduct of the business or the vehicles of employees or customers.

**PARKING AREA:** Any area of a lot used for parking spaces and/or drive aisles, also known as a parking lot.

**PARKING SPACE:** Area of not less than 200 square feet, exclusive of access drives and aisles, usable for the storage or parking of passenger vehicles or commercial vehicles under two (2) ton capacity.

**PERSONAL SERVICE:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**PLACE OF WORSHIP:** A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar belief or for conducting formal religious services by a religious congregation on a regular basis.

**PLAT:** An officially recorded map, plan or layout of the township, section, or subdivision, indicating the location and boundaries of individual properties

**PRIVATE RECREATIONAL FACILITIES:** Land owned by a private non-profit entity which has been designated for park or recreational activities including, but not limited to, a park, Playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public use within the Township which is under control, operation, or management of a private non-profit company or organization and which is not operated as a commercial venture.

**PUBLIC RECREATIONAL FACILITIES:** Land owned by a governmental entity which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under control, operation, or management of the Township, County, or State.

**PUBLIC SERVICE FACILITY:** The erection, construction, alteration, or maintenance of buildings power plants, or substations, 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 governmental agency, including the furnishing of gas, rail transport, communication, public water and sewer services.

**RECREATIONAL VEHICLE:** Any self propelled or non-self propelled vehicle or trailer, which can be used as living quarters and used or so constructed as to permit its being used as a conveyance upon the public streets and highways, and having all necessary current licenses or permits and being in road-worthy conditions for such a conveyance.

**SCHOOL:** Any school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the State Board of Education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

**SCHOOL, COMMERCIAL:** A higher education facility primarily teaching useable skills that prepare students for jobs in a trade or business.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

- A. **ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (1) motion picture machines, projectors, video or laser disc players, or (2) other video or image producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- B. **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

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

- C. **ADULT CABARET:** A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that regularly features: (1) Persons who appear in a state of nudity or semi-nudity; (2) Live entertainment characterized by the exposure of “specified anatomical areas” or the depiction or description of “specified sexual activities; or (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specific sexual activities” or specific anatomical areas”.
- D. **ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- E. **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- F. **COVERING:** Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

**G. ESTABLISHMENT:** Includes any of the following:  
(1) The opening or commencement of any Sexually Oriented Business as a new business; (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; (3) The additions of any Sexually Oriented Business to any other existing Sexually Oriented Business; or (4) The relocation of any Sexually Oriented Business

**H. NUDE MODEL STUDIO:** A place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**NUDE MODEL STUDIO** shall not include:

- (1) A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
- (2) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.

**I. NUDITY or a STATE OF NUDITY or NUDE:** Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernible turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

**J. PRINCIPAL BUSINESS PURPOSE:** Forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is the greater.

**K. SEMINUDITY or SEMINUDE CONDITION or SEMINUDE:** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

- L. **SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- M. **SPECIFIED ANATOMICAL AREAS:** (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- N. **SPECIFIED SEXUAL ACTIVITIES:** (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy, or (3) Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.
- O. **SUBSTANTIAL ENLARGEMENT:** Sexually Oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes affect.

**SIGN:** A structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.

- A. **SIGN, FREE-STANDING MONUMENT:** A sign erected on a free-standing wall or monument not attached to a building with a solid continuous foundation. Signs mounted on poles or piers shall not be permitted as free-standing monument signs.
- B. **SIGN, FREE-STANDING POLE:** A sign erected on a free-standing frame, mast, pole, wall, or other brace or support structure, and not attached to any building.
- C. **SIGN, MARQUEE:** A sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.
- D. **SIGN, PROJECTING:** A sign erected on or attached to the outside wall of a building and which projects out at an angle therefrom.
- E. **SIGN, TEMPORARY:** A sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.



- F. **SIGN, WALL:** A sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.
- G. **SIGN, WINDOW:** A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.
- H. **SIGN, CHANGEABLE COPY:** A sign designed to display multiple or changing messages whether by manual or electronic means. Electronically changed signs may include either electronic message boards or digital displays.

**SIMILAR USE:** A use which is not listed as a permitted use or a conditionally permitted use for a district, but which is found to be sufficiently similar to other uses permitted in the district and otherwise compatible with the district and which is approved as a conditionally permitted use by the Board of Zoning Appeals.

**STREET, PRIVATE:** An area of land which affords principle means of access to abutting property, but which has not been dedicated to the Township, County, State of Ohio, or federal government and meets the standards and specifications of the Mahoning County Subdivision Regulations.

**STREET, PUBLIC:** An area of land which has been accepted and dedicated or deeded to the Township, County, State of Ohio, or federal government and which has been accepted by Township Trustees for public use for vehicular travel which affords principle means of access to abutting property.

**STRUCTURE:** Anything constructed or erected on the ground, or attached to something have permanent location on the ground, including but not limited to buildings, carports, signs, swimming pools, fences, or walls, but not including minor post-type structures such as flag poles and basketball hoops.

**SWIMMING POOL, PRIVATE:** A swimming pool exclusively used without paying an additional charge for admission by residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel. It is an accessory use.

**SWIMMING POOL, PUBLIC:** A swimming pool open to the general public or one operated with a charge for admission.

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

- A. **COLLOCATION:** The use of a wireless telecommunications facility by more than one (1) wireless telecommunications provider or by one (1) provider for more than one (1) type of telecommunications

- B. LATTICE TOWER:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- C. MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to the foundation.
- D. WIRELESS TELECOMMUNICATIONS ANTENNA:** The physical device through which electromagnetic , wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- E. WIRELESS TELECOMMUNICATIONS FACILITY:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- F. WIRELESS TELECOMMUNICATIONS TOWER:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**USE:** The principal purpose for which a lot, and/or the principal building thereon, is designed, arranged, or intended and for which it may be used, occupied or maintained.

**USE, CONDITIONALLY PERMITTED:** A use, listed as a conditional use for a specific district or otherwise identified as a conditional use in this Zoning Resolution, which may be established and operated only according to the provisions of the Conditional Use Permit.

**USE, PERMITTED:** A use permitted in a district “by right”, that is, without special review or approval (except in some cases, site plan review) provided that it complies with all applicable provisions.

**USE, PRINCIPAL:** The primary predominant use of any lot or parcel.

**VARIANCE:** As authorized by this Zoning Resolution, a grant by the Board of Zoning Appeals permitting use of property in a manner not wholly in accordance with the provisions of this Zoning Resolution as a means of resolving practical difficulty or unnecessary hardship.

**YARD:** The open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from ground upward, except as otherwise provided herein.

**YARD, FRONT:** A yard extending across the full width of a lot and being the perpendicular distance between the front lot line and the nearest portion of any building or structure existing or proposed for construction on said lot.

**YARD, REAR:** A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portion of any building or structure existing or proposed for construction on said lot.

**YARD, SIDE:** A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

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

**ZONING PERMIT:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, or the arrangement of uses and structures in conformance with the provisions of this Zoning Resolution.

**ZONING INSPECTOR:** The designated Zoning Inspector of Beaver Township or an authorized representative of the Zoning Inspector.

**ARTICLE 2**

**AGRICULTURAL AND RESIDENTIAL DISTRICTS**

**SECTION 201 PURPOSE OF DISTRICTS**

- A. A Agricultural District. The purpose of the Agricultural District is to accommodate agricultural use of land and single-family dwellings on large lots with very low densities.
- B. R-R Rural Residential District. The purpose of the Rural Residential District is to provide for detached single-family dwellings at low densities intended to preserve the semi-rural character of Beaver Township.
- C. S-R Suburban Residential District. The purpose of the Suburban Residential District is to provide for residential uses at moderate densities in areas where public water and sewer service are available.
- D. HD-R High-Density Residential District. The purpose of the High-Density Residential District is to provide for single-family dwellings on smaller lots in areas of established moderate to higher density neighborhoods where public water and sewer are available.
- E. MF-R Multi-Family Residential District. The purpose of the Multi-Family Residential District is to provide for a variety of housing opportunities at moderate to higher densities in strategic locations within the Township where public water and sewer service are available.

**SECTION 202 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES**

The permitted uses, conditionally permitted uses, and accessory uses in Agricultural and Residential Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

<b>TABLE 202 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS</b>					
<b>USE</b> <i>Permitted = P</i> <i>Conditionally Permitted=C</i> <i>Accessory = A</i>	<b>DISTRICTS</b>				
	<b>Agricultural</b>	<b>Rural Residential</b>	<b>Suburban Residential</b>	<b>High-Density Residential</b>	<b>Multi-Family Residential</b>
Single-Family Dwellings, Detached	P	P	P	P	P
Single-Family Dwellings, Attached					P
Multi-Family Dwellings					P
Class 1 Type A Group Residential Facilities			C	C	C
Class 1 Type B Group Residential Facilities	P	P	P	P	P
Type A Family Day Care Homes	C	C	C	C	C
Type B Family Day Care Homes	P	P	P	P	P
Type 1 Home Occupations subject to Section 209.02	P	P	P	P	P
Type 2 Home Occupations	C	C			
Public or Private Schools that meet State Curriculum requirement	C	C	C	C	C
Places of Worship	C	C	C	C	C
Bed and Breakfasts	C	C	C		
Public Service Facilities	C	C	C	C	C
Cemeteries	C	C			
Public Recreational Facilities	P	P	P	P	P
Private Recreational Facilities	C	C	C	C	C

**TABLE 202**

**PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES  
FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS**

<b>USE</b> <i>Permitted = P</i> <i>Conditionally Permitted=C</i> <i>Accessory = A</i>	<b>DISTRICTS</b>				
	<b>Agricultural</b>	<b>Rural Residential</b>	<b>Suburban Residential</b>	<b>High-Density Residential</b>	<b>Multi-Family Residential</b>
Roadside Stands / Farm Markets subject to Section 209.07	P	P	P	P	P
Airports / Heliports	C				
Swimming Pools subject to Section 209.03	A	A	A	A	A
Fences subject to Section 206	A	A	A	A	A
Signs subject to Section 205	A	A	A	A	A
Parking subject to Section 204	A	A	A	A	A
Solar Arrays	A	A	A	A	A
Satellite Dishes subject to Section 209.05	A	A	A	A	A
Wireless Telecommunication Facilities subject to Section 310.04	P				
Wind Turbines subject to 506.14	C	C	C		

**SECTION 203 AREA, SETBACK, AND HEIGHT REGULATIONS**

**203.01 Area, Setback and Height Regulations**

The area, setback, and height regulations in Agricultural and Residential Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

<b>TABLE 203 AREA, SETBACK, AND HEIGHT REGULATIONS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS</b>					
<b>REGULATION</b>	<b>DISTRICTS</b>				
	<b>Agricultural</b>	<b>Rural Residential</b>	<b>Suburban Residential</b>	<b>High-Density Residential</b>	<b>Multi-Family Residential</b>
Minimum Lot Area	3 acres	1.5 acres	32,670 sf	13,500 sf	5 acres
Minimum Frontage (feet)	250	150	(a)	90	100
Minimum Lot Width at Building Line (feet)	250	150	125	90	Section 203.02
Minimum Front Yard (feet)	50	50	50	30	Section 203.02
Minimum Side Yard (feet)	10	10	10	5	Section 203.02
Combined Side Yard (feet)	24	24	24	12	N/A
Minimum Rear Yard (feet)	40	40	40	40	Section 203.02
Minimum Riparian Setback(b) (feet)					
Mill Creek	100	100	100	100	100
Yellow Creek	50	50	50	50	50
Middle Fork/Little Beaver	50	50	50	50	50
Turkey Creek	50	50	50	50	50
Maximum Building Height	38	38	38	38	3 stories or 38 feet
Minimum Livable Floor Area (square feet)	1,500	1,500	1,500	1,100	Section 203.02

- (a) Cul-de-sac Frontage. Notwithstanding other requirements of Table 203, a lot may be platted with seventy-five (75) feet of frontage along the curved part of a cul-de-sac bulb.
- (b) Riparian Setbacks. Riparian setbacks shall be measured from the stream center or the 100-year floodplain, whichever is greater.

**203.02 Multi-Family Residential Districts**

Multi-Family Residential Districts shall comply with the following standards and as otherwise provided in this Zoning Resolution.

- A. Location Requirements. Multi-Family Residential Districts shall only be permitted in locations which:
  - 1. Have immediate or otherwise acceptable access to a major thoroughfare as determined by the Zoning Commission and Township Trustees;
  - 2. Are served by an approved central or public water supply system;
  - 3. Are served by an approved central or public sanitary sewer system; and
  - 4. Are consistent with the Beaver Township Comprehensive Plan.
  
- B. Building Setbacks. Multi-Family Residential Districts shall have the following building setbacks:
  - 1. Fifty (50) feet from the right-of-way line of all existing public streets.
  - 2. Twenty-five (25) feet from the right-of-way of any new public streets constructed as part of a Multi-Family Residential development.
  - 3. Twenty-five (25) feet from the edge of all private streets and access easements.
  - 4. Equal to the height of the building, but in no case less than twenty-five (25) feet, from the side lot lines.
  - 5. Forty (40) feet from the rear lot line.
  - 6. The minimum distance between buildings shall be one-half (1/2) the height of the taller building but in no case less than fifteen (15) feet.
  
- C. Density. The maximum density in any Multi-Family Residential District shall not exceed ten (10) dwelling units per gross acre.
  
- D. Minimum Livable Floor Area. Dwelling units within Multi-Family Residential Districts shall have the following minimum required living area:
  - 1. Detached single-family dwellings shall contain not less than 1,500 square feet of livable floor area.
  - 2. Attached single-family dwellings shall contain not less than 1,000 square feet of livable floor area.
  - 3. Multi-family dwellings shall contain a minimum of 600 square feet of livable floor area for a one bedroom unit and 200 square feet for each additional bedroom.
  
- E. Lot Coverage and Open Space.
  - 1. The maximum lot coverage by all structures shall not exceed twenty-five percent (25%) of the total area of the parcel.



- 2. A minimum of fifteen percent (15%) of the site shall be reserved as open space for use as active or passive recreation areas for residents. Calculation of open space area for purposes of meeting this requirement shall not include areas required for minimum front, side, or rear yard setbacks nor parking areas except those designed and intended to serve recreation facilities.

F. Parking Requirements

- 1. Multi-Family Residential Districts shall have a minimum of two and one-half (2.5) off-street parking spaces for each dwelling unit. One (1) parking space for each dwelling unit shall be within an enclosed garage.
- 2. Parking for recreation facilities and conditionally permitted uses shall be as determined by the Township as part of the final site plan approval.
- 3. Parking shall be setback a minimum of fifty (50) feet from the right-of-way line of existing public streets and a minimum of twenty-five (25) feet from side and rear lot lines.
- 4. Each parking space shall be a minimum of ten (10) feet in width and shall be a minimum of two hundred (200) square feet in area. Drive aisles intended to provide access to parking spaces shall be a minimum of twenty-two (22) feet in width.
- 5. Driveways, parking lots, and drive aisles shall be hard surfaced with either asphalt or concrete in such manner as is approved by the Township as part of the final site plan approval.
- 6. Multi-family developments shall have sidewalks and curbed streets.

G. Utilities. All utilities shall be located underground, provided however, that utility appurtenances may be constructed above ground where appropriately screened and approved as part of the site plan.

H. Buffers. Screening and buffering shall be provided within required setbacks where Multi-Family Residential Developments abut Agricultural and Residential Districts. Screening and buffering shall be shown on the site plan and shall be installed in accordance with the approved site plan.

**203.03 High-Density Residential District**

The High-Density Residential District is only for those lots established prior to the adoption of this Zoning Resolution. No additional land will be classified as High-Density Residential.

**203.04 Lots**

A. Every lot shall comply with the minimum required dimensions for lot area, frontage, and lot width as provided in Section 203.01.

- B. Street Frontage Required. Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Zoning Resolution.
- C. No yard or lot existing at time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots and yards created after the effective date of this Zoning Resolution shall meet at least the minimum requirements set forth herein.
- D. Corner Lots.
  - 1. Corner lots shall have sufficient depth and width to provide yards abutting both streets which comply with the minimum front yard setback requirements.
  - 2. Visibility at Intersections. On a corner lot at the intersection of two streets, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection.
- E. No more than one (1) principal building shall be permitted on any lot in Agricultural and Residential Districts unless otherwise specifically stated in this Zoning Resolution.

**203.05 Height Exceptions**

- A. The maximum height requirements as stated in Section 203.01 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- B. Places of worship and public service facilities located in Agricultural and Residential Districts may exceed the maximum building height set forth in Table 203 for the zoning district where such increased height is specifically authorized by the Board of Zoning Appeals as part of the Conditional Use Permit approval for said facility.

**203.06 Setbacks from Gas and Oil Wells**

All buildings and structures within Agricultural and Residential Districts shall be setback a minimum of 100 feet from any existing gas and/or oil well head, storage Tanks, above ground regulators, or similar control facilities.

**SECTION 204      PARKING**

**204.01      Residential Uses**

- A.    In Suburban Residential and High Density Residential Districts, one (1) driveway shall be permitted for each residential lot which shall not exceed twenty (20) feet in width where it crosses the right-of-way line.
- B.    In Agricultural and Rural Residential Districts, two (2) driveways shall be permitted for each residential lot which shall not exceed twenty (20) feet in width where it crosses the right-of-way line.
- C.    Driveways shall be located a minimum of ten (10) feet from the property line.
- D.    Driveways shall be constructed as a hard surface driveway consisting either of concrete, asphalt, or paving brick. Driveways in the Agricultural and Rural Residential District are exempt from this requirement.
- E.    The driveway apron shall be flared from the right-of-way line to the curb cut in accordance with the standards set by the Mahoning County Engineer.
- F.    Off-street parking, exclusive of driveways, shall occupy not more than one-third of any front, side, or rear yard in any agricultural and residential district.
- G.    In Agricultural and Residential District, recreational vehicles may be stored on the property in which the owner resides and shall meet the setback requirements for the district in which it is located.
- H.    In Suburban Residential, High Density Residential, and Multi-Family Districts, commercial vehicles over 1 ton and recreational vehicles shall be parked or stored in a completely enclosed building, unless the property is three (3) acres or larger.

**204.02      Non-Residential Uses**

Non-residential uses located in agricultural and residential districts shall comply with the parking requirements as set forth in Section 304 Parking.

**204.03      Parking of Certain Vehicles**

Parking or storage of any motor vehicle, trailer, recreational vehicle, boat, or boat trailer, in a wrecked, inoperable, dismantled or abandoned condition or without current, legally displayed license plates is prohibited in any Agricultural and Residential District unless it is parked or stored completely within an enclosed building.

**SECTION 205      SIGNS**

**205.01      Signs Permitted in Agricultural Districts**

The following signs shall be permitted in Agricultural Districts subject to conformance with the regulations set forth herein and the provisions of Article 7 of this Zoning Resolution.

A.      Permanent Signs

1.      Each parcel of land which is larger than three (3) acres in area shall be permitted wall signs provided the total area of such signs shall not exceed one square foot in area for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Zoning Inspector. Wall signs shall not project more than eighteen (18) inches in front of the building wall nor extend above the top of the wall.
2.      Each parcel of land which is larger than three (3) acres in area shall be permitted one (1) free-standing pole sign which shall not exceed forty (40) square feet in area nor six (6) feet in height. Such free-standing pole signs shall be located a minimum of ten (10) feet from all property boundary lines, and shall be located a minimum of twenty-five (25) feet from any residential district line.
3.      In lieu of the signage permitted in Subsection (A)(2) above, parcels of more than three (3) acres in area which also have more than five hundred (500) lineal feet of frontage on a public right-of-way shall be permitted one (1) free-standing pole sign which shall not exceed one hundred (100) square feet in area nor fifteen (15) feet in height for each five hundred (500) lineal feet of public street frontage. Such free-standing pole signs shall be located a minimum of twenty-five (25) feet from all property boundary lines, and shall be located a minimum of fifty (50) feet from any residential zoning district line.
4.      Each parcel of land which is three (3) acres or less in area shall be permitted one (1) sign, which may be either a wall or free-standing pole sign, not exceeding four (4) square feet in area may be permitted for each lot or parcel. If free-standing, such sign shall be not exceed three (3) feet in height and shall not be located less than ten (10) feet from the right-of-way or any lot line.

B.      Temporary Signs

1.      One sign, which may be either a wall or free-standing pole sign, not exceeding thirty-two (32) square feet in area shall be permitted for each lot or parcel of more than three (3) acres in area. Such sign shall be displayed for not more than two (2) thirty (30) day periods per year. Such free-standing temporary pole signs shall not exceed eight (8) feet in height nor shall such signs be located less than ten (10) feet from the right-of-way or any lot line.
2.      One sign, which may be either a wall or free-standing pole sign, not exceeding four (4) square feet in area shall be permitted for each lot or

parcel containing three (3) acres or less. Such sign shall be displayed for not more than two (2) thirty (30) day periods per year, shall not exceed three (3) feet in height, and shall not be located less than ten (10) feet from the right-of-way or any lot line.

- 3. One temporary free-standing pole sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed within five (5) days of issuance of an occupancy permit by the Zoning Inspector.

**205.02 Signs Permitted in Residential Districts**

The following signs shall be permitted in Rural Residential, Suburban Residential, High-Density Residential and Multi-Family Residential Districts subject to conformance with the regulations set forth herein and the provisions of Article 7 of this Zoning Resolution.

A. Permanent Signs

- 1. One sign, which may be either a wall or free-standing monument sign, not exceeding four (4) square feet in area may be permitted for each lot or parcel. If free-standing, such sign shall be not exceed three (3) feet in height and shall not be located less than ten (10) feet from the right-of-way or any lot line.
- 2. One wall sign may be permitted for multi-family buildings located within the Multi-Family Residential Districts. Such wall signs shall be limited to a maximum of twenty (20) square feet in area.
- 3. A residential development containing more than fifty (50) dwelling units may be permitted one (1) free-standing monument sign at each entrance to the development provided that such sign does not exceed twenty-five (25) square feet in area, does not exceed six (6) feet in height, and is located at least fifteen (15) feet from any street right-of-way or property line. The base and foundation of each such sign shall be landscaped with plant material as approved by the Zoning Inspector.
- 4. In lieu of the signage permitted in Subsections 1 - 3 hereof, conditionally permitted uses as provided in Article V may be permitted such signage as may be established by the Board of Zoning Appeals and specified as part of the approved Conditional Use Permit.

B. Temporary Signs

- 1. One sign, which may be either a wall or free-standing sign, not exceeding four (4) square feet in area shall be permitted for each lot or parcel for not more than two (2) thirty (30) day periods per year. Free-standing temporary signs shall not exceed three (3) feet in height nor shall such signs be located less than ten (10) feet from the right-of-way or any lot line.

- 2. One free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed twenty (20) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed within five (5) days of issuance of an occupancy permit by the Zoning Inspector.

**SECTION 206 FENCES**

**206.01 General Requirements**

- A. Fences may be permitted as accessory uses in Agricultural and Residential Districts subject to the provisions of this Section.
- B. A zoning permit is required for any fence, excluding agricultural fences.
- C. The finished surface shall be outside with all posts, braces, etc on the inside. It shall be the responsibility of the property owner erecting the fence to provide maintenance of the outside surface.
- D. Fences shall not exceed six (6) feet in height in side and rear yards.
- E. In a front yard, fences shall not exceed three (3) feet in height.
- F. No fence shall interfere with clear sight distance or create a visual obstruction.
- G. No fence shall extend into the road right-of-way.

**SECTION 207 BUFFERS**

In Agricultural and Residential Districts, the following buffering requirements shall be applicable for non-residential uses where sides of a property adjoin a street right-of-way and any side of a property which is adjacent to a residential dwelling unit.

- A. All pavement shall be setback from the above described property lines a distance of twenty (20) feet, except for those reasonable portions required for access to and from the street and to adjoining properties.
- B. The area created between the property lines and the setback line shall be improved with an acceptable landscaping treatment in accordance with an approved site plan.
- C. Where pavement is used for parking, service courts, trash retainage, storage, delivery or shipping area, and where such pavement is visible from an adjoining residential property or from a public street, this pavement shall be screened from

view by a wall, fence, evergreen planting and/or landscaped earthen mound in addition to the landscaping requirements above.

- D. All landscaping and screening shall be maintained in good condition. In no case shall such vegetation or screening be placed in a manner which presents a safety hazard to vehicular or pedestrian traffic.

**SECTION 208 SITE PLANS**

Site plans for new detached single family residences, additions to detached single family residences, accessory buildings and structures commonly incidental to detached single family residences on individual building lots in Agricultural and Residential Districts shall be subject to conformance with the provisions of Section 1003 of this Zoning Resolution.

**SECTION 209 SUPPLEMENTAL REGULATIONS**

**209.01 Accessory Uses and Structures**

- A. Accessory uses and structures shall be permitted in Agricultural and Residential Districts subject to the provisions herein and as otherwise provided in this Zoning Resolution. An accessory use or structure shall only be established on a lot having a principal use or structure and shall not be constructed or established prior to the principal use or structure.
- B. Accessory uses and structures shall:
  - 1. Be clearly subordinate to the principal use and structure.
  - 2. Directly serve the principal use and structure.
  - 3. Be subordinate in area, extent and purpose to the principal use and structure.
  - 4. Be located on the same lot as the principal use and structure
  - 5. Be reasonably and customarily accessory to the principal use and structure.
  - 6. A Zoning Permit is required for all accessory uses and structures in compliance with the provisions of Section 1002, provided however, that one (1) accessory storage building of less than 144 square feet in area may be erected or placed on a lot without a Zoning Permit.
- C. Location. An accessory building (including garages and other outbuildings) shall be located as follows:
  - 1. Only in the rear or side yard.
  - 2. No nearer to a side street line than a distance equal to half the width of the lot or fifty (50) feet, whichever is lesser.
  - 3. At least fifteen (15) feet from the principal building.

- 4. At least six (6) feet from the rear lot line and side lot line.
  - 5. The total area of all detached accessory buildings on a lot shall not exceed 864 square feet in the High Density Residential and Suburban Residential Districts.
  - 6. The total area of all detached accessory buildings on a lot in the Rural Residential District shall not exceed 1,200 square feet.
  - 7. The total area of all detached accessory buildings on a lot in the Agricultural District shall not exceed 3,000 square feet.
- D. Height. The height of an accessory structure shall not exceed the height of the principal building.

**209.02 Type 1 Home Occupations**

Type 1 Home Occupations shall be permitted as an accessory use in Agricultural and Residential Districts subject to the following requirements:

- A. Such use shall be conducted entirely within the dwelling unit and shall not occupy any accessory building or yard space.
- B. Type 1 Home Occupations shall not occupy greater than one-half (1/2) of the first floor livable area of the dwelling unit.
- C. Such use shall be owned and operated by a person residing in the dwelling unit.
- D. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
- E. Such use shall not change the appearance of the structure and/or property which would alter or detract from the residential atmosphere of the neighborhood.
- F. Such use shall not generate more than four (4) vehicles at a time. Off-street parking shall be provided for all vehicles.

**209.03 Private Swimming Pools**

Private swimming pools shall be subject to the following requirements:

- A. All in-ground and above-ground pools are permitted in rear and side yards and shall be located a minimum of ten (10) feet from the rear and side property lines. On a corner lot, private swimming pools shall conform to the required setbacks for the principal building on both frontages for the district in which it is located.
- B. All in-ground pools shall be entirely enclosed in a safety fence no less than four (4) feet and no more than six (6) feet in height. The fence shall enclose the pool area or the entire yard, so long as it serves adequately to protect uncontrolled access into the pool. Doors and gates in the fence shall be self-closing and self-



locking devices or any other type of latch or devise that a young child cannot open from outside the fence.

- C. Above-ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions including, but not limited to, removing ladders and other forms of access to pools when the pools are not in use. Above-ground pools that are surrounded in whole or part by decks or other above-ground structures shall have access gates that are equipped with locks or other such devices that a young child cannot open from the outside the gate and which serve adequately to protect uncontrolled access into the pool.

**209.04 Public Swimming Pools**

Public or club swimming pools shall be subject to the following requirements:

- A. The pool and the area used by bathers shall be located no closer than 200 feet to any property line.
- B. The pool and the area used by bathers shall be walled or fenced to prevent uncontrolled access. The fence or wall shall be no less than five (5) feet in height and shall be maintained in good condition.

**209.05 Satellite Dishes**

A. Large Satellite Dishes

- 1. Satellite dish antennas larger than thirty-nine (39) inches in diameter shall be permitted in agricultural and residential districts provided such dish structures comply with the following criteria:
  - a. A zoning permit is required when installing, moving, or substantially constructing or reconstructing such a dish antenna.
  - b. Installation shall be in compliance with the manufacturer's specifications at a minimum.
  - c. Dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.
  - d. A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided above.
  - e. No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.
  - f. Dishes may not contain advertising or otherwise be used as signs.
- 2. Location In Yards. A dish antenna shall be installed in the rear yard only.
- 3. Setback.
  - a. The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.

- b. In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
  - 4. Maximum Height. The maximum height of dish antennas shall be fifteen (15) feet or the height of the principal building, whichever is less.
  - 5. Buffering. Dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings, so that view of the lower one half (1/2) of the dish area is restricted from all public streets and six (6) feet above ground level of abutting residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.
- B. Small Satellite Dishes.
- 1. Dishes eighteen (18) inches in diameter or less, for residential purposes, with fixed mounting at ground level or directly attached to a dwelling shall be exempt from these regulations.
  - 2. Dishes less than thirty-nine (39) inches in diameter shall be permitted provided such dish structures comply with the following criteria which are hereby established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are consistent with and preserve the established aesthetic character of the Township.
  - 3. All free-standing installations shall be located in compliance with the setback regulations for the zoning district in which such installations are located. Each free-standing installation shall have an adequate base as determined by the Zoning Inspector.
  - 4. All wiring from a free-standing dish to the buildings which it serves shall be installed underground to minimize the safety hazards associated with exposed wiring.
  - 5. Any dish mounted on the roof or attached to the wall of any structure shall be designed and constructed so as not to create undue loading or stress on building components and in a manner acceptable to the Zoning Inspector.
  - 6. In order to minimize wind loading, roof installations shall be accomplished so that the top of the satellite dish does not extend above the ridge line of the roof.
  - 7. Each dish shall, to the extent possible, be harmonious in color with the building surface to which it is attached.

**209.06 Animals**

- A. The keeping of exotic animals is strictly prohibited.
- B. Domestic animals may be maintained on any platted lot, provided that on lots less than three (3) acres the following minimum open pasture areas shall be provided. On a temporary basis, educational projects such as 4-H are exempt from this

requirement. Parcels with CAUV status and domestic animals which are registered with the County shall be exempt from this requirement:

1. Horse, pony, and cattle shall have a minimum of one (1) acre of fenced grazing area per head.
2. Goat, sheep, pig, llama, and alpaca shall have a minimum of one (1) acre of area and not more than ten (10) heads per acre of area.
3. All other domestic animals shall have a minimum number of acres per head as determined and approved by the Board of Zoning Appeals.

**209.07 Roadside Stands / Farm Markets**

As provided in the Ohio Revised Code, the use of any land for a roadside stand shall be permitted in any Agricultural and Residential District where fifty percent (50%) or more of the gross income received from the market is derived from produce raised in farms owned and operated by the market operator in a normal crop year. The roadside stand shall provide sufficient parking so customers are not required to park on road right-of-way and there shall be provisions for customer turn-around space.

**209.08 Residential Dwellings**

All dwellings shall comply with the following standards:

- A. A full masonry foundation, minimum eight (8) inches thick shall be constructed under all parts of the perimeter walls of the dwelling.
- B. The dwelling shall be attached to a permanent foundation.
- C. Dwellings shall be connected to approved water and sanitary sewer facilities.
- D. Dwellings shall be a minimum length of twenty-two (22) feet and a width of at least twenty-two (22) feet.
- E. Dwellings shall meet the minimum livable area required for the district in which it is located.
- F. Dwellings shall have conventional residential sheathing such as but not limited to wood, vinyl, or metal lap siding; shingles; brick or stone.
- G. Dwellings shall have a minimum 6-inch overhang and a minimum 3:13 roof pitch.
- H. Traditional site built dwellings shall comply with all applicable local and state building codes.
- I. Manufactured homes shall comply with the Ohio Building Code.

**209.09 Temporary Uses and Structures**

Temporary uses and structures for uses incidental to construction work, such as construction office trailers, storage trailers or sheds, and fenced storage areas, shall be permitted subject to a zoning permit. The structures shall be placed in locations approved by the Zoning Inspector, but not closer than twenty (20) feet to a public right-of-way and not closer than ten (10) feet to any lot line. Temporary structures shall be permitted only for the duration of construction activity on the lot and shall be removed upon completion or abandonment of the construction work.

**209.10 Junk**

In order to protect the residents of Beaver Township from conditions conducive to the infestation and breeding of wild animals, pests, vermin, insects, and rodents, the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or other discarded objects or debris shall be prohibited in Agricultural and Residential Districts.

**209.11 In-Law Suites**

In-law suites, used as an adjunct to and physically connected by a permanent, non-locking interior door within a single-family dwelling, are permitted accessory uses subject to the following requirements:

- A. The maximum number of individuals residing in the in-law suite shall be two (2).
- B. Only individuals related by blood or marriage to one (1) or more of the occupants of the single-family dwelling.
- C. The in-law suite shall not contain cooking facilities.
- D. The in-law suite shall not exceed seven hundred and fifty (750) square feet.

**209.12 Solar Arrays**

- A. Alternative Energy Facilities shall only be permitted as an accessory use to a permitted principal use or building located on the same lot or parcel. Where not designed as an integral part of the principal building, such facilities shall be considered accessory structures. Such facilities shall be designed, installed, or constructed to provide electrical power and/or heat to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities and/or distribution of power to other properties are prohibited.
- B. Roof mounted Solar Arrays in Agricultural and Residential Districts shall be located, maintained, and operated in conformance with the following criteria and standards:
  - 1. Roof mounted Solar Arrays shall require a Zoning Certificate as an accessory use, but shall be considered part of the principal building and not an accessory structure.
  - 2. Solar Panels shall not extend more than twenty-four (24) inches above the plane of

the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof.

- 3. Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.
- 4. All accessory components shall be located either within the building or behind the front setback line of the principal building.
- 5. All accessory components shall comply with the minimum side and rear building setback lines for the dwelling.
- 6. Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.
- 7. Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.
- 8. Solar Arrays shall not contain advertising visible from off the premises.
- 9. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- 10. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

C. Free-standing or ground mounted Solar Arrays shall be Conditionally Permitted Accessory Uses and Accessory Structures in all Districts in conformance with the following criteria and standards:

- 1. Minimum Lot Area. Free-standing or ground mounted Solar Arrays shall be permitted as a Conditional Accessory Use and Structure only on lots that are two (2.0) acres or larger.
- 2. Maximum Height. Free-standing or ground mounted Solar Arrays shall not exceed a maximum height of fifteen (15) feet measured to the highest projection of any Solar Panel in final configuration and orientation.
- 3. Minimum Setback. Free-standing or ground mounted Solar Arrays shall be setback from all side and rear property lines a minimum of fifteen (15) feet.
- 4. Location. Free-standing or ground mounted Solar Arrays shall be located behind the front setback line of the principal building to which such facility is accessory.
- 5. Maximum Size. Free-standing or ground mounted Solar Arrays in Agricultural and Residential Districts shall not exceed a maximum of two thousand (2,000) square feet in area.
- 6. Structural Support and Wind Load. Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand wind loads in compliance with the Ohio Building Code.
- 7. Accessory Components. All accessory components shall be located either within the principal building or behind the front setback of the principal building and shall comply with the side and rear building setback lines of the District. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.
- 8. Wiring. All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

**ARTICLE 3**

**COMMERCIAL AND INDUSTRIAL DISTRICTS**

**SECTION 301 PURPOSE OF DISTRICTS**

- A. C-C Convenience Commercial District. The purpose of the Convenience Commercial District is to provide for retail and service businesses serving the daily needs of Township residents for goods and services. C-C Districts are strategically located to provide accessibility to Township residents. Uses in this district shall be compatible with surrounding residential uses in order to minimize impacts on the surrounding neighborhoods and are intended to be limited in scale.
  
- B. G-C General Commercial District. The purpose of the General Commercial District is to provide an environment for a wide range of business enterprises and promote a mix of commercial uses that provided goods and services for both the Township and surrounding areas. Establishments in this District must have access to public water and sanitary sewer service.
  
- C. O-I Office / Industrial District. The purpose of the Office / Industrial District is to provide locations for the development of administrative and office uses as well as light industrial uses. Establishments in this District must have access to public water and sanitary sewer service.
  
- D. G-I General Industrial District. The purpose of the General Industrial District is to provide for industrial uses for the purposes of storing, manufacturing, processing and distributing goods in areas where public water and sanitary sewer facilities are available.

**SECTION 302 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES**

The permitted uses, conditionally permitted uses, and accessory uses in Commercial and Industrial Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

<b>TABLE 302 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS</b>				
<b>USE</b> <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	<b>DISTRICT</b>			
	<b>Convenience Commercial</b>	<b>General Commercial</b>	<b>Office / Industrial</b>	<b>General Industrial</b>
Personal Services	P	P		
Offices	P	P	P	P
Medical Offices	P	P	P	P
Retail Stores Less than 5,000 square feet	P	P		
Retail Stores Greater than 5,000 square feet		P		
Banks and Financial Services	C	C	C	
Restaurants without Drive-Thru Facilities	P	P	P	
Drive-in or Drive-Thru Commercial Uses	C	C		C
Public Service Facilities	P	P	P	P
Places of Worship	P	P	P	
Child Day Cares	P	P	C	
Commercial Schools	C	C	C	C
Commercial Entertainment Facilities		C		
Commercial Recreational Facilities		C		
Public Recreational Facilities	P	P	P	P
Theater		C		
Wholesale Business		C	C	C
Vehicle Sales, New		C	C	C
Vehicle Sales, Used		C	C	C
Vehicles Rental, Service and Repair		C	C	C
Nursing Homes; Assisted Living	C	C		
Medical Clinics		C	C	

<b>TABLE 302 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS</b>				
	<b>Convenience Commercial</b>	<b>General Commercial</b>	<b>Office / Industrial</b>	<b>General Industrial</b>
Hospitals		C	C	
Mortuaries; Funeral Homes		C		
Crematories		C	C	C
Kennels; Animal Shelters; Pet Spa; Pet Salon		C	C	C
Veterinary Animal Hospitals/Clinics		C	C	C
Hotels and Motels		P	P	P
Roadside Stand / Farm Market subject to Section 310.05	P	P	P	P
Bed and Breakfasts	P	P		
Copy Services	P	P	P	P
Manufacturing Activities			C	P
Printing and Publishing				P
Research and Testing Facilities				P
Contracting Firms				P
Warehousing and Storage			P	P
Mini-Storage Facilities			C	C
Outdoor Storage			C	C
Sexually Oriented Business subject to Section 310.03		P	P	P
Fireworks		C	C	C
Transport and Trucking Terminals				C
Wireless Telecommunication Facilities subject to Section 310.04		P	P	P
Similar Uses subject to Article 5	C	C	C	C
Parking subject to Section 304	A	A	A	A
Signs subject to Section 305	A	A	A	A
Satellite Dishes subject to Section 310.02	A	A	A	A
Wind Turbines subject to 506.14		C	C	C
Massage Establishments subject to Section 310.10		P		



**SECTION 303 AREA, SETBACK, AND HEIGHT REGULATIONS**

**303.01 Area, Setback, and Height**

The area, setback, and height regulations in Commercial and Industrial Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

<b>TABLE 303 AREA, SETBACK, AND HEIGHT REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS</b>				
<b>REGULATION</b>	<b>DISTRICT</b>			
	<b>Convenience Commercial</b>	<b>General Commercial</b>	<b>Office / Industrial</b>	<b>General Industrial</b>
Minimum Lot Area (square feet)	20,000	43,560	43,560	43,560
Minimum Frontage (a) (feet)	100	100	150	150
Minimum Lot Width At Building Line (feet)	100	100	150	150
Minimum Front Yard (feet)	50	70	70	70
Minimum Side Yard (feet)	20	20	20	20
Adjacent to Residential	50	50	50	100
Minimum Rear Yard (feet)	40	40	40	40
Adjacent to Residential	50	50	50	100
Minimum Riparian Setback (b) (feet)				
Mill Creek	100	100	100	100
Yellow Creek	50	50	50	50
Middle Fork/Little Beaver	50	50	50	50
Turkey Creek	50	50	50	50
Parking Setback (feet)				
Front	20	20	20	20
Rear	10	10	10	10
Side	10	10	10	10
Adjacent to Residential	20	20	20	20
Maximum Percent Lot Coverage	25%	25%	25%	25%
Maximum Building Height (feet)	38	50	50	50

- (a) Cul-de-sac Frontage. Notwithstanding other requirements of Table 303, a lot may be platted with seventy-five (75) feet of frontage along the curved part of a cul-de-sac bulb.
- (b) Riparian Setbacks. Riparian setbacks shall be measured from the stream center or the 100-year floodplain, whichever is greater

**303.02 Lots**

- A. Every lot shall comply with the minimum required dimensions for lot area, frontage, and lot width as provided in Section 303.01.
- B. Street Frontage Required. Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Zoning Resolution.
- C. No yard or lot existing at time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots and yards created after the effective date of this Zoning Resolution shall meet at least the minimum requirements set forth herein.
- D. Corner Lots.
  - 1. Corner lots shall have sufficient depth and width to provide yards abutting both streets which comply with the minimum front yard setback requirements.
  - 2. Visibility at Intersections. On a corner lot at the intersection of two streets, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection.

**303.03 Height Exceptions**

The maximum height requirements as stated in Section 303.01 does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**SECTION 304 PARKING**

**304.01 General Requirements**

No building or structure shall be erected, substantially altered, or its use changed and the use of land shall not be changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Section.

**304.02 Location of Parking**

- A. Required parking and loading spaces shall be designed and constructed exclusively for such purposes. No parking or loading space shall include areas otherwise required for aisles, pedestrian areas, or access drives.

- B. Parking and loading as required by this Zoning Resolution for a use or structure shall be provided on the same lot as the use or structure unless otherwise approved by the Board of Zoning Appeals.
- C. Setbacks for parking in commercial and industrial districts:
  1. All parking areas shall be setback at a minimum of ten (10) feet from property lines abutting commercial and industrial districts.
  2. All parking areas shall be setback at a minimum of twenty (20) feet from property lines abutting agricultural and residential districts.
  3. All parking areas shall be setback from street right-of-way lines at least twenty (20) feet.

**304.03 Parking and Aisles**

- A. Parking spaces shall have an area of not less than 200 square feet, exclusive of access drives and aisles.
- B. Parking spaces and aisles shall comply with the dimensions in Table 304.03:

<b>TABLE 304.03 DIMENSIONS FOR PARKING SPACES AND AISLES</b>				
	<b>Angle of Parking</b>			
	<b>90 Degrees</b>	<b>60 Degrees</b>	<b>45 Degrees</b>	<b>Parallel Parking</b>
Minimum Width of Space	10 feet	10 feet	10 feet	9 feet
Minimum Length of Space	20 feet	20 feet	20 feet	23 feet
Minimum Aisle Width: One Way	22 feet	18 feet	13 feet	13 feet
Minimum Aisle Width: Two Way	22 feet	20 feet	20 feet	24 feet

**304.04 Parking Spaces Required**

A. Parking spaces shall be provided for each use and structure as required in Table 304.04:

<b>TABLE 304.04 PARKING SPACES REQUIRED IN COMMERCIAL AND INDUSTRIAL DISTRICTS</b>	
<b>Use</b>	<b>Off-Street Parking Spaces Required</b>
Place of Worship	One (1) space for each five (5) seats
Primary Schools	Two (2) spaces for each classroom plus one (1) space for each 200 square feet of floor area other than classrooms
Secondary Schools	Six (6) spaces for each classroom plus one (1) space for each 200 square feet of floor area other than classrooms
Nursing Homes	One (1) space for each bed
Offices	One (1) space for each 250 square feet of floor area
Medical Offices	One (1) space for each 200 square feet of floor area
Medical Clinics	One (1) space for each 150 square feet of floor area
Banks and Financial Services	One (1) space for each 200 square feet of floor area
Retail Stores	One (1) space for each 200 square feet of floor area
Restaurant	One (1) space for each two (2) seats at maximum capacity
Hotels and Motels	One (1) space for each sleeping room plus one (1) space for each two (2) employees
Funeral Homes; Mortuaries	One (1) space for each 100 square feet of floor area in parlors or slumber rooms
Manufacturing	One (1) space for each 750 square feet of floor area
Warehousing and Storage	One (1) space for each 750 square feet of floor area

- B. Where the Zoning Inspector determines that the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be determined by the Board of Zoning Appeals. The parking and loading areas shall be sufficient to meet all the parking and loading needs of the proposed use and sufficient space shall be reserved on the site to provide for the reasonable future re-use.
- C. The parking spaces required for a use or building shall be calculated by multiplying the floor area of the building or use or other specified measure by the respective “off-street parking spaces required” as listed in Table 304.04
- D. Where two or more uses are located on the same lot, the total number of spaces required shall be equal to the sum of the requirements of the individual uses.
- E. All standards set forth in this Section anticipate and encourage compliance with the Americans with Disabilities Act (ADA) and any other applicable regulation for provision of handicapped parking.
- F. Landbanking. An applicant for a Zoning Permit may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required by this Zoning Resolution. The request shall include a detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Such landbanked parking plans shall be referred to the Board of Zoning Appeals, which may approve a total parking layout which permits a portion of the required parking spaces to be reserved and temporarily retained in landscaped open space where the Board determines such arrangement to be appropriate. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Zoning Inspector determines that the landbanked parking is necessary for the operation of the use.

**304.05 Off-Street Waiting Spaces for Drive-Thru Facilities**

Drive-thru establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Section 304.04 and as otherwise provided in this Zoning Resolution.

- A. The minimum number of waiting spaces shall be provided for each use and structure as required in Table 304.05:

<b>TABLE 304.05 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES IN COMMERCIAL AND INDUSTRIAL DISTRICTS</b>	
<b>Use</b>	<b>Off-Street Waiting Spaces Required</b>
Establishments serving and/or selling food and/or drinks	Eight (8) waiting spaces
Facilities with service windows or service entrances such as banks, photo pick-up, pharmacy pick-up, ticket booths or other similar facilities	Five (5) waiting spaces for each window or stall
Drive-up ATM machines	Four (4) waiting spaces
Self-service automobile washing facilities	Three (3) waiting spaces for each stall
Automatic car wash facilities	Six (6) waiting spaces for each entrance
Gasoline Station	One (1) waiting space for every four (4) filling locations
Automobile service stations that provide service to customers who wait in the vehicle while the service is performed	Three (3) waiting spaces for each service bay

- B. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

**304.06 Access**

- A. All off-street parking facilities shall be designed with means of vehicular access to a street in a manner which will least interfere with traffic movements.
- B. Entrance and exit from a lot shall be through approved access drives and curb cuts. On a corner lot, curb cuts shall be separated as far from the intersection of the roads as possible, unless otherwise required by this Zoning Resolution or by other laws and as approved in site plan review.
- C. No more than one (1) curb cut shall be constructed for one (1) lot, unless otherwise approved in site plan review.
- D. All curb cuts shall be constructed to provide for adequate sight distance in accordance with the standards of the Mahoning County Engineer and Ohio Department of Transportation.

**304.07 Loading Space Requirements**

- A. Every building which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes.
- B. Every building having over 5,000 square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in vertical clearance.
- C. An additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof, of gross floor area in the building.
- D. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
- E. All parking and loading spaces shall be designed and located so that vehicles using such spaces enter and exit the lot in a forward facing directions and have sufficient space to be parked or loaded/unloaded on the lot and completely outside of the right-of-way.

**304.08 Improvement and Maintenance**

All parking areas shall be improved and maintained as follows:

- A. Improvement. All open off-street parking areas shall be paved with asphalt or concrete or similar material as approved by the Zoning Inspector.
- B. Grading and Drainage. Parking and loading areas shall be graded and drained and proved with adequate drainage facilities so that the adjacent properties and rights-of-way shall not receive surface runoff water from the proposed parking area except in approved drainage facilities.
- C. Pavement and Marking. Striping and other pavement markings shall be installed and maintained in all parking and loading facilities.
- D. Illumination of Parking Areas. Parking areas shall be illuminated to protect the public safety. The lighting fixtures shall be designed and located so as not to reflect direct rays of light into adjoining residential and agricultural districts and public streets.

**304.09 Screening and Landscaping of Parking Areas**

Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements and as shown on the approved site plan:

- A. Within the area of any parking lot with a capacity of twenty (20) or more vehicles, a portion of the parking lot shall be planted as landscape islands.

For the purpose of this Section, the area of the parking lot shall be the total vehicular surface area including circulation aisles. The minimum percentage of the parking lot area that shall be landscaped is 5%. Shrub plantings adjacent to a building along the perimeter of a parking lot, or in any part of a yard, shall not be counted as interior landscaping.

- B. Such islands shall be developed and distributed through the parking lot to provide visual and climatic relief from broad expanses of pavement.
- C. Such islands shall be located to avoid circulation and visual obstructions in the parking lot.
- D. Each island shall be a minimum of ten (10) feet in any horizontal dimension and shall provide at least one (1) major shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
- E. When a parking area is located within twenty (20) feet of a side or rear lot line, perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, or hedge.
- F. A planting strip at least five (5) feet in width shall be located along the perimeter of a parking areas along a side or rear lot line.

**304.10 Parking of Certain Vehicles**

Parking or storage of any motor vehicle, trailer, recreational vehicle, boat, or boat trailer, in a wrecked, inoperable, dismantled, or abandoned condition or without current, legally displayed license plates is prohibited in any Commercial or Industrial District unless it is parked or stored completely within an enclosed building.

**SECTION 305 SIGNS**

**305.01 Signs Permitted in Commercial and Industrial Districts**

The following signs shall be permitted in Commercial and Industrial Districts subject to conformance with the regulations set forth herein and the provisions of Article 7 of this Zoning Resolution.

- A. Area of Signs The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed one square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Zoning Inspector. Buildings or parcels having frontage or a facade facing a second street, may increase the



permitted total sign area for permanent signs as calculated herein by fifty percent (50%).

B. Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

1. Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.
2. Projecting Signs. Projecting signs shall be limited to one (1) sign for each establishment or store front and shall not exceed a maximum of eight (8) square feet in area. Any face of a projecting sign shall be not less than five (5) feet from a side lot line or party wall of another store unit. The amount of projection from the wall surface shall be as determined by the Zoning Inspector. Projecting signs shall not extend above the roof line of the building to which they are affixed.
3. Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four (4) feet.
4. Free-standing Monument Signs. Each use, parcel, building, or land under common ownership or control shall be limited to one (1) free-standing monument sign which shall not exceed forty (40) square feet in area nor six (6) feet in height. Parcels which have frontage on two or more streets may have a second free-standing monument sign provided that the second free-standing monument sign is located on a different street and does not exceed forty (40) square feet in area nor six (6) feet in height. Free-standing monument signs shall be located a minimum of ten (10) feet from all property boundary lines or any street right-of-way, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line. Each free-standing monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building located on the site as determined by the Zoning Inspector. The base and foundation of each free-standing monument sign shall be landscaped with plant material as approved by the Zoning Inspector.
5. Window signs. Window signs shall not obscure more than thirty percent (30%) of the glazed surface of any window.

C. Temporary signs.

1. One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing temporary

signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the front or any side lot line.

- 2. One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed within five (5) days of issuance of an occupancy permit by the Zoning Inspector.
- 3. One temporary sign advertising the property for sale or lease not exceeding sixteen (16) square feet in area or six (6) feet in height. Such sign shall be Removed after one (1) year unless an additional permit is obtained from the Zoning Inspector.

**SECTION 306 FENCES**

**306.01 General Requirements**

- A. Fences may be permitted as accessory uses in Commercial and Industrial Districts subject to the provisions of this Section.
- B. A zoning permit is required for any fence, excluding agricultural fences.
- C. The finished surface shall be outside with all posts, braces, etc on the inside. It shall be the responsibility of the property owner erecting the fence to provide maintenance of the outside surface.
- D. Fences shall not exceed six (6) feet in height in the side and rear yards.
- E. In a Commercial or Industrial District, no fence shall be permitted between the front building line and the front property line.
- F. No fence shall interfere with clear sight distance or create a visual obstruction.
- G. No fence shall extend into the road right-of-way.

**SECTION 307 BUFFERS**

In Commercial and Industrial Districts, the following buffering requirements shall be applicable for those sides of a property which adjoin a street right-of-way and any side of a property which is adjacent to, in whole or part, an agricultural or residential district.

- A. All pavement shall be setback from the above described property lines a distance of twenty (20) feet, except for those reasonable portions required for access to and from the street and to adjoining properties.
- B. The area created between the property lines and the setback line shall be improved with an acceptable landscaping treatment in accordance with an approved site plan.
- C. Where pavement is used for parking, service courts, trash retainage, storage, delivery or shipping area, and where such pavement is visible from an adjoining

residential property or from a public street, this pavement shall be screened from view by a wall, fence, evergreen planting and/or landscaped earthen mound in addition to the landscaping requirements above.

- D. All landscaping and screening shall be maintained in good condition. In no case shall such vegetation or screening be placed in a manner which presents a safety hazard to vehicular or pedestrian traffic.

**SECTION 308 SITE PLANS**

All commercial uses and industrial uses require site plan approval subject to conformance with the provisions of Section 1003 of this Zoning Resolution.

**SECTION 309 SITE DRAINAGE**

Plans for on-site surface drainage retention and/or detention areas and drainage calculations must be reviewed by the Office of the Mahoning County Engineer and/or Mahoning County Soil and Water Conservation District.

**SECTION 310 SUPPLEMENTAL REGULATIONS**

**310.01 Accessory Uses and Structures**

- A. Accessory uses and structures shall be permitted in Commercial and Industrial Districts subject to the provisions set forth herein and as otherwise provided in this Zoning Resolution. An accessory use or structure shall only be established on a lot having a principal use or structure and shall not be constructed or established prior to the principal use or structure.
- B. Accessory uses and structures shall:
  - 1. Be clearly subordinate to the principal use and structure.
  - 2. Directly serve the principal use and structure.
  - 3. Be subordinate in area, extent and purpose to the principal use and structure.
  - 4. Be located on the same lot as the principal use and structure.
  - 5. Be reasonably and customarily accessory to the principal use and structure.
- C. Location. An accessory building or structure shall comply with the setbacks required for principal structures for the district in which it is located, except as otherwise provided in this Zoning Resolution.
- D. Height. The height of an accessory structure shall not exceed the maximum height for the district in which it is located.

**310.02 Satellite Dishes**

- A. Large Satellite Dishes
1. Satellite dish antennas larger than thirty-nine (39) inches in diameter shall be permitted in commercial and industrial districts provided such dish structures comply with the following criteria:
    - a. A zoning permit is required when installing, moving, or substantially constructing or reconstructing such a dish antenna.
    - b. Installation shall be in compliance with the manufacturer's specifications at a minimum.
    - c. Dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck, only if such location is at the rear or side of the building and all other requirements are met.
    - d. A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided above.
    - e. No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.
    - f. Dishes may not contain advertising or otherwise be used as signs.
  2. Location in Yard. A dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in front or side yard, his permissible sign area shall be reduced by one half (1/2).
  3. Setback
    - a. The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots. On the side abutting the street, the minimum required setback shall be the same as the required front yard setback along that street.
    - b. The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
    - c. In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
  4. Maximum Height. The maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a

building shall not project higher than ten (10) feet above the maximum building height of the district or more than one third (1/3) the actual building height above the roof, whichever is less.

5. Buffering. Dish antennas must be screened from view from abutting residential property and residential streets. Dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings, so that view of the lower one half (1/2) of the dish area is restricted from all public streets and six (6) feet above ground level of abutting residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.

**B. Small Satellite Dishes**

1. Dishes less than thirty-nine (39) inches in diameter shall be permitted provided such dish structures comply with the following criteria which are hereby established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are consistent with and preserve the established aesthetic character of the Township:
2. All free-standing installations shall be located in compliance with the setback regulations for the zoning district in which such installations are located. Each free-standing installation shall have an adequate base as determined by the Zoning Inspector.
3. All wiring from a free-standing dish to the buildings which it serves shall be installed underground to minimize the safety hazards associated with exposed wiring.
4. Any dish mounted on the roof or attached to the wall of any structure shall be designed and constructed so as not to create undue loading or stress on building components and in a manner acceptable to the Zoning Inspector.
5. In order to minimize wind loading, roof installations shall be accomplished so that the top of the satellite dish does not extend above the ridge line of the roof.
6. Each dish shall, to the extent possible, be harmonious in color with the building surface to which it is attached.

**310.03 Sexually Oriented Business**

- A. Purpose and Intent. It is the purpose of these provisions to regulate Sexually Oriented Businesses in order to promote health, safety, and morals and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the Township based upon reliable evidence concerning the adverse secondary effects of Sexually Oriented Businesses on other communities. These regulations are not intended to restrict

the content of materials, to deny access to sexually oriented materials, or deny appropriate market locations to distributors and/or exhibitors.

B. Application. For the purpose of applying these regulations, the following are classified as Sexually Oriented Businesses:

- 1. Adult Arcades;
- 2. Adult Bookstores, Adult Novelty Stores, or Adult Video Stores;
- 3. Adult Cabarets;
- 4. Adult Motion Picture Theaters;
- 5. Adult Theaters;
- 6. Nude Model Studios; and
- 7. Sexual Encounter Centers.

C. Permitted Locations. Sexually Oriented Businesses may be located in the G-C General Commercial, O-I Office Industrial, and G-I General Industrial District located east of Sharrott Road and north of South Range Road subject to the following restrictions and limitations:

- 1. No Sexually Oriented Business shall be established within five hundred (500) feet of a church, synagogue, temple, or other place used primarily for religious worship;
- 2. No Sexually Oriented Business shall be established within five hundred (500) feet of a public or private educational facility, including but not limited to nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, special education facilities, and colleges.
- 3. No Sexually Oriented Business shall be established within five hundred (500) feet of a public park or recreation area, publicly owned open space, teen or youth center, or private recreation facility regularly used for community or public sponsored recreation activities.
- 4. No Sexually Oriented Business shall be established within five hundred (500) feet of another Sexually Oriented Business.

For purposes of complying with this Section, measurements shall be made in a straight line from the nearest edge or portion of the building containing, or proposed to contain, the Sexually Oriented Business, to the nearest property line of the premises of the use, or uses, listed herein, without regard to paths of travel or intervening structures or obstructions.

D. Product and Activity Displays. All activities associated with a Sexually Oriented Business shall be conducted entirely within a completely enclosed building. No products, merchandise, displays, or activities shall be placed or conducted outside of the building or in such a manner as to be visible from off the premises.

**310.04 Wireless Telecommunication Facilities**

All wireless telecommunication facilities shall comply with the following requirements:

- A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- B. The minimum setback of the tower from all property lines shall be one-half (1/2) the height of the tower.
- C. Towers located shall not exceed a height of 200 feet and may be either monopole structures or lattice-type structures.
- D. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of ten (10) feet and shall not exceed fifty (50) feet in area, either above or below ground.
- E. The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight (8) feet. The fence shall be completely screened from view by a row of evergreen trees spaced not less than ten (10) feet on center. The initial plantings shall be no less than six (6) feet tall. Existing vegetation which is preserved may be substituted for new evergreen trees where approved by the Board.
- F. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commissions (FCC) or Federal Aviation Administration (FAA).
- G. The tower shall not be artificially lighted except as required for security and safety, or by the FAA. Any lighting so required shall be installed to minimize the impact on adjoining properties.
- H. Any accessory buildings shall comply with the setback requirements for the district in which it is located.
- I. The applicant shall submit a reclamation plan at the time of site plan review. All towers, structures, and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

**310.05 Roadside Stands / Farm Markets**

As provided in the Ohio Revised Code, the use of any land for a roadside stand shall be permitted in any Commercial and Industrial District where fifty percent (50%) or more of the gross income received from the market is derived from produce raised in farms owned and operated by the market operator in a normal crop year. The roadside stand shall provide sufficient parking so customers are not required to park on road right-of-way and there shall be provisions for customer turn-around space.

**310.06 Temporary Uses and Structures**

Temporary uses and structures for uses incidental to construction work, such as construction office trailers, storage trailers or sheds, and fenced storage areas, shall be permitted subject to a zoning permit. The structures shall be placed in locations approved by the Zoning Inspector, but not closer than twenty (20) feet to a public right-of-way and not closer than ten (10) feet to any lot line. Temporary structures shall be permitted only for the duration of construction activity on the lot and shall be removed upon completion or abandonment of the construction work.

**310.07 Temporary Businesses**

- A. Permit Required. It shall be unlawful for any person to operate a temporary business within the Township without first obtaining a zoning permit in compliance with the provisions of this Zoning Resolution.
- B. Application for Zoning Permit. Persons desiring to operate temporary businesses shall make application to the Zoning Inspector as provided by Section 1002 of this Zoning Resolution. One application shall be made to authorize one or more temporary businesses, provided that all locations identified by the application are owned and operated by the same person, firm, or corporation.

The application for a Zoning Permit for a Temporary Business shall include the following information:

1. The name(s) of the corporation(s), firm(s), or person(s) which the applicant proposes to represent; the name(s) of the person(s) who shall operate the temporary business within the Township and the name(s) of the person(s) having the management or supervision of the temporary business; the local and permanent addresses of the aforementioned person(s); and the telephone numbers at which such person(s) can be reached;
2. A brief description of the nature of the business and the kinds of goods, services, or property to be solicited or offered for sale by temporary businesses; and the manner in which such business shall be conducted;
3. Evidence of a current vendor's license issued by the State of Ohio;
4. The federal identification number of the applicant's business and the social security number(s) of the person(s) having the management or supervision of the business and of all employees of temporary businesses identified on the permit application;
5. The place where and duration of the time the applicant was last engaged or is currently engaged in business;
6. The place(s) in the Township where it is proposed to carry on the applicant's business and the length of time during which it is proposed that said business shall be conducted;
7. Written permission of the owner of the site if other than the applicant.



- 8. A site plan showing ingress and egress from the site, parking areas, setbacks and dimensions of all buildings, tents, canopies, stands and other structures, merchandise setbacks, and location of signs.
  
- C. Exemptions. The following persons may be exempted from all or portions of the requirements of Section 310.07: temporary businesses operated by and for tax-exempt organizations, and any other persons otherwise exempted by law including Agricultural Roadside Stands / Farm Markets.
  
- D. Expiration of Zoning Permit. Zoning Permits issued for Temporary Businesses shall expire as determined by the Zoning Inspector and as shown on the permit but in no case later than four (4) weeks after issuance.
  
- E. Revocation of Zoning Permit. Zoning Permits for Temporary Businesses may be revoked in accordance with Section 1002.06
  
- F. Hours of Operation. No person shall operate a Temporary Business at any place in the Township during the period from 9:00 p.m. until 9:00 a.m., unless otherwise specified on the Zoning Permit.
  
- G. Regulations for Temporary Businesses. No person shall operate a place of Temporary Business which:
  - 1. Violates the provisions of the Beaver Township Zoning Resolution which govern setbacks of merchandise displayed for sale and the district in which such activities can be conducted;
  - 2. Exhibits signs of any kind which are in violation of the provisions of this Zoning Resolution; and
  - 3. In any manner adversely affects the public health, safety or welfare.

In authorizing such outside displays, the Zoning Inspector may attach such reasonable conditions as he deems necessary including but not limited to the length of time such display may be permitted, the portions of the property used for display, provisions for parking, provision for adequate ingress and egress, and the posting of a deposit as determined by the Township Trustees.
  
- H. Signs. All signs for temporary businesses shall conform to the requirements of Article 7 of this Zoning Resolution.
  
- I. Enforcement. The Beaver Township Police Department and the Zoning Inspector and their duly authorized representatives shall have the authority to examine all places of business and persons within the Township subject to the provisions of this section, to determine if this section has been complied with and to enforce the provisions of this section against any person found to be violating the same.

**310.09 Junk**

In order to protect the residents of Beaver Township from conditions conducive to the infestation and breeding of wild animals, pests, vermin, insects, and rodents, the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or other discarded objects or debris shall be prohibited in Commercial and Industrial Districts.

**310.10 Special Requirements For Massage Establishments**

- A. Massage Establishments may be located only on properties that are zoned G-C General Commercial District and that are located south of the Ohio Turnpike, east of Sharrott Road, and north of South Range Road.
- B. No Massage Establishment shall be permitted without first obtaining a license from the Township Trustees

**SECTION 311 PERFORMANCE STANDARDS**

No land or building in any Commercial and Industrial Districts shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining properties. However, any use permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by safety codes enforced in the Township.
- B. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- D. Smoke. Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.
- E. Noise. Microphone or other audible signals shall be designed to minimize sound impacts upon abutting uses. Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency or beat shall be muffled or

otherwise controlled. Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.

- F. Odors. No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.
- G. Air Pollution. No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- H. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- I. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. Water Pollution. Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
- K. Hazardous or Toxic Chemicals or Gases. No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with local, state, and federal standards and regulations.

**ARTICLE 4**

**SPECIAL DISTRICTS**

**SECTION 401 PLANNED UNIT DEVELOPMENTS**

**401.01 Purpose and Intent**

The purpose of this chapter is to establish provisions for planned districts subject to the regulations and procedures herein in conformance with the provisions of Section 519.021 of the Ohio Revised Code. Planned Unit Development (PUD) Districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted in traditional districts.

The suspension of traditional zoning provisions within Planned Unit Developments is intended to:

- A. Encourage creative, high quality site design practices in the development of residential areas;
- B. Promote harmony and integration with existing developments and protect adjoining properties from adverse impacts;
- C. Promote safe and efficient pedestrian and vehicular movement;
- D. Promote efficient layout of infrastructure;
- E. Protect and enhance natural and historic resources;
- F. Create attractive and useful public and private spaces; and
- G. Implement the Beaver Township Comprehensive Plan by making such developments subject to the established and negotiated development standards as proposed and accepted by the developer of a PUD District.

**401.02 Establishment of Planned Unit Development Districts**

The following shall govern the establishment of any Planned Unit Development (PUD) District:

- A. No PUD District shall be established except subsequent to petition by the owner(s) of land proposed to be included within the district.
- B. No PUD District shall be created unless a determination is made that such development will be in conformance with the goals and objectives of the Beaver Township Land Use Plan.
- C. Each PUD District shall be served by an approved central or public water supply system and an approved central or public sanitary sewer system.
- D. Each PUD District shall have a minimum area of not less than ten (10) contiguous acres, provided however, that after a district is established, additional contiguous

areas of any size may be added as modifications and extensions of the original district.

- E. Each Planned Unit Development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

**401.03 Permitted Uses**

Within a Planned Unit Development District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted, conditionally permitted, or accessory and further provided that each such use is identified on and approved as part of the development plan:

- A. Permitted Uses
  - 1. Detached Single Family Dwellings
  - 2. Attached Single Family Dwellings, provided that not more than four (4) such dwelling units shall be attached in any single building
  - 3. Public or private parks and recreation facilities, including golf courses, club houses, swimming pools, and tennis courts
  - 4. Public Facilities
  - 5. Destination Winery Development subject to the provisions of Section 401.10
  
- B. Conditionally Permitted Uses
  - 1. Private and Public Schools
  - 2. Day Care Facilities and Nursery Schools
  
- C. Accessory Uses
  - 1. Detached Garages
  - 2. Common and/or Guest Parking Areas
  - 3. Detached Storage Buildings
  - 4. Fences
  - 5. Type 1 Home Occupations subject to the conditions and requirements set forth in Section 209.02 of this Zoning Resolution
  - 6. Signs as approved by the Zoning Commission

The Zoning Commission and Board of Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Zoning Commission and Board of Township Trustees to be significant in determining the appropriate use or uses for the proposed District. The Zoning Commission and Board of Township Trustees shall have the authority to deny approval for any proposed use where such use is determined to be inappropriate as proposed.

**401.04 Development Standards**

The following development standards shall apply to all Planned Unit Development Districts:

A. Density of Dwelling Units

The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than two (2) dwelling units per gross acre of the Planned Unit Development District.

B. Open Space Requirements

1. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than thirty percent (30%) of the total land area of the Planned Unit Development District. Common open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the PUD and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
2. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area.
3. Water surface of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not be considered to constitute more than one-half (1/2) of the required common open space requirement for any Planned Unit Development District.
4. The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the County Recorder as a covenant on the land within the PUD District. The perpetual maintenance plan shall identify Beaver Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
5. The Township may, but shall not be required to, accept dedication of any common open space.

- C. Utilities  
All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the development plan approval.
  
- D. Maximum Height  
No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Zoning Commission and Board of Township Trustees as part of the development plan approval.
  
- E. Parking  
Each dwelling unit shall be provided with a minimum of two and one-half (2.5) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached garage. Commercial vehicles over 1 ton and recreational vehicles shall be parked or stored in a completely enclosed building. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
  
- F. Minimum Floor Area  
No dwelling unit within a Planned Unit Development shall contain less than fifteen hundred (1500) square feet of livable floor area.
  
- G. Access and Street Requirements
  1. All Planned Unit Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use which is part of a PUD Development shall have a driveway access directly onto an existing public street.
  2. All streets constructed as part of a PUD Development shall be private streets unless a public street is specifically authorized by the Board of Township Trustees to provide for interconnection or to achieve some other public access purpose.
  3. Private streets within a PUD District shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks. Private streets shall be designed and constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations.
  4. Each dwelling unit and each non-residential use shall have access to a private street internal to the Planned Development District in a manner approved by the Township and said access shall be clearly defined on the development plan.
  5. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

6. Streets within Planned Unit Developments shall have sidewalks and curbs.

H. Setbacks and Separations

Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Zoning Commission and Board of Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than fifty (50) feet to the right-of-way line of an existing public street.
2. No building, structure, or parking area shall be located closer than twenty-five (25) feet to any project boundary line of the Planned Unit Development.
3. No building or structure shall be located closer than twenty-five (25) feet from the right-of-way line of any new public right-of-way constructed as part of the PUD.
4. No building or structure shall be located closer than twenty (20) feet to the edge of pavement or edge of easement of any private street.
5. The minimum distance between buildings shall be twenty (20) feet.
6. Where lot lines are created as part of a Planned Unit Development, there shall be no setback requirement from such lot lines provided such arrangement is shown on the development plan and is approved by the Township.

I. Minimum Building Lot Area

Where individual building lots are established within a Planned Unit Development, the sizes of said lots shall be as established on the development plan and as approved by the Township.

J. Mixture of Dwelling Types

Within each Planned Unit Development District a minimum of thirty percent (30%) of the total dwelling units shall be detached single family dwellings.

K. Landscaping and Buffers

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

Screening and buffering shall be provided within the required setback from existing public street rights-of-way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Board of Township Trustees, supplemental landscaping shall be provided to



create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.

Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Board of Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

L. Architectural Design

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

**401.05 Application Requirements and Procedures**

Property owners who wish to have their land zoned for a Planned Unit Development District shall make application for both a Zoning Map amendment and general development plan approval. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.

Applications for rezoning to a Planned Unit Development District shall be made by filing an application to the Zoning Commission pursuant to the provisions of Section 902 of this Zoning Resolution. Said application shall be heard and action taken in accordance with the procedures and provisions set forth in Section 902. The following additional submission requirements shall apply to all applications for rezoning to a Planned Unit Development District:

- A. A general development plan conforming to the requirements of Subsection 401.06.
- B. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.
- C. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs.
- D. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
- E. Proposed covenants and restrictions intended to govern the development and future use of the Planned Unit Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities, and any proposed development agreement proffered as inducement for the rezoning of the property.

After the Board of Township Trustees approves both an application for rezoning to a Planned Unit Development District and the general development for said PUD District, the applicant shall

submit a final development plan or plans, if the development is to be accomplished in phases, in conformance with Subsection 401.06 hereof.

**401.06 Development Plan Requirements and Procedures**

A. Pre-application Meeting

Applicants are encouraged to meet with the Zoning Inspector and other pertinent Township Officials prior to the submission of a development plan for a Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD District process, and to acquaint the applicant with the relevant portions of the Beaver Township Land Use Plan.

B. Development Plans Required

Submission of development plans is required for all Planned Unit Development projects. A general development plan for the entire project shall be submitted and reviewed simultaneously with the application for rezoning for the PUD District. If the rezoning and general development plan is approved, subsequent development of the property shall be made only in substantial conformance said approved development plan. After a parcel is rezoned to a Planned Unit Development District and a general development plan has been approved for the entire project, the applicant shall submit a final development plan for review and approval.

C. General Development Plan Submission Requirements

Each application for general development plan review shall include twelve (12) copies of a plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval;
5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. A general planting and landscaping plan;

14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units;
15. The location, width, names, and grades of existing and proposed streets.
16. Typical sections for all proposed streets;
17. Proposed phases if the project is to be developed in stages;
18. The location and sizes of any proposed fee simple building lots;
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type; and
20. Preliminary plans for proposed signage.

D. Review Criteria for General Development Plans

When reviewing an application for a Planned Unit Development, the Zoning Commission and Board of Township Trustees shall consider, but shall not be limited to consideration, of the following characteristics of the proposed development:

1. The comprehensive nature and design of the general development plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts;
2. The suitability of the site proposed for zoning as a Planned Development District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and such other characteristics as may be deemed important;
3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes;
6. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit within the District;
7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District;
8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;

11. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering;
12. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
13. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
14. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements;
15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

E. Amendments to General Development Plans

The owner of a property within a Planned Unit Development District may submit plans for amendment of the general development plan approved for the District. The Zoning Commission and Board of Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, spirit or intent of the original general development plan approved for the District as part of the rezoning.

If it is determined that the amendment is not substantially in conformance with the form, nature, spirit or intent of the original general development plan for the PUD District, then the amendment shall be disapproved and the applicant directed to proceed as if requesting a new PUD.

F. Final Development Plan Requirements

Final development plans submitted to the Zoning Commission for review shall be based on a previously approved general development plan and may be for portions or phases of the entire project. Final plans shall be submitted at least ten (10) working days prior to the meeting at which said plans will be reviewed by the Zoning Commission. A minimum of twelve (12) copies shall be submitted. Submission shall include a fee as established by the Board of Township Trustees. Final development plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.

Final development plans shall be prepared by persons professionally qualified to do such work. Final development plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final site plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.

Final development plans shall include detailed design information for all of the items contained on general development plans but shall also include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan;
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses; and
9. Location, size, height and type of all signage.

G. Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Board of Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period.

H. Approval of Final Development Plans

The Zoning Commission shall review each final development plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Board of Township Trustees may attach, such conditions to the approval of a final development plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Land Use Plan. The Board of Township Trustees shall act upon each final development plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's

recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.

I. Compliance Required

Subsequent to the approval of a Planned Unit Development District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in substantial compliance with the approved final development plan and any conditions of such approval adopted by the Township in approving the PUD District and final development plan. Any departure from the approved final development plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the final development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

J. Amendments to Final Development Plans

The owner of a property within a Planned Unit Development District may submit plans for amendment of the final development plan approved for the District. The Zoning Commission and Board of Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the general development plan approved for the District as part of the rezoning.

If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved general development plan for the PUD District, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

**401.08 Professional Assistance**

The extent and complexity of certain applications for Planned Unit Developments will require that the Zoning Commission and/or Board of Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission and/or Board of Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Unit Development relative to the requirements of this Section 401. The Zoning Commission and/or Board of Township Trustees shall advise the applicant if such studies are required and provide an estimate of the anticipated costs of such studies. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

**401.09 Inspection**

During construction, the Township's designated representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements

and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the PUD, and such other regulations as may be applicable.

**401.10 Destination Winery Developments**

Destination Winery Developments shall only be permitted in Planned Unit Development (PUD) Districts in conformance with the following:

- A. Destination Winery Development Defined  
For purposes of this Article, a Destination Winery Development shall mean a facility where grapes are grown for the purpose of making wine and, in addition to the vineyards, shall include buildings and facilities for the crushing, fermenting, processing, aging, and storage of wine in bulk. A Destination Winery Development may include facilities for tours and tastings and for the marketing and distribution of wine produced on the premises. It may also include a retail outlet for wine produced on the premises and for accessory and/or souvenir items. A Destination Winery Development may also include, where approved by the Township Trustees as part of the Development Plan for the Planned Unit Development, restaurant, banquet, and meeting facilities as well as a limited number of cabins intended for the overnight stay of guests.
  
- B. Minimum Criteria for Establishment  
No Destination Winery Development shall be established within a PUD District unless said use meets all of the following criteria:
  - 1. The minimum area for a Destination Winery Development shall be thirty (30) acres.
  - 2. Each Destination Winery Development shall have minimum of five hundred (500) feet of frontage on a State Route.
  - 3. Each Destination Winery Development shall have frontage on a lake of not less than sixty (60) acres in area.
  
- C. Minimum Design Standards  
In addition to the provisions of Section 401.04, each Destination Winery Development shall comply with the following development and design standards:
  - 1. The maximum number of cabins shall not exceed one for each 5 acres of gross land area of the Destination Winery Development.
  - 2. Signs for Destination Winery Developments shall comply with the provisions of Section 305.
  - 3. Off-street parking shall be provided in accordance with the following table:

ACTIVITY	PARKING SPACES REQUIRED
Winery Production Facility	One (1) space for each 750 square feet of floor area
Restaurant	One (1) space for each two (2) seats at maximum capacity
Banquet / Meeting Facilities	One (1) space for each two (2) seats at maximum capacity
Cabins	One (1) space per cabin
Retail Outlet for Wine	One (1) space for each 300 square feet of retail floor area



**ARTICLE 5**

**CONDITIONALLY PERMITTED USES**

**SECTION 501      PURPOSE**

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

**SECTION 502      APPLICATION**

**502.01      Submission**

An application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose.

**502.02      Data Required with Application**

Each application shall include at a minimum, the following:

- A. Thirteen (13) copies of a site plan, plot and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
- B. Complete plans and specifications for all proposed development and construction.
- C. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 505 and 506, inclusive.
- D. A fee as established by the Board of Township Trustees.

**502.03 Review and Approval**

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

**SECTION 503 NOTICE AND HEARING**

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

**SECTION 504 BASIS OF DETERMINATION**

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

**SECTION 505 GENERAL STANDARDS FOR ALL CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

- A. Will be harmonious with and in accordance with the general objectives of the Beaver Township Comprehensive Plan;

- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or whether such use will change the essential character of the area;
- C. Will be hazardous or disturbing to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will create excessive additional requirements or costs for public facilities and services or be detrimental to the economic welfare of the community;
- F. Will involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
- G. Will be consistent with the intent and purpose of this Zoning Resolution;
- H. Will be in compliance with the Mahoning County Subdivision Regulations, when applicable, the Mahoning County Board of Health Standards, and the Mahoning County Building Code;
- I. 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;
- J. Will be developed with consideration given to minimizing removal of trees and change of topography; and
- K. Will result in the destruction, loss, or damage of natural scenic, or historic features of major importance.

**SECTION 506 SPECIFIC STANDARDS FOR ALL CONDITIONALLY PERMITTED USES**

In addition to the general standards set forth in Section 505, the Board of Zoning Appeals shall also consider whether the application for a conditionally permitted use complies with the specific standards for uses set forth herein.

**506.01 Type 2 Home Occupations**

Type 2 Home Occupations shall be a conditionally permitted accessory use in the Agricultural District and Rural Residential District subject to the following stipulations:

- A. Type 2 Home Occupations involve any of the following activities: maintenance or construction services, including but not limited to landscaping, plumbing, heating, wood working, cabinet making, and electrical work.
- B. Not more than twenty-five percent (25%) of any lot or parcel shall be devoted to any use related to the home occupation
- C. No process, materials, or chemicals shall be used which create noise, vibrations, smoke, dust, odor, heat, glare, X-rays, radiation, or electrical disturbances which are offensive to a person of ordinary sensibility.
- D. No activity involved in the home occupation shall be visible from any public right-of-way or adjacent property.
- E. The external appearance of the building on the property and the property itself, shall not be altered in such a way that a non-residential appearance inconsistent with the area.
- F. No traffic shall be generated by such use in greater volume or intensity than would normally be expected in the neighborhood.

**506.02 Fireworks**

- A. The bulk storage and/or sale of fireworks as licensed and permitted under Chapter 3743 of the Ohio Revised Code is permitted in the G-C General Commercial District subject to the following conditions provided that such zoning requirements do not conflict with Chapter 3743 of the Ohio Revised Code:
  - 1. Repacking of previously manufactured products for sale on the premises is permitted, but there shall be no manufacture, processing, or assembly of fireworks or related devices.
  - 2. No building or structure used in the storage of sale of fireworks shall be situated nearer than 300 feet from any property boundary line of property upon which such building or structure is located.
  - 3. Such use shall only be located on a site which is served by an approved central or public water supply system and an approved central or public sanitary sewer system.
  - 4. Such use shall only be located on a site which has direct or approved access to a major thoroughfare as determined by the Zoning Commission and Board of Township Trustees.
  - 5. Only category 1.4G fireworks, as defined in Chapter 3743 of the Ohio Revised Code, may be located, stored, repackaged, or sold.

- B. The bulk storage or sale of fireworks as licensed and permitted under Chapter 3743 of the Ohio Revised Code is permitted in the O-I Office / Industrial District and the G-I General Industrial District subject to the following conditions provided that such zoning requirements do not conflict with Chapter 3743 of the Ohio Revised Code:
  - 1. No building or structure used in the storage or sale of fireworks shall be situated nearer than 300 feet from any property boundary line of property upon which such building or structure is located.
  - 2. Such use shall only be located on a site which is served by an approved central or public water system and an approved central or public sanitary sewer system.
  - 3. Such use shall only be located on a site which has direct or approved access to a major thoroughfare as determined by the Zoning Commission and Board of Township Trustees.
  - 4. Only category 1.4G fireworks, as defined in Chapter 3743 of the Ohio Revised Code, may be located, stored, manufactured, assembled, repackaged, or sold.

**506.03 Airports/Heliports**

- A. Airports, heliports, and aircraft landing fields are subject to all requirements of the Federal Aviation Association and the Ohio Department of Aviation.

**506.04 Bed and Breakfasts**

- A. Meals shall only be provided to guests taking lodging in the facility.
- B. Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
- C. The bed and breakfast shall be compatible with the surrounding land use and shall not exceed three (3) guestrooms.
- D. The building shall not contain a commercial kitchen.

**506.05 Drive-In or Drive-Thru Facilities**

- A. Drive-in or drive-thru facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting agricultural and residential districts. Where site conditions necessitate locating the facility near to such district, the area between the uses shall be heavily screened as directed by the Board of Zoning Appeals.

- B. Microphone or other audible signals shall be designed to minimize sound impacts upon abutting uses. Any proposed loud speaker system shall be approved as part of the site plan.

**506.06 Cemeteries**

- A. The minimum lot size for a cemetery is twenty (20) acres.
- B. All structures and all parking, loading, storage, outdoor use areas, gravesites, and other uses shall be located at least twenty five (25) feet from all property lines unless otherwise approved in the site plan.

**506.07 Mortuaries; Crematories**

- A. The minimum lot size is twenty (20) acres.

**506.08 Public and Private Schools**

- A. All structures and all parking, loading, storage, outdoor use areas, and other uses shall be located at least one hundred (100) feet from all property lines unless otherwise approved by the Board of Zoning Appeals.
- B. Unless otherwise approved in the conditional use permit, no curb cut shall be located closer to a road intersection than two hundred (200) feet.
- C. A public or private school shall be located on a lot having frontage on and access to a major or secondary road.
- D. The applicant shall submit a traffic impact study and a plan for traffic management.
- E. The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the site is of sufficient size to accommodate the proposed facilities and activities without significant adverse impacts upon abutting residential uses.

**506.09 Places of Worship**

- A. All structures and all parking, loading, storage, outdoor use areas, and other uses shall be located at least one hundred (100) feet from all property lines unless otherwise approved by the Board of Zoning Appeals.
- B. A place of worship or other building for the purpose of religious worship shall be located on a lot having frontage on and access to a major or secondary road.
- C. Unless otherwise approved in the conditional use permit, no curb cut shall be located closer to a road intersection than two hundred (200) feet.

- D. The applicant shall submit a traffic impact study and a plan for traffic management.
- E. The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the site is of sufficient size to accommodate the proposed facilities and activities without significant adverse impacts upon abutting residential uses.

**506.10 Kennels; Animal Shelters; Pet Spas/Saloons**

- A. The minimum lot size for a kennel or animal shelter is three (3) acres.
- B. Outdoor areas devoted to animal shelter or kennel operations shall be located in the rear yard and shall comply with the building setback requirements for the district in which it is located.
- C. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
- D. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- E. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
- F. Animals shall be housed indoors between the hours of 8 pm and 7 am.

**506.11 Vehicle Sales, New; Vehicle Sales Used.**

- A. The minimum lot size for new and/or used vehicle sales is three (3) acres.
- B. The minimum lot frontage is 300 feet and the minimum lot width at the building line is 300 feet.
- C. The vehicle sales operation shall include a permanent principal building on the same site.
- D. A landscaped area of at least 20 feet shall be provided along the front lot line of the site. This area shall be landscaped as approved by the Board of Zoning Appeals. This landscaped area shall not be used for display of vehicles.
- E. A landscaped screening and buffer of at least 30 feet shall be provided adjacent to Residential Districts as approved by the Board of Zoning Appeals.

- F. Repair, preparation, assembly, disassembly, or other activities, except for washing or waxing, shall only be permitted within a completely enclosed building except where the nature and location of the outdoor activity is specifically approved by the Board of Zoning Appeals.
- G. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per road.
- H. The area to be used for display or other storage of vehicles shall be clearly indicated on the site plan.
- I. The vehicle sales, display, storage, maintenance, and customer parking areas shall be paved.
- J. The applicant shall submit a site lighting plan to be approved by the Board of Zoning Appeals.

**506.12 Similar Uses**

- A. An applicant may submit an application for a Conditional Use Permit for a building or use which is not specifically listed as a permitted use in those districts where similar uses are authorized by this Zoning Resolution. The Board of Zoning Appeals shall interpret this Zoning Resolution to determine if the proposed use is a comparable use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Zoning Resolution:
  - 1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district.
  - 2. Whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
  - 3. Whether the establishment of the use in the district will significantly alter the nature of the district.
  - 4. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
  - 5. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.



- B. The Zoning Inspector shall maintain a record of each use declared to be similar by the Board of Zoning Appeals in each zoning district. Such list shall be used by the Zoning Inspector to evaluate subsequent applications for the same use or the same districts as a permitted use. Uses determined by the Board of Zoning Appeals to be similar uses in a zoning district shall be added to the list of permitted uses at the next general update of this Zoning Resolution.

**506.13 Mini-Storage Facilities**

- A. All storage shall be within an enclosed building except where the nature and location of outdoor storage is specifically approved by the Board of Zoning Appeals.
- B. An on-site leasing office shall be provided.
- C. All drives, parking, loading and unloading areas shall be paved and in accordance with the approved site plan.
- D. Sufficient space shall be provided serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of such vehicles.
- E. Fencing of the perimeter shall be provided as determined by the Board of Zoning Appeals in a manner which promotes security and presents an appropriate appearance to adjacent properties. A screening and landscape plan in accordance with the District shall be submitted to the Board of Zoning Appeals.
- F. The applicant shall submit a site lighting plan to be approved by the Board of Zoning Appeals.

**Section 506.14 Wind Turbines**

Wind turbine devices and related facilities intended to convert wind energy into electrical power shall comply with the following standards:

- A. The minimum lot area shall be 2.0 acres.
- B. The maximum height of any wind turbine tower shall be 80 Feet measured to the top of the rotor blades in the vertical position, provided however, that on lots in excess of 2.0 acres in area the height may be increased five (5) feet for each additional acre of land area up to a maximum of one-hundred and fifty (150) feet.
- C. Other than the supporting tower, no portion of the turbine, including the rotor blades shall extend to within 15 feet of the ground.

- D. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line right-of-way or easement, or gas well shall be 1.1 times the height of the tower.
- E. The maximum sound produced by a wind turbine during operation shall not exceed 60 dbA measured at the nearest property line.
- F. All wind turbines shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that they do not exceed the design limits of the system.
- G. Towers, turbines and blades shall be white, black or gray.
- H. Lighting of wind turbines and towers shall be prohibited unless required by the F.A.A regulations.
- I. Wind turbine systems shall be properly maintained at all times in compliance with all OSHA and manufacturers specifications. The immediate grounds around the base of the wind turbine shall be maintained in good condition at all times.
- J. Any wind turbine which is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed. The Board of Zoning Appeals shall require a bond to insure removal of abandoned and/or non-operational facilities.
- K. No Signage or advertising shall be permitted on any wind turbine, provided however, that each wind turbine shall have a visible mounted emergency placard eighteen (18) inches by eighteen (18) inches containing the name and emergency contact information of the owner and individual or firm responsible for service and the date of installation of the facility.
- L. Each application for a wind turbine shall be accompanied by a report from a licensed engineer documenting that the proposed wind turbine system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, and that it has appropriate over-speed controls.
- M. The base of the tower and all related facilities, including guy wires, shall be completely enclosed with a secure fence having a minimum height of eight (8) feet. The fence shall be screened from view with a row of evergreens spaced not less than ten (10) feet on center. Initial plantings shall be not less than four (4) feet in height. Existing vegetation which is

preserved may be substituted for evergreen plantings where approved by the Board of Zoning Appeals. In lieu of the required fencing, wind turbine facilities may be fitted with anti-climb devices.

**SECTION 507 VIOLATIONS AND REVOCATION**

The Zoning Inspector shall notify the Conditional Use Permit holder of any noted violation of this Zoning Resolution or the specific terms, requirements, and conditions of the Conditional Use Permit and shall order that such use be brought into compliance and shall set forth a reasonable period of time to do so. The breach of any condition, safeguard, or requirement of the Conditional Use Permit shall constitute a violation. If the Conditional Use Permit holder fails to comply with either the provisions of this Zoning Resolution or the conditions of the Conditional Use Permit within such time period, the Zoning Inspector shall take appropriate action to compel compliance and/or abate the violation as provided in Article 10. Where a permit holder continues to violate the provisions of a Conditional Use Permit, the Zoning Inspector may, in addition to taking actions set forth in Article 10, refer the Conditional Use Permit to the Board of Zoning Appeals to consider possible revocation of the Conditional Use Permit.

**SECTION 508 APPEALS**

When an individual is aggrieved by a decision or action of the Zoning Inspector with regard to administration or enforcement of a Conditional Use Permit, such individual may appeal said action or decision as set forth in Article 8 thereof.

**SECTION 509 REAPPLICATION**

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

**SECTION 510 EXPIRATION OF CONDITIONAL USE PERMIT**

A Conditional Use Permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within two (2) years of the date on which the permit was issued.

**ARTICLE 6**

**NONCONFORMING USES, STRUCTURES, AND LOTS**

**SECTION 601      PURPOSE**

The purpose of this Article is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Resolution to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

**SECTION 602      NONCONFORMING USE**

**602.01              Continuance of Lawful Nonconforming Use**

The lawful use of any building or land existing at the time of this Zoning Resolution or amendments thereto, may be continued, although such use does not conform with the provisions of this Zoning Resolution, subject however to the provisions of Article 6.

**602.02              Discontinuance or Abandonment**

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the two (2) year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Zoning Resolution.

**602.03              Displacement**

No nonconforming use shall be extended to displace a conforming use.

**602.04              Enlargement of Use**

A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty percent (20%) more than the existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties of community.

**SECTION 603       NONCONFORMING STRUCTURE**

**603.01       Alterations or Enlargements**

A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

**603.02       Restoration of Damaged Structure**

Nothing in this Zoning Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Resolution, provided that not more than seventy-five percent (75%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity. When more than seventy-five percent (75%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with this Zoning Resolution. Any building or structure, existing at the time that this Zoning Resolution takes effect, which is destroyed in damage event may be rebuilt or restored within two (2) years after date of destruction.

**603.03       Repairs and Maintenance**

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

**SECTION 604       NONCONFORMING LOT**

When a nonconforming lot can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Zoning Resolution.

**SECTION 605       COMPLETION OF APPROVED CONSTRUCTION**

Nothing in this Zoning Resolution shall prohibit the completion or construction and use of a nonconforming structure for which a Zoning Certificate has been issued prior to the effective date of this Zoning Resolution or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Zoning Resolution and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Zoning Certificate.

**ARTICLE 7**

**SIGNS**

**SECTION 701 PURPOSE AND INTENT**

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

- A. To promote and maintain attractive and high value residential districts;
- B. To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in commercial districts;
- C. To provide for appropriate and harmonious identification of uses and services within industrial districts;
- D. To protect property values;
- E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and
- F. To protect and preserve the aesthetic quality and physical appearance of the Township.

**SECTION 702 COMPLIANCE REQUIRED**

Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with the provisions set forth in this section. The provisions of this Article shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs.

**SECTION 703 ZONING PERMIT REQUIRED**

A Zoning Permit issued by the Zoning Inspector pursuant to the provisions of Section 1002 shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted in Section 704 hereof. In addition to the standard requirements of Section 1002 regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or affixed.

**SECTION 704 PERMIT EXCEPTIONS**

No Zoning Permit shall be required for:

- A. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure;
- B. Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual;
- C. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;
- D. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas.
- E. Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.
- F. One temporary sign not exceeding four (4) square feet in area per lot or parcel.

**SECTION 705 GENERAL REQUIREMENTS**

The following provisions shall apply to all signs:

- A. The total area of all signs permitted on a lot in accordance with regulations set forth in the following sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, or any signs which cannot be seen from a public street, right-of-way, or adjacent properties.
- B. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.
- C. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two faces of a free-standing sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.
- D. The height of a free-standing pole and free-standing monument sign shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.
- E. For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the facade facing the principal street or

containing the main entrance, and the frontage of a lot shall be the number of linear feet that the lot abuts on the principal street.

- F. Signs in Agricultural and Residential Districts shall not be illuminated, except as specifically provided herein. Signs in Commercial and Industrial Districts may be illuminated. Where illuminated signs are permitted, they shall conform to the following requirements:
  - 1. All illuminated signs shall comply with the requirements of the National Electric Code.
  - 2. Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.
  - 3. Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
  - 4. Flashing, moving or intermittent illumination shall not be permitted.
  - 5. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.
  
- G. All signs shall be located in conformance with the following criteria:
  - 1. No signs shall be attached to utility poles, street signs, or traffic control poles.
  - 2. No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections.
  - 3. No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
  - 4. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
  
- H. Signs shall be permitted in each use district and regulated as to type, size and location as provided in the District Regulations as set forth in this Zoning Resolution. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:
  - 1. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
  - 2. Mobile, portable, or wheeled signs;
  - 3. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;



4. Signs placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building;
  5. Inflatable images;
  6. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices; provided however, that changeable copy signs may be permitted in conformance with these regulations.
  7. Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
  8. Beacons or searchlights;
  9. High intensity strobe lights; and
  10. Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.
- I. Any owner, part owner, tenant or lessee who suffers a sign to remain on his property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Inspector or his designated agent shall order the sign to be made safe or removed. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Zoning Inspector or his designated agent, forthwith in the case of immediate danger and in any case within five (5) days, secure, repair or remove said sign or structure in a manner approved by the Zoning Inspector. If said person or firm fails to comply with such order within five (5) days, the Zoning Inspector may remove the sign at the expense of the owner or lessee.
- J. The Zoning Inspector shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector or his designated agent, within five (5) days, remove or modify the sign or structure in a manner approved by the Zoning Inspector or his designated agent. If such sign is not removed or brought into compliance as directed in the notice of violation within five (5) days, the Zoning Inspector or his designated agent may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

**SECTION 706           NONCONFORMING SIGNS**

Signs which were legally existing prior to the effective date of this Section, but which do not conform with the provisions hereof, may be may be maintained as a matter of right provided that such signs comply with the provisions of Section 705(I) regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a non-conforming sign or any alteration in the size or structure of such sign, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Article.

**SECTION 707           ELECTRONIC CHANGEABLE COPY SIGNS**

Multiple message and variable message signs which are changed electronically shall conform to the following standards:

- A. Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.
- B. No such sign shall be of such intensity as to create a distraction or nuisance for motorists as determined by the Board of Zoning Appeals.
- C. Displays shall not emulate traffic control devices.
- D. Such signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.

**ARTICLE 8**

**BOARD OF ZONING APPEALS**

**SECTION 801 BOARD OF ZONING APPEALS ESTABLISHED**

**801.01 Board Created**

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of Beaver Township.

**801.02 Alternates**

The Board of Township Trustees shall also appoint two (2) alternate members to the Board of Zoning Appeals, each for a term of one (1) year. The alternate members shall be residents of Beaver Township. An alternate member shall take the place of an absent member, may vote on any matter on which the absent member is authorized to vote.

**801.03 Removal**

Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for cause upon written charges after a public hearing.

**801.04 Vacancies**

Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

**SECTION 802 PROCEEDINGS AND POWERS/DUTIES**

**802.01 Proceedings**

- A. The Board of Zoning Appeals shall adopt rules as necessary to the conduct of its affairs in keeping with the provisions of this Zoning Resolution. The Board of Zoning Appeals may make reasonable rules and regulations governing its procedure and the conduct of its business and may from time to time suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the Board of Zoning Appeals, or relieve unnecessary inconvenience or hardship.
- B. Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. All meetings shall be open to the public.

- C. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- D. 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, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed in the office of the Board of Zoning Appeals.

**802.02 Powers/Duties**

The Board of Zoning Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Resolution:
- B. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Resolution will result in a practical difficulty or unnecessary hardship, and so that the spirit of this Zoning Resolution shall be observed and substantial justice done, and
- C. To grant Conditional Use Permits for the use of land, buildings, or other structures if such certificates for specific uses are provided for in this Zoning Resolution.
- D. In exercising the above-mentioned powers, such Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- E. When the Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures, or when the Board of Zoning Appeals has deemed it necessary to require special studies to be made, the applicant shall bear all direct and related costs.

**SECTION 803 APPEALS**

- A. Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.

- B. 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. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provision of this Zoning Resolution, and shall set forth the interpretation that is claimed by the Board of Zoning Appeals, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Conditional Use Permits or Variances, together with all documents pertaining thereto.

**SECTION 804 NOTICE**

Upon receipt of an application, the Board of Zoning Appeals shall fix a reasonable time for the public hearing, give at least ten (10) days’ notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

**SECTION 805 VARIANCES**

The Board of Zoning Appeals shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship, or practical difficulty and so that the spirit of this Zoning Resolution shall be observed and substantial justice done.

**805.01 Area Variance**

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
- B. Whether the variance is substantial.
- C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

- D. Whether the variance will adversely affect the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
- F. Whether the property owner’s predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

**805.02 Use Variance**

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
- B. Whether the variance is the minimum variance which will afford relief to the property owner.
- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- E. Whether the hardship condition was created by actions of the applicant.
- F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- G. Whether the use requested is similar in character to the permitted uses in the subject district.

- H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

**805.03 Issuance**

A variance shall not be granted unless the Board of Zoning Appeals makes a determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant.

**805.04 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 Zoning Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Resolution.

**ARTICLE 9**

**ZONING COMMISSION**

**SECTION 901 ZONING COMMISSION ESTABLISHED**

**901.01 Zoning Commission Established**

A Zoning Commission is hereby created, which shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of Beaver Township.

**901.02 Alternates**

The Board of Township Trustees shall also appoint two (2) alternate members to the Zoning Commission, each for a term of one (1) year. The alternate members shall be residents of Beaver Township. An alternate member shall take the place of an absent member, may vote on any matter on which the absent member is authorized to vote.

**901.03 Removal**

Members of the Zoning Commission may be removed from office by the Board of Township Trustees for cause upon written charges after a public hearing.

**901.04 Vacancies**

Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

**SECTION 902 PROCEEDINGS AND POWERS/DUTIES**

**902.01 Proceedings**

- A. The Zoning Commission may make reasonable rules and regulations governing its procedure and the conduct of its business and may from time to time suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the Zoning Commission, or relieve unnecessary inconvenience or hardship.
- B. The Zoning Commission by majority vote of its members shall elect a Chairman, a Vice-Chairman, and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Zoning Commission, which shall be held during the month of January each year.



- C. 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.
- D. 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, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed in the office of the Zoning Commission.

**902.02 Powers/ Duties**

The Zoning Commission shall have the following powers:

- A. To prepare the Zoning Resolution;
- B. To take action on amendments to the Official Zoning Map requests and make recommendation on same to the Board of Township Trustees;
- C. To initiate advisable zone changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public;
- D. To review general and final development plans for Planned Unit Developments; and
- E. Such other powers as may be established by this Zoning Resolution.

**SECTION 903 AMENDMENTS**

**903.01 Authority for Amendments**

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, restrictions, and boundaries or classification of property.

**903.02 Amendments to Zoning Resolution or Zoning Map**

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

- A. By motion of the Zoning Commission,
- B. By the passage of a resolution therefore by the Board of Township Trustees, or
- C. By the filing of an application therefore by one or more of the owners or lessees of property within an area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

**903.03        Procedures for Making Application**

An application for a zoning amendment initiated by a property owner or lessee in accordance with Section 903.02 shall include at least the following information:

- A. Name, address, and phone number of applicant;
- B. Proposed amending resolution;
- C. Present zoning district;
- D. Proposed zoning district;
- E. A vicinity map showing property lines and a complete description of property; and
- F. A fee as established by the Board of Township Trustees.

**903.04        Processing of Amendment Request**

- A. Within five (5) days of receipt of the complete application, a resolution by the Board of Township Trustees or the passage of a motion by the Zoning Commission, a copy of the proposed amendment shall be transmitted to the Mahoning County Planning Commission.
- B. A date for the public hearing before the Zoning Commission shall be set not less than twenty (20) days or more than forty (40) days from receipt of the complete application, resolution or motion.
- C. Notice of such hearing shall be given by the Zoning Commission by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of such hearing.
- D. For applications involving ten (10) or less parcels, 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 and 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 list. The failure of delivery of such notice shall not invalidate any subsequent decision upon the application. The notice shall contain the same information as required of notices published in the newspaper.
- E. The Zoning Commission may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

**903.05        Zoning Commission Action**

- A. The Zoning Commission, at the public hearing, shall consider the recommendation of the Mahoning County Planning Commission

- B. The Zoning Commission shall make a decision to approve, deny, or modify the request within thirty (30) days after the hearing is concluded.

**903.06 Processing of Amendment by Board of Township Trustees**

The Board of Township Trustees shall set a date for a public hearing within thirty (30) days after receipt of the recommendation of the Zoning Commission.

- A. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner.
- B. For applications involving ten (10) or less parcels, notice shall also be given by regular mail to all property owners within and contiguous to and directly across the street from the subject property at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to the address of such owners appearing on the county auditor’s current tax list.
- C. Notice of the public hearing 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 at least ten (10) days before the date of the required hearing.
- D. The Board of Township Trustees may recess or continue such hearing from time to time, and if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

**903.07 Board of Township Trustees Action**

- A. The Board of Township Trustees shall make a decision within twenty (20) days after the public hearing.
- B. A decision shall be made to either adopt, deny, or modify the recommendation of the Zoning Commission. A unanimous vote of the Board of Township Trustees is required if the Zoning Commission’s recommendation is not to be adopted. Failing a unanimous vote in such case, the recommendation of the Zoning Commission shall be considered approved.
- C. An amendment adopted by the Board of Township Trustees becomes effective thirty (30) days from the date of their decision unless a petition for referendum is filed within that thirty (30) day period.
- D. The Board of Township Trustees are required to file all adopted zoning amendments with the Mahoning County Recorder within five (5) days of the effective date, together with a copy to the Mahoning County Planning Commission.

**903.08 Referendum**

- A. Residents may submit a petition to the Board of Township Trustees, signed by registered electors residing in the unincorporated area of Beaver Township or part thereof included in the zoning plan equal to eight-percent (8%) of the total votes cast for all candidates for governor in such area at the most recent general election at which a governor was elected.
- B. The Board of Township Trustees shall transmit the petition within two (2) weeks to the Board of Elections, which shall determine the sufficiency and validity. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election.
- C. Unless approved by a majority of the voters in Beaver Township, no amendment for which referendum vote has been requested is in effect.
- D. Upon certification by the Board of Elections that the amendment has been approved by the voters, it takes immediate effect.

**ARTICLE 10**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION 1001 ZONING INSPECTOR**

**1001.01 Appointment**

For the purpose of enforcing this Zoning Resolution, the Board of Township Trustees shall establish and fill the position of Township Zoning Inspector, together with such assistants as the Board of Township Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Board of Township Trustees.

**1001.02 Powers and Duties**

The Zoning Inspector shall have the following powers and duties in accordance with the procedures contained in this Section:

- A. To receive all applications for site plan review, conditionally permitted uses, zoning permits, zoning appeals and amendments, and collect fees under this Zoning Resolution. The Zoning Inspector shall review within three (3) business days each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant within three (3) business days of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.
- B. To issue Zoning Permits upon final approval of applications;
- C. To maintain a record of all administrative and legislative proceedings under this Zoning Resolution with respect to development plan approval, certificates of compliance, appeals, and zoning amendments;
- D. To conduct inspections of uses of land, or supervise such inspections and investigations, to determine compliance with this Zoning Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action;
- E. To maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices; and
- F. Determine the existence of any violation of this Zoning Resolution and cause such notifications, revocation notices, stop orders or citations to be issued, or initiate legal action as needed, to address such violations.

**SECTION 1002 ZONING PERMITS**

**1002.01 Permit Required**

No building or structure, including signs and accessory structures, shall be erected, constructed, enlarged, reconstructed, altered, or moved in whole or in part, and no use shall be established, changed, or re-established within Beaver Township prior to the issuance of a Zoning Permit. Agricultural buildings and structures which are integral to an active farming operation shall be exempt from this requirement.

**1002.02 Application**

All applications for Zoning Permits shall be submitted to the Zoning Inspector on forms provided by Beaver Township, shall be signed by the land owner or his duly authorized and documented agent, and shall be accompanied by:

- A. Site plans as required by Section 1003 hereof;
- B. Evidence from the appropriate public agency that the subject site has either public sanitary sewer service or approval for an on-site sewage disposal system capable of meeting the needs of the proposed use;
- C. Evidence of approval from the appropriate public agency that the subject site has an approved access to an improved public right-of-way;
- D. Permit and review fees in such amounts as may be established by the Board of Township Trustees; and
- E. Such additional information as the Zoning Inspector may require in order to determine compliance with this Zoning Resolution.

**1002.03 Review and Approval**

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

Applications requiring referral to the Site Plan Review Board as set forth in Subsection 1003.02 hereof, shall be scheduled by the Zoning Inspector for the next regular meeting of said Board and a copy shall be forwarded to the Mahoning County Engineer's Office for review and comment. Applications which do not require site plan review by the Site Plan Review Board shall be reviewed for conformance by the Zoning Inspector and shall be approved, denied, or approved with modifications and/or conditions as noted within fifteen (15) days of formal acceptance.

**1002.04 Issuance and Compliance**

When an application has been approved, the Zoning Inspector shall issue a Zoning Permit to the applicant. All work performed and uses established shall be pursuant to and in conformance with said Zoning Permit and this Zoning Resolution.

**1002.05 Expiration of Permits**

Zoning Permits shall become null and void one (1) year from the date of issuance unless construction has commenced and/or the use has been established. All construction work shall be completed within two (2) years from the date of issuance of the Zoning Permit unless such time period shall be extended by the Board of Zoning Appeals for sufficient cause.

**1002.06 Revocation of Permits**

- A. A Zoning Permit may be revoked by the Zoning Inspector where it is determined that any of the following conditions exist:
  - 1. It has been issued in error or has been issued based on materially false information or misrepresentations.
  - 2. Construction of the use has not commenced within one (1) year of zoning permit issuance, unless an extension of time has been granted pursuant to the provisions of this Zoning Resolution.
  - 3. Construction has not been completed within two (2) years of issuance of the Zoning Permit and a new permit, renewal, or extension has not been obtained.
  - 4. The work or use is not being conducted in accordance with the approved Zoning Permit and site plan.
  
- B. Written notice of revocation and the reasons therefore shall be signed and dated by the Zoning Inspector and sent to the applicant by certified mail (return receipt requested) and notice shall be posted in a conspicuous place on the property. The applicant shall be notified of the right to appeal within twenty (20) days after the revocation is issued. The notice of revocation shall contain a statement that all work and/or operation of the use shall cease pending determination of an appeal or approval of an extension or new permit.

**SECTION 1003 SITE PLANS**

**1003.01 Purpose and Intent**

Site plans are intended to promote orderly and appropriate development, to advance the goals and objectives of the Beaver Township Land Use Plan, to insure proper design for efficient use of land, to protect adjoining properties from adverse impacts, and to promote high quality developments. The purpose of this Subsection is to provide specific standards and requirements for design and construction of new developments, for additions and modifications to existing developments, for the establishment of new uses, and for the re-use of sites.

**1003.02 Site Plans Required**

A site development plan is required and shall be submitted for any use or development involving new construction, reconstruction, alteration, expansion, or relocation of non-agricultural buildings and/or structures. Site plans shall also be required for site improvements, such as, but not limited to, off-street parking, driveways, drainage provisions, and site lighting. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Zoning Inspector for review and approval, and a valid Zoning Permit has been issued for said use or project pursuant to Section 1002 hereof.

Site plans for new detached single family residences, additions to detached single family residences, accessory buildings and structures commonly incidental to detached single family residences on individual building lots in Agricultural and Residential Districts and temporary signs in any district shall comply with the requirements and procedures for Minor Site Plans as set forth in Section 1003.03. All other applications for site plan approval shall comply with the procedures and requirements for Major Site Plans as set forth in Sections 1003.04 through 1003.09 hereof.

**1003.03 Minor Site Plans**

- A. Two (2) copies of minor site plans shall be submitted to the Zoning Inspector along with a completed application for a Zoning Permit as set forth in Section 1002.
- B. Minor site plans shall contain the following information:
  - 1. The name of the owner and developer, north arrow, date, and scale;
  - 2. The owners, zoning classification, and present use of adjoining parcels;
  - 3. The property boundaries;
  - 4. The area of the parcel;
  - 5. Proposed building elevations;
  - 6. Location and dimensions of existing public rights-of-way and of all minimum building setback lines;
  - 7. Locations and dimensions of all existing and proposed structures and drives;
  - 8. Provisions for adequate disposition of storm water;
  - 9. Existing and proposed sanitary sewer facilities, or location and dimensions of on-site sewage disposal system; and
  - 10. Existing and proposed water facilities, or location of proposed well;
- C. Minor site plans may be reviewed and approved by the Zoning Inspector, who shall act within fifteen (15) days of formal acceptance of a complete application.
- D. Applicants or affected property owners aggrieved by a decision of the Zoning Inspector with regard to approval or denial of a minor site plan may appeal such decision to the Board of Zoning Appeals following the procedures set forth in Section 803 of this Zoning Resolution.



**1003.04 Application and Review Process For Major Site Plans**

- A. All applications for Major Site Plan approval shall be filed with the Zoning Inspector along with a completed application for a Zoning Permit as set forth in Section 1002.

Major Site Plan applications shall consist of:

- 1. Ten (10) copies of a site plan drawing conforming to the requirements of Section 1003.05;
  - 2. A traffic impact statement or a full traffic impact analysis in conformance with the provisions of Section 1003.06(J); and
  - 3. A narrative description of the proposed project;
- B. Once the application is determined to be complete and is officially accepted by the Zoning Inspector, the Zoning Inspector shall forward all submitted materials to the Site Plan Review Board and the Mahoning County Engineer as provided in Section 1002.03 hereof. The Site Plan Review Board shall review and make recommendations on each site plan within twenty (20) days from the time the Zoning Inspector officially accepts the application as being complete unless such time period is extended with the consent of the applicant.
  - C. Prior to acting on a site plan application the Zoning Inspector may seek expert advice or cause special studies to be made to determine compliance with the requirements set forth in Sections 1003.05 and 1003.06. Where such studies or advice involve engineering analyses of streets, traffic control devices, drainage, or storm water management, the Zoning Inspector shall first obtain the consent of the Mahoning County Engineer to engage said consultant. The costs of securing such expert or consultant advice and/or the preparation of such special studies shall be borne by the applicant.
  - D. When an application for site plan approval involves a variance request and/or a conditional use permit request, the Board of Zoning Appeals may consider such matters concurrently with the site plan application providing all applicable hearing and notification requirements are met.

**1003.05 Information Required On Major Site Plans**

Site plan drawings submitted for review by the Site Plan Review Board shall contain the following minimum information:

- A. The name and address of the applicant and the engineer, architect, and/or surveyor responsible for preparation of the drawings;
- B. A project summary including the area of all proposed parcels, the total number of dwelling units of each type, the area of land uses by type, the number and areas of buildings, the total number of parking spaces, the amount of land area designated

- for public and/or private streets, open space, storm drainage, wetlands, and all proposed uses;
- C. Development phases if the project is to be done in phases;
  - D. The names and address of adjacent property owners;
  - E. A vicinity map at a scale of 1" equals 2000';
  - F. A north arrow, date, and scale;
  - G. The current zoning classification and all zoning district boundary lines;
  - H. A boundary survey showing all existing and proposed property lines, easements, rights-of-way, and setback lines;
  - I. Existing and proposed topography at two-foot contour intervals;
  - J. Existing areas of significant vegetation and designation of areas of vegetation to be retained and to be removed;
  - K. Existing and proposed watercourses, water bodies, flood plains, and wetlands;
  - L. Location and dimensions of all existing and proposed buildings and structures;
  - M. Location and dimensions of all existing and proposed public streets, rights-of-way, private streets and access easements;
  - N. Location, design, and dimensions of existing and proposed parking areas and truck loading areas;
  - O. Location, design, and dimensions of all existing and proposed walkways, sidewalks, bike paths, and other pedestrian facilities;
  - P. Existing and proposed water facilities including location, design, and sizes of water lines, hydrants, valves, wells, etc.;
  - Q. Existing and proposed sanitary sewer facilities including location, design, sizes, grades, and inverts of pipes, manholes, pump stations, or on-site treatment systems;
  - R. Existing and proposed utilities including natural gas, electric, and telephone;
  - S. Existing and proposed location and dimensions of common open areas, recreation areas, preservation areas, and similar facilities;
  - T. Location and type of site lighting;

- U. Location and specifications of screening features such as walls, fences, mounds, and landscape buffers;
- V. Location and specifications of all proposed signage;
- W. A landscaping plan including location, size, and type of plant materials;
- X. Provisions for solid waste;
- Y. Proposed building elevations;
- Z. Location and dimensions of proposed access drives;
- AA. Provisions for storm drainage including design calculations, storm sewer sizes, grades, and inverts, manhole locations and inverts, detention and/or retention facilities, and proposed outlets;
- BB. Provisions for erosion and sedimentation control;
- CC. A perpetual maintenance plan for proposed common areas; and
- DD. A cost estimate for all required public and common area improvements prepared and certified by the applicant's registered engineer.

#### **1003.06 Design Standards**

All site development plans shall be reviewed by the Site Plan Review Board based on principals of good site design intended to provide safe and efficient vehicular and pedestrian movement, to preserve and protect significant natural features and sensitive environmental areas, to advance the goals and objectives set forth in the Beaver Township Comprehensive Plan, and to be consistent with the spirit and intent of the Zoning Resolution. In addition, all site plans shall conform to the following minimum design standards:

- A. All proposed water and sanitary sewer improvements shall be designed and constructed in accordance with the standards and requirements of Mahoning County, Consumers Ohio Water Company, and the Ohio Environmental Protection Agency.
- B. Where public water service is determined by the Site Plan Review Board to be reasonably available to the site, non-residential uses shall be located within 300 feet of a fire hydrant. If additional fire hydrants are required to comply with this requirement, they shall be located as directed by the Beaver Township Fire Chief.
- C. Development features, including buildings, parking areas, driveways, etc., shall be so located and designed as to minimize adverse impacts on adjacent properties.

Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.

- D. Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.
- E. Parking, service, and refuse storage areas shall be screened from view from adjoining residential properties. Screening of parking, service, and refuse storage areas shall be provided by means of landscaping, ornamental walls, fences, or similar means.
- F. In large parking areas, visual relief shall be provided by means of landscaped dividers and/or islands.
- G. Drives, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for pedestrian and vehicular safety both in the right-of-way and on the site. On-site circulation shall provide for adequate access by emergency vehicles.
- H. Storm runoff provisions shall be designed in accordance with the standards contained in the Mahoning County Subdivision Regulations and the policies and requirements established by the Mahoning County Engineer's Office. The proposed outlet for storm drainage shall be identified and an evaluation made of its capacity to accommodate the projected flows. Where adequate capacity to handle projected flows does not exist in the existing system, or where there is no acceptable outlet, the applicant shall provide for either improvement of the receiving drainage facility or on-site detention of sufficient capacity and design as determined by the Mahoning County Engineer.
- I. The design and construction of all streets, both public and private, shall conform to the design criteria of the Mahoning County Engineer and the Mahoning County Subdivision Regulations.
- J. A traffic impact statement shall be provided which identifies the projected peak hour and average daily traffic to be generated by the proposed development. Said projections shall be prepared using the trip generation rates for the proposed uses as contained in the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE). When the proposed site development is projected to generate more than fifty (50) directional trips during the peak hour of generation or more than five hundred (500) trip ends in an average day, a full traffic impact analysis shall be provided. Traffic impact analyses shall be prepared by individuals qualified in the areas of traffic engineering and/or traffic planning and shall conform to industry and Township standards for such reports. Each traffic impact analysis report shall include Level of Service or capacity analysis at the proposed access points for the project and at the nearest major intersections following the procedures set forth in the most recent edition of the

Highway Capacity Manual published by the Transportation Research Board (TRB).

**1003.07 Action On Major Site Plans**

Based upon the recommendation of the Site Plan Review Board, the Zoning Inspector may:

- A. Approve the site plan as submitted; or
- B. Approve the site plan with modifications expressly stated and/or duly noted on the plan; or
- C. Disapprove the site plan indicating the reasons for denial.

**1003.08 Conformance with Approved Site Plan**

Developments shall conform in all respects to the approved site plan. No building or premises shall be occupied or used except in conformance with the approved site plan and this Zoning Resolution and pursuant to a valid Occupancy Permit issued by the Zoning Inspector. The Zoning Inspector shall make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site plan and Zoning Resolution. Approved site development plans may be amended in the same manner and following the same procedure as the original site plan approval, provided, however, that the applicant need not resubmit information which was provided as part of the original site plan review process.

**1003.09 Fees and Deposits**

The Board of Township Trustees may establish fees for Zoning Permits which shall include the processing and review of site plans, including minor site plans, and may require applicants to place funds on deposit with the Township Clerk, in such amounts as the Board of Township Trustees may determine, for the purpose of retaining experts or consultants to assist with plan review. The Board may also establish fees for the purpose of retaining consultants to provide inspections during construction if the public agencies are unable to provide such services or to supplement the inspection services provided by those public agencies.

**1003.10 Establishment of Site Plan Review Board**

The Board of Township Trustees shall establish a Site Plan Review Board to provide advice and assistance to the Zoning Inspector in the review and approval of major site plans as set forth in this Zoning Resolution. The membership of the Site Plan Review Board shall be as established from time to time by the Board of Trustees. The members of the Site Plan Review Board shall be appointed by and shall serve at the pleasure of the Board of Township Trustees.

**SECTION 1004 OCCUPANCY PERMITS**

**1004.01 Permit Required**

No building or structure for which a Zoning Permit is required, shall be used or occupied, nor shall use be made of any land until an Occupancy Permit has been issued by the Township Zoning Inspector certifying that the building, structure, and/or land use complies with the provisions of this Zoning Resolution.

**1004.02 Review and Issuance**

It shall be the responsibility of the Zoning Permit holder to notify the Zoning Inspector upon completion of the work for which said permit was issued and to request an occupancy inspection. The Zoning Inspector shall inspect the site for compliance with the provisions of the Zoning Permit, approved site plan, and this Zoning Resolution and shall issue an Occupancy Permit or notify the applicant in writing of his denial and findings of violations and/or deficiencies within ten (10) days of said inspection.

**1004.03 Nonconforming Uses**

No nonconforming use shall be maintained, renewed, or changed without first obtaining an Occupancy Permit.

**SECTION 1005 ENFORCEMENT**

When the Zoning Inspector becomes aware of any violation of this Zoning Resolution or any provision, regulation, requirement, condition, or stipulation adopted or applied pursuant to the provisions of this Zoning Resolution, he may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

**SECTION 1006 VIOLATIONS**

- A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution or any amendment to this Zoning Resolution.
- B. No person shall commence work or establish a use requiring a zoning permit or approval without first obtaining such permit or approval, nor shall any person vary from the terms or conditions of a zoning permit issued or of other authorized approval, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.

**SECTION 1007      CORRECTION PERIOD**

- A. All violations shall be corrected within a reasonable time limit set by the Zoning Inspector.
- B. Any violations not corrected within the specified time period shall be reported to the Mahoning County Prosecutor who shall initiate prosecution procedures.

**SECTION 1008      PENALTIES**

- A. Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute a misdemeanor. Any person who violates this Zoning Resolution or fails to comply with any of its requirements shall upon conviction therefore be fined for such misdemeanor of the third degree as provided by law 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, or any architect, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.
- B. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used without a permit in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance, or use.