

KINSMAN TOWNSHIP ZONING RESOLUTION  
TRUMBULL COUNTY, OHIO

ADOPTED 1957  
AMENDED: August 2020

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Section #	Section Title	Page #
I	Purpose	3
II	Districts	3
III	Prime Agriculture	3
IV	"R-1" Classification of Uses	4
IV	"R-2" Classification of Uses	7
	"MH" District (Mobile Home Park)	9
	"PUD" District (Planned Unit Development)	11
	"C-1" Districts (Business & Commercial)	14
	"C-2" Districts (Business & Commercial)	15
	"I" District (Industrial & Manufacturing)	18
V	Prohibited & Restricted Uses & Property Conditions	20
VI	Non-Conforming Structures & Uses	21
VII	Outdoor Advertising	25
VIII	Public Utilities and Railroads	32
IX	Private Swimming Pools	33
X	Community or Club Swimming Pools	33
XI	Wind Turbines	34
XII	Solar Panels	36
XIII	Medical Marijuana	36
XIV	Temporary Emergency Housing	37
XV	Board of Zoning Appeals	37
	Rules, Organization and Meetings	37
XVI	Certificates	38
	A. Zoning Certificates	
	B. Occupancy Permits	
	Fee Schedule	39
XVII	Conditional Zoning Certificates	40
XVIII	Amendments	45
XIX	Enforcement	46
XX	Interpretation	46
XXI	Validity	47
XXII	Definitions	48
Appendix	Kinsman Township District Use Table	

## **Kinsman Township Zoning Resolution**

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

Whereas, the Board of Trustees of Kinsman Township, upon petition of several electors of Kinsman Township, deem it in the interest of the public health, safety, morals, comfort and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of Kinsman Township:

### **Section I. Purpose**

Zoning is the division of a township into districts for the primary purpose of regulating land use, preventing land use conflicts and allowing growth to occur in an orderly manner in the interest of promoting and protecting the health, safety, morals, and general welfare of the community. The districts are separated into classifications containing similar and/or compatible types of land uses such as, but not limited to, residential, commercial, industrial and prime agricultural, each governed by specific development standards that are unique to the particular zoning district which are specified in the Zoning Resolution regulating the uses of land and buildings permitted in such district, the intensity and density of such uses, building height, bulk and setbacks from property lines. Zoning regulations are a device to implement the goals of the Comprehensive Plan to ensure that the future land use patterns incorporated into the Plan are achieved.

### **Section II. Districts**

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following districts:

1. Prime Agricultural, which shall be designated as "PA" districts.
2. Residential, which shall be designated as "R-1" and "R-2" districts. (R-1 Districts shall strictly relate to those areas serviced with sewer utilities.
3. Mobile Home Parks, which shall be designated as "MH" districts.
4. Planned Unit Development, which shall be designated as "PUD" districts.
5. Business and Commercial, which shall be designated as "C-1" and "C-2" Districts.
6. Industrial and Manufacturing, which shall be designated as "I" districts.
7. Government, which shall be designated as "G" districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part of this resolution. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the districts in which it is located.

### **Section III. Prime Agriculture**

The purpose of the "PA" District is to provide for and encourage residential and agricultural uses in areas of a semi-rural character, which would be best suited for low, density development with lot sizes sufficient for individual water and sewage treatment facilities. It is the intent to also encourage agricultural uses to continue in operation. Land in any district may be used for agriculture purposes. No fee shall be required for zoning certificates issued for the construction of buildings or fences incidental to agriculture. For the purpose of this resolution "Agriculture" shall include farming, ranching,

aquaculture, Agritourism, alga culture, apiculture, horticulture, viticulture, animal husbandry, poultry husbandry, dairy production, production of field crops, timber, and pasturage.

A fee shall be required for zoning certificates issued for the construction of buildings on agriculture parcels, if the use thereof is not incidental to agriculture. A single family dwelling for residence purposes and buildings accessory hereto, would require permits with fees, and abide by all county and state codes.

The following uses and no others shall be permitted in this district.

A. Permitted Uses

1. Single family dwelling for residence purposes with one thousand (1,000) square feet of living space.
2. Any structure related to agricultural uses.

B. Accessory Uses

1. Garages, Carports, storage sheds
2. Breezeways, porches and decks
3. Pergola and gazebos
4. Fences
5. Satellite Dish is considered a freestanding structure and shall conform to all restrictions regarding rear and side yard minimum clearances
6. Swimming Pools, refer to Section IX.

C. Minimum Lot Requirements

1. Minimum lot width: two hundred (200') foot frontage.
2. Minimum lot area: one and a half (1 1/2) acres.
3. Front set back building lines: Seventy (70') feet from the road right of way on Federal and State Highways. Fifty (50') feet from the road right of way on county and township roads.
4. Side and rear set backs: Twenty (20') feet from property lines.

D. Home Occupation (Refer to R-1 or R-2 Districts)

E. Outdoor Advertising (Refer to Section VII)

F. Fences

1. Fences may not be built closer than one (1') foot from the property line.
2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
3. Fences, walls or hedges shall not encroach on any public right-of-way.
4. Approved fencing materials include: stone, brick, finished wood, chain link, etc...
5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
6. A fence or wall six (6') feet in height may be located in any side or rear yard as long as such fence is a minimum of five (5') feet from the road right-of-way.
7. No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.

G. Garage Sales (Refer to R-1 or R-2 Districts)

**Section IV. "R-1" Classification of Uses**

The purpose of the Residential 1 District is to provide for and encourage moderate density residential uses that permit a mix of single-family and multi-family dwellings in areas serviced with sewer utilities.

A. Permitted Uses

1. One single family dwelling per lot must have a minimum one thousand (1,000) square feet of living space.
2. One two family dwelling per lot must have a minimum of sixteen hundred (1,600) square feet of living space. Eight hundred (800) square feet per unit.

3. One multi-family dwelling per lot must have a minimum of eight hundred (800) square feet of living space for each family unit.  
(Living space is exclusive of basements, porches, garages and breezeways.)
4. Rear Houses, no dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street and if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty (20') feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution.
5. For a complete listing of Permitted Uses refer to the District Use Table located in the Appendix Section of this Resolution. Those Listed Uses and No Others shall be permitted in this District.

B. Conditional Uses

The following uses require a Conditional Zoning Certificate in accordance with the procedures and requirements specified in Section XV. of this Resolution.

1. Multi-family buildings in excess of four (4) dwellings, Apartments, Apartment Complexes and Condominium Developments.
2. Bed and Breakfast
3. For a complete listing of conditional uses refer to the District Use Table located in the Appendix Section of this Resolution.

C. Accessory Uses

1. Garages, carports, storage sheds
2. Breezeways, porches and decks
3. Pergola and gazebos
4. Barns
5. Fences
6. Satellite Dish is considered a freestanding structure and shall conform to all restrictions regarding rear and side yard minimum clearances.
7. Swimming Pools, Refer to Section IX.

D. Minimum Lot Requirements

1. Minimum Lot Area: Ten Thousand square (10,000') feet.
2. Minimum Lot Width: Fifty (50') feet frontage.
3. Front Set back building lines: Forty (40') feet from the road right of way.
4. Side and rear yard setbacks: Ten (10') feet from property line, attached garages or accessory building connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building.
5. Maximum Height of buildings: No structure shall be erected in excess of two and a half (2 1/2) stories or in excess of thirty five (35') feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of such building.

Unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with these requirements.

E. Parking Requirements

All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right of way, together with means of ingress and egress thereto, for not less than (2) two motor vehicles per dwelling unit or apartment. No less than (200) two hundred square feet of area shall be deemed necessary for each vehicle.

F. Home Occupation

1. A Home Occupation may be maintained in a dwelling house used as a private residence, providing such use does not involve an extension or modification of said dwelling and lot upon which the dwelling is located which will alter the outward appearance of the lot and dwelling. And providing such use does not involve any outward evidence of such use (including, but not limited to, equipment similar to and including heavy construction equipment, semi-tractors, and trailers used for freight purposes, materials, junk and debris), other than a sign as authorized under outdoor advertising. And further providing that ample specified parking (size to be determined by the type of business) for patron's vehicles to be parked off the street. And further providing that such Home Occupation does not necessitate the employment of more than three (3) employees in addition to the proprietor's family. And said Home Occupation occupies not more than thirty-three (33%) percent of the total usable floor area of the dwelling unit-determined by its interior dimensions, exclusive of basement, attic, garage or porch areas. Each Home Occupation shall be required to register and secure an Occupancy Permit prior to commencement of said Home Occupation.
2. It shall be the responsibility of the person conducting the Home Occupation to register annually such use and to secure such Occupancy Permit.
3. The Home Occupation should not be a nuisance to neighbors or create a traffic hazard.

G. Fences

1. Fences may not be built closer than one (1') foot from the property line.
2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
3. Fences, walls or hedges shall not encroach on any public right-of-way.
4. Approved fencing materials include: stone, brick, finished wood, chain link, etc...
5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
6. A fence or wall six (6') feet in height may be located in any side or rear yard as long as such fence is a minimum of five (5') feet from the road right-of-way.

H. Outdoor Advertising (Refer to Section VII.)

I. Garage Sales

1. Garage Sales will be limited to a maximum of four (4) consecutive days per each occurrence and four (4) sales annually. Such garage sales will require a Garage Sale Permit from the Kinsman Township Zoning Inspector.
2. Any person operating, maintaining or conducting a garage sale, as defined in this section will, before such sale is held, pay the Township the sum of three dollars (\$3.00) per garage sale for a garage sale permit.
3. Any person conducting a garage sale for which a permit is required under this section who has failed to secure a permit before such sale has begun shall be required to pay the sum of five dollars (\$5.00) per day for each day of such sale.
4. PENALTY: Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day any violation occurs or continues shall constitute a separate offense.
5. Non-Profit Organization will be exempt from the fee, but must still obtain a permit.

The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration.

#### **Section IV. "R-2" Classification of Uses**

The purpose of the Residential 2 District is to provide for and encourage low, density single-family residential uses in areas of a semi-rural character with lot sizes sufficient for individual water and sewage treatment facilities.

##### **A. Permitted Uses**

1. One single-family dwelling per lot, must have a minimum one thousand (1,000) square feet of living space.
2. One two-family dwelling per lot must have a minimum of sixteen hundred (1,600) square feet of living space. Eight hundred (800) square feet per unit.
3. A trailer or mobile home intended for use as a single family dwelling must:
  - A) Must be manufactured within twelve months from date of permit application.
  - B) Applicant must be first title owner.
  - C) Minimum width of fourteen (14') feet.
  - D) Must meet the one thousand square (1,000) foot requirement in the original manufactured condition.
  - E) Meet all Trumbull County and State of Ohio building codes including a frost free foundation floored with a vapor barrier and a minimum of three (3") inches of concrete. Eight (8") inch deep footer, sixteen (16") inches wide and to below the frost line a minimum of forty (40") inches below the finished grade.
4. For a complete listing of Permitted Uses refer to the District Use Table located in the Appendix Section of this Resolution. Those Listed Uses and No Others shall be permitted in this District.

##### **B. Conditional Uses**

The following uses require a Conditional Zoning Certificate in accordance with the procedures and requirements specified in Section XV. of this Resolution.

1. Bed and Breakfast.
2. For a complete listing of conditional uses refer to the District Use Table located in the Appendix Section of this Resolution.

##### **C. Accessory Uses**

1. Garages, carports, storage sheds.
2. Breezeways, porches and decks.
3. Pergola and gazebos.
4. Barns.
5. Fences.
6. Satellite Dish is considered a freestanding structure and shall conform to all restrictions regarding rear and side yard minimum clearances.
7. Swimming Pools (Refer to Section IX.)

##### **D. Minimum Lot Requirements**

1. Minimum Lot Area: One and a half (1 1/2) acres.
2. Minimum Lot Width: One Hundred and Fifty (150') foot frontage.
3. Front Set back building lines: Seventy (70') feet from the road right of way on State and Federal highways and fifty (50') feet from the road right of way on County and Township roads.
4. Side and rear yard setbacks: Twenty (20') feet from property line.
5. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.
6. Maximum Height of buildings: No structure shall be erected in excess of two and a half (2 1/2) stories or in excess of thirty five (35') feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of such building.

Unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with these requirements.

E. Parking Requirements

All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right of way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit or apartment. No less than two hundred (200) square feet of area shall be deemed necessary for each vehicle.

F. Home Occupation

1. A Home Occupation may be maintained in a dwelling house used as a private residence, providing such use does not involve an extension or modification of said dwelling and lot upon which the dwelling is located which will alter the outward appearance of the lot and dwelling. And providing such use does not involve any outward evidence of such use (including, but not limited to, equipment similar to and including heavy construction equipment, semi-tractors, and trailers used for freight purposes, materials, junk and debris), other than a sign as authorized under outdoor advertising. And further providing that ample specified parking (size to be determined by the type of business) for patron's vehicles to be parked off the street. And further providing that such Home Occupation does not necessitate the employment of more than three (3) employees in addition to the proprietor's family. And said Home Occupation occupies not more than thirty-three (33%) percent of the total usable floor area of the dwelling unit-determined by its interior dimensions, exclusive of basement, attic, garage or porch areas. Each Home Occupation shall be required to register and secure an Occupancy Permit prior to commencement of said Home Occupation.
2. It shall be the responsibility of the person conducting the Home Occupation to register annually such use and to secure such Occupancy Permit.
3. The Home Occupation should not be a nuisance to neighbors or create a traffic hazard.

G. Fences

1. Fences may not be built closer than one (1') foot from the property line.
2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
3. Fences, walls or hedges shall not encroach on any public right-of-way.
4. Approved fencing materials include: stone, brick, finished wood, chain link, etc.
5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
6. A fence or wall six (6') feet in height may be located in any side or rear yard as long as such fence is a minimum of five (5') feet from the road right-of-way.

H. Outdoor Advertising (Refer to Section VII.)

I. Garage Sales

1. Garage Sales will be limited to a maximum of four (4) consecutive days per each occurrence and four (4) sales annually. Such garage sales will require a Garage Sale Permit from the Kinsman Township Zoning Inspector.
2. Any person operating, maintaining or conducting a garage sale, as defined in this section will, before such sale is held, pay the Township the sum of three dollars (\$3.00) per garage sale for a garage sale permit.
3. Any person conducting a garage sale for which a permit is required under this section who has failed to secure a permit before such sale has begun shall be required to pay the sum of five (\$5.00) dollars per day for each day of such sale.
4. PENALTY: Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day any violation occurs or continues shall constitute a separate offense.



5. Non-Profit Organization will be exempt from the fee, but must still obtain a permit.

The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration.

#### **Section IV. "MH" Classification Of Uses**

MH Districts (Mobile Home Parks and accessory uses)

The following uses and no others shall be permitted in an "MH" District.

Manufactured Home Parks shall meet the Rules and Regulations stipulated in Rules of Ohio Department of Health, Public Health Council, Manufactured Home Parks Chapter 3701-27; whichever is more stringent shall apply.

1. No Mobile Home Park classification shall be granted for a tract of land having a total area of less than thirty (30) acres.
2. The maximum number of Mobile Homes permitted on a tract of land classified as "MH" District (Mobile Home Parks) shall be six (6) units per acre, exclusive of land area required and used for streets, walks, recreation, common parking, sales displays, resident management, etc.
3. A minimum of eight (8%) percent of the total area of the Mobile Home Park shall be reserved for recreation area for the use of the residents within the park, and generally provided in a central location. No recreation area shall contain less than ten thousand (10,000) square feet of area with a length-to-width ratio of no more than three (3) to one (1).
4. No Mobile Home lot shall be less than five thousand (5,000) square feet in area; and no mobile home shall be placed on such lot until an appropriate concrete pad is constructed. Tie-downs shall be placed at the corners of each pad and each tie-down shall be able to sustain a minimum load of forty-eight hundred (4,800) pounds.
5. Each mobile home lot shall have a minimum width; at the set back line, of forty (40') feet.
6. Set back building lines shall be at least twenty (20') feet from any street right-of-way. In the case of a corner lot, a minimum of at least ten (10') feet set back shall be provided from any street right-of-way on the side street.
7. No mobile home or accessory building thereto shall be placed closer than five (5') feet to any side or rear lot line.
8. Each manufactured home shall be placed upon the lot so as to provide not less than twenty (20') feet distance between the sides of manufactured home. Fifteen (15') feet distance between the end of any manufactured home and the side of any manufactured home, and a ten (10') foot distance between manufactured homes placed end to end. In computing these distance requirements, lean-to's, auxiliary rooms, and similar accessories connected to the manufactured home, but not including temporary porches and canopies, which are open on two or more sides, shall be considered as part of the manufactured home.
9. To be permitted in a mobile home park a mobile home must have the original manufactured floor plan of nine hundred and eighty (980) square feet of living area. Must be first Title owner and purchased within thirty-six (36) months and still in original manufactured condition.
10. At least one (1) paved access-way of not less than thirty-six (36') feet in width shall be provided as a means of ingress and egress to the mobile home park from a public thoroughfare.
11. All mobile homes shall be located at least fifty (50') feet from any public road or street right-of-way, and at least forty (40') feet from all other mobile home park boundary lines. A forty (40') foot park boundary line setback shall be required and provide screening, such as fences or natural growth along the manufactured home park boundary line.

12. All streets within the mobile home park shall be paved and shall be at least twenty-four (24') feet in width. All rules and regulations as set forth under "Streets, Walkways, Auto Parking" of the "Rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks Chapter 3701-27-09" shall be required.
13. No parking shall be permitted on roads and streets within the mobile home park.
14. Parking for visitors, and residents with more than two (2) cars, shall be provided at various convenient locations throughout the mobile home park at a minimum of one space per unit. A minimum of two parking spaces is required at each mobile home unit. Each space is to be ten (10') feet wide and twenty (20') feet long, minimum.
15. The following accessory uses and buildings shall be permitted within the mobile home park:
  - A) A permanent dwelling for one (1) family, office and maintenance facilities for management of the mobile home park.
  - B) Mobile Homes offered for sale by the operator of the mobile home park; provided no more than three (3) mobile homes are displayed, in a designated sales display area.
16. Each mobile home park shall provide an adequate, safe and potable supply of water for each mobile home, which has been approved by local health authorities. The water supply system shall be capable of providing a minimum of one hundred fifty (150) gallons per day to each mobile home.
17. A common walk system shall be provided and maintained by the mobile home park owner between locations where pedestrian traffic is concentrated. Such common walks shall be paved and have a minimum width of three and one half (3 1/2') feet.
18. An adequate and safe sewage system shall be provided in all mobile home parks for the conveying and disposing of all sewage, and shall be constructed and maintained under the supervision of local health and sanitation authorities.
19. An adequate method of handling surface and storm water shall be provided in all mobile home parks so as to reasonably eliminate the possibility of flooding.
20. A) The collection, storage and disposal of refuse in the mobile home park shall be conducted at each mobile home in such a manner as to prevent health hazards, rodents harborage, insect breeding areas, accident or fire hazards, or air pollution and shall be maintained under the supervision of local health and sanitation authorities.
  - B) Whenever an area is set aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least four (4') feet, and shall not be located in the front yard area.
21. The person, corporation, partnership or other legal entity, and their heirs, devisees, successors or assigns, to whom a zoning permit has been issued under this use classification, shall provide adequate supervision to maintain the mobile home park, its grounds, facilities and equipment in good repair and in a clean and sanitary condition. They shall notify all residents in writing of the regulations set forth in this ordinance together with their duties and responsibilities hereunder.
22. The enlargement of any mobile home park, which was in existence as a non-conforming use at the time of the enactment of this supplement to the Kinsman Township Ordinance, shall be subject to the provisions of this use classification wherever applicable.
23. No person, corporation, partnership or other legal entity shall begin construction on, or alteration of, a tract of land classified as "MH" District unless, a valid zoning permit has been issued by the Kinsman Township Zoning Inspector. A zoning permit application must contain the following information:
  - A) Name and address of owner, and legal capacity of person filing the application.
  - B) Location and legal description of the proposed Mobile Home Park, or enlargement or alteration of existing park.

- C) Complete engineering plans and specifications of the proposed Mobile Home Park, alteration or enlargement, indicating the following:
1. The area and dimensions of the tract of land.
  2. The number, location and size of all mobile home lots.
  3. The location and width of streets and walkways.
  4. The location and dimensions of recreation area, public parking areas, the resident management area, and the sales display area.
  5. Working drawings showing the location of sanitary and surface water sewer lines, water supply lines and risers. An "Occupancy Permit" obtained through the Trumbull County Board of Health and Licensing, obtained through the State of Ohio is a required part of this criteria.
  6. The plans and specification of all buildings to be constructed within the Mobile Home Park.
  7. The location and details of lighting and electrical systems.
  8. The names of all Streets within the park and the proposed method, of numbering of the mobile home lots on such streets for location in case of fire or other emergency.

**Section IV. "PUD" Classification Of Uses**

"PUD" Districts (Planned Unit Developments) The following uses and no others shall be permitted in Class "PUD" Districts:

- A. Any uses as permitted in an "R-1" District shall be permitted in Class "PUD" Districts.
- B. Planned unit Developments shall be permitted in accordance with the following requirements:
  1. A Planned Unit Development shall cover an area of not less than fifty (50) contiguous acres, which shall not be divided into parts.
    - A. By any county, state or federal highway;
    - B. By any area of land not included in the proposed development,
    - C. By any railroad right-of-way.
  2. Central Sanitary sewerage facilities and central water facilities shall be required.
  3. Thirty percent (30%) of the total land area excluding streets must be devoted to open space dedicated to public use or for the exclusive use of residents of the Planned Unit Development. Lakes and waterways also are to be included as open space areas. No single park or open space area in a Planned Unit Development shall contain less than three (3) acres of contiguous area.
  4. A Planned Unit Development shall consist of at least sixty (60%) percent single-family dwelling units. The actual ratio of single family dwellings and two-family units shall be determined at the time the overall Planned Unit Development plan is considered by the Kinsman Township Zoning Board and the Kinsman Township Board of Trustees, but in no case shall there ever be less than sixty (60%) percent single family dwellings. The single-family units and/or open space shall be placed in proximity to existing residences adjacent to the PUD to act as a buffer.
  5. No single-family lot shall be less than six thousand (6,000) square feet provided that the lot connects to open space on at least one side. No single-family lot not connecting to open space shall be less than nine thousand (9,000) square feet. No two family lots shall be less than nine thousand (9,000) square feet provided that the lot connects to open space on at least one side. No two family lots not connecting to open space shall be less than twelve thousand (12,000) square feet. No lot shall have less than thirty-five (35') feet of frontage on a public or private street or width of less than sixty (60') feet at the building line. Any deviation from the original lot sizes or design as shown on the overall preliminary plan would require approval from the Trumbull County Planning Commission and the Kinsman Township Zoning Board and the Kinsman Township Board of Trustees. The Kinsman Township Board of Zoning Appeals must approve any variances from the Kinsman Township Zoning Resolution.

6. The front yard setbacks for single-family homes in a Planned Unit Development may be varied to allow an average setback of thirty (30') feet throughout said development provided the following requirements are met:
  - A. The minimum front yard setback allowed will be twenty-five (25') feet.
  - B. Upon approval of the flexible front yard setback, said setback lines will be placed on the final development plan.
  - C. At the time of filing, the approved flexible front yard setback lines will become the minimum required setback for each lot as they appear on the final subdivision map.
7. Side yards for single-family homes shall be a minimum of ten (10') feet on each side, except for corner lots, where the corner side will be fifteen (15') feet.
8. Rear yards for single-family homes shall be a minimum of twenty (20') feet. Accessory buildings to single-family homes shall be attached to the rear of the residence.
9. At the time a Planned Unit Development is established, a copy of the overall preliminary plan for the development will be submitted to the Trumbull County Planning Commission for review and approval. After receiving approval from the Trumbull County Planning Commission, a copy of the overall preliminary plan shall be filed by the owner of the land with the Township Zoning Inspector. For purposes of this section, the term "owner(s)" shall include the owner(s) of record, or a party, which has secured an option to purchase the site, or a similar agreement from the owner(s) of record and presented evidence thereof for approval. The overall preliminary plan, (which may be set forth on one or more maps or in one or more instruments), shall have been signed by the owner(s) of the property within the entire area to be developed, and shall have been drawn to a reasonable scale and shall show the following:
  - A. The boundaries of the entire Planned Unit Development.
  - B. The acreage of the entire Planned Unit Development.
  - C. The proposed street system for the PUD.
  - D. The areas of the district to be used for single-family dwellings and the areas for two-family dwellings.
  - E. The number of dwelling units by type.
  - F. The density of dwelling units per acre, but not to exceed eight (8) dwelling units per acre of the total land area exclusive of the required open space (30% of the total PUD area).
  - G. The area(s) of the district proposed as open space, which shall not be less than thirty (30) percent of the total acreage of the development, excluding streets. No single open space area shall be less than three (3) contiguous acres.
  - H. A statement as to the methods to be employed to preserve and maintain the open space and recreational facilities.
  - I. A description and general location of proposed water and sewer facilities and the feasibility of extension into the development.
  - J. Two-foot contour line interval.
  - K. Vicinity maps.
  - L. Road cross section.
  - M. Floodplain.
10. Development of a Planned Unit Development shall not commence prior to filing of final development plans with the Trumbull County Planning Commission and the Kinsman Township Zoning Inspector. And not until after the Kinsman Township Zoning Inspector has found the final development plans are in substantial conformance with the overall preliminary plan and does not violate any provisions of this amendment. Modifications to the approved overall preliminary plan may only be made by approval of the Kinsman Township Zoning Inspector and the granting of a variance by the Kinsman Township Zoning Board after review and approval by the Trumbull County Planning Commission.

Development within a Planned Unit Development (PUD) may be accomplished in geographical stages. Each stage shall contain a minimum of ten (10) acres and shall be identified in the tentative schedule of development. Final development plans for the entire project must be approved before construction is commenced in any area and must include a two (2) year maintenance bond. An approved final plan for an area within each stage of the project must be recorded immediately after construction is completed. A final development plan for an area must show the following:

- A. The area to be developed and the area to be devoted to open space and recreational areas for the use of all residents of the area, with accurate acreage, curses and distances, as determined by a licensed surveyor who shall sign such plan and certify the accuracy thereof.
  - B. A plan and legal description of the land which has been set aside for open space; showing the use of such land for recreational areas and open space, either through dedication of the land to the township, county or other public use or by designating the land for the exclusive use of development residents and granting owners and residents of the area to be developed a right and easement of use in such open space and recreational areas and designating the responsibilities connected with such right and easement.
  - C. The location of all single-family lots and two-family lots and buildings, descriptive data of the type of buildings and the number of dwelling units in each separate type.
11. After approval of an overall preliminary plan for a Planned Unit Development within a "PUD" District, no development or construction may proceed, nor shall any final development plan of any stage be approved unless such development, construction or final development plan is in conformance with the approved overall plan.
12. The developer of a PUD in Kinsman Township, Ohio, must submit plans of the total or entire development of the PUD, showing residential, recreational and open space uses and any other uses proposed for PUD development. A schedule of development indication the relationship and timing of the improvement and construction of open space and recreational areas with the construction of the residential units must be submitted also. The developer must show which recreational areas and recreational facilities will be constructed proportionally to residential construction in each stage of the scheduled development.

The overall plan and schedule of development is to insure the improvement of the planned open space and the construction of the recreational areas. This will be controlled by the withholding of zoning permits until the scheduled developments are completed. Any deterrent land, such as slopes over 20%, muck or organic soil areas, flood plain areas, swamps and surface rock areas will get 50% credit for open space requirements (in acres).

The approval of the plans for a PUD, must be approved not only by the Kinsman Township Trustees and the Township Zoning Inspector but also, by the Trumbull County Planning Commission. Moreover, these plans must be consistent with the Trumbull County Comprehensive (General) Plan, the County land use plan and all codes and ordinances or resolutions of Trumbull County. This includes County Subdivision Regulations (Ohio Revised Coed 711), County Building Code (Ohio Revised Code 307.37 etc.) as well as the Kinsman Township Zoning Resolution (Ohio Revised Code 519.021).

13. If any provision or requirement of this Section is in conflict with any other section of the Kinsman Township Zoning Resolution, the provisions of this Section shall apply within any "PUD" (Planned Unit Development) District established within the township.
14. Expiration and Extension of Approval Period: The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after

approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Kinsman Township Zoning Board finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan, shall in anyway affect the terms under which approval of the Planned Unit Development was granted.

#### **Section IV. "C-1" Classification Of Uses**

The purpose of this section is to encourage development that is compatible with the historical character and scale of the Traditional Downtown Business District with respect to uses, building dimensions, building design and functions, and to encourage development/redevelopment of existing buildings and properties for mixed uses including; office, retail, residential and service uses.

##### **A. Permitted Uses**

1. For a complete listing of Permitted Uses refer to the District Use Table located in the Appendix Section of this Resolution. Those Listed Uses and No Others shall be permitted in this District.
2. Beauty Shop
3. Drug Store
4. Restaurant
5. Retail Shop
6. Grocery Store

##### **B. Accessory Uses**

1. Storage Sheds
2. Fences
3. Outdoor Advertising, refer to Section VII.

##### **C. Outdoor Storage Area**

Whenever an area is set aside outside of any structure to be used for the temporary storage of waste materials, garage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6') feet, and shall not be located in the front yard area, nor closer than ten (10') feet to any adjoining property lines.

##### **D. Minimum Lot Requirements**

1. Minimum Lot width is fifty (50') Foot frontage, unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with this regulation.
2. Minimum set back lines ten (10') feet from the road right of way when applicable.
3. Maximum height restriction – No structure shall be erected to a height in excess of thirty-five (35') feet, measured from the natural grade at the building line to the highest point on the roof. (Except that these provisions shall not apply to the height of a wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of the building.)

##### **E. Commercial Building Design Standards**

1. Building Finish and Colors
  - A) All buildings and structures shall have an equal level of finish on all sides and shall utilize no more than to primary materials with one or two accent materials. The quality of materials and design used on the front facade of the building should not substantially diminish at the rear or sides of the building, except where a wall adjacent to another structure would not be visible.
  - B) Building colors shall be subtle, neutral and earth tones. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

- C) A single, coordinated color scheme shall be utilized for all structures. The color scheme shall have one predominant color and may use additional colors to accent, demark, or otherwise provide interest or to achieve a more compatible scale for the individual structure.
- D) The color, surface finish and texture of primary building materials shall have the appearance of split face block, brick, stone, E.I.F.S (Exterior Insulation and Finishing System, i.e, synthetic stucco) or wood. The surface finish and texture of building materials shall not have the appearance of exposed concrete block.
- 2. All sides of a building that are adjacent to roadway shall receive equal architectural design consideration and may have no blank, flat walls. (I.e, windows, doors, architectural treatments, etc.).
- 3. The use of corrugated metal siding is prohibited.
- 4. Screening of Dumpsters/Waste Receptacles:
  - A) Dumpsters larger than 6 yards shall be screened on all sides by a six (6') foot high fence, wall, and or gate constructed in a manner consistent with the design of the main building. Gates or other openings to the screened waste receptacles area shall be oriented so they are not visible from the public right of way.
  - B) Dumpsters larger than 6 yards shall not exceed six (6') feet in height.
  - C) Dumpsters larger than 6 yards shall not be located in the area between the main building and the public right of way.
  - D) Grandfathered dumpsters that have 5 violations for overflowing will be required to meet the fencing requirements.

F. Fences

- 1. Fences may not be built closer than one (1') foot from the property line.
- 2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
- 3. Fences, walls or hedges shall not encroach on any public right of way.
- 4. Approved fencing materials include: stone, brick, finished wood, chain link, etc.
- 5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
- 6. Six (6') foot fences must be a minimum of five (5') feet from the road right of way.
- 7. No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.
- 8. Eight (8') foot security fences topped with barbed wire or razor wire may be used in Commercial and Industrial Districts only.

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

**Section IV. "C-2" Classification Of Uses**

The purpose of the Commercial-2 District is to provide for and encourage multi-purpose retail and service related businesses and commercial development intended to serve the needs of the community and/or region.

A. Permitted Uses

- 1. For a complete listing of Permitted Uses refer to the District Use Table located in the Appendix Section of this Resolution. Those Listed Uses and No Others shall be permitted in this District.
- 2. Apartment House
- 3. Beauty Shop
- 4. Gas Station
- 5. Restaurant
- 6. Retail Shop

B. Accessory Uses

1. Storage Sheds
2. Fences
3. Parking
4. Outdoor Advertising, refer to Section VII.

C. Minimum Lot Requirements

1. Minimum Lot width is One Hundred and Fifty (150') Foot frontage.
2. Minimum set back lines seventy (70') feet from the road right of way on State and Federal roads. Fifty (50') feet from the road right of way on County and township roads.
3. Minimum side line set back ten (10') feet from the side property line.
4. Maximum height restriction – No structure shall be erected to a height in excess of thirty five (35') feet, measured from the natural grade at the building line to the highest point on the roof. (Except that these provisions shall not apply to the height of a wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of the building.)
5. An apartment house or living quarters over a business establishment shall accommodate no more than one family for each sixteen thousand (16,000) square feet of lot area.

D. Commercial Building Design Standards

1. Building Finish and Colors
  - A) All buildings and structures shall have an equal level of finish on all sides and shall utilize no more than two primary materials with one or two accent materials. The quality of materials and design used on the front facade of the building should not substantially diminish at the rear or sides of the building, except where a wall adjacent to another structure would not be visible.
  - B) Building colors shall be subtle, neutral and earth tones. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.
  - C) A single, coordinated color scheme shall be utilized for all structures. The color scheme shall have one predominant color and may use additional colors to accent, demark, or otherwise provide interest or to achieve a more compatible scale for the individual structure.
  - D) The color, surface finish and texture of primary building materials shall have the appearance of split face block, brick, stone, E.I.F.S (Exterior Insulation and Finishing System, i.e, synthetic stucco) or wood. The surface finish and texture of building materials shall not have the appearance of exposed concrete block.
2. All sides of a building that are open to public view (including views from adjacent residential dwellings or probable location of residential dwellings) shall receive equal architectural design consideration (I.e, windows, doors, architectural treatments, etc.). No building shall have blank, flat walls.
3. The use of metal siding exclusively on any building is prohibited. Metal siding used for accents on any development shall be of the decorative, architectural metal type. The use of corrugated metal siding is prohibited.
4. Screening of Waste Receptacles:
  - A) Waste receptacles shall be screened on all sides by a six (6') foot high fence, wall, and or gate constructed in a manner consistent with the design of the main building. Gates or other openings to the screened waste receptacles area shall be oriented so they are not visible from the public right of way.
  - B) Waste receptacles shall not exceed six (6') feet in height.
  - C) Waste receptacles shall not be located in the area between the main building and the public right of way.



E. Green Area

Whenever a use permitted in the Commercial District is adjacent to any Residential use a ten (10') foot "Green Area" shall be required along the side yard abutting any Residential use. A twenty (20') foot "Green Area" shall be required along the rear yard abutting any Residential use. This "Green Area" shall provide a screen or mask or otherwise block the view of the Commercial use from the Residential use.

F. Fire Lane

A minimum "No Parking" area of twenty feet by twenty (20' X 20') feet is required directly in front of the main entrance for Emergency Use Only.

G. Fences

1. Fences may not be built closer than one (1') foot from the property line.
2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
3. Fences, walls or hedges shall not encroach on any public right of way.
4. Approved fencing materials include: stone, brick, finished wood, chain link, etc.
5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
6. Six (6') foot fences must be a minimum of five (5') feet from the road right of way.
7. No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.
8. Eight (8') foot security fences topped with barbed wire or razor wire may be used in Commercial and Industrial Districts only.

H. Parking Requirements

1. Apartment houses shall provide parking space off the road or street and outside of the public right of way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit or apartment. No less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.
2. Parking spaces will be provided off the road or street outside of the public right of way and not more than three hundred (300') feet distant from an entrance to said establishment of an area not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
3. Every theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right of way no less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles for every three (3) persons to be accommodated. Such parking space shall be within four hundred (400') feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.
4. Adequate parking space off the road or street and outside of the public right of way for vehicles delivering to, unloading or taking away from said user goods, materials, supplies, or waste in connection with said business or use.

I. Flea Markets

Flea Markets are a type of bazaar, which rents space to vendors who want to sell their merchandise to the general public. Flea Markets cannot be located on Residential property. A yearly registration fee of fifty dollars (\$50.00) is required for all Flea Markets.

J. Garage Sales (Refer to R-1 or R-2 Districts)

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

#### **Section IV. "I" Classification Of Uses**

The purpose of the Industrial District is to provide for and encourage the development of light Industry/Manufacturing and wholesale business establishment's, which are clean, quiet, and free of hazardous or objectionable elements such as odor, smoke, glare, and operate entirely within enclosed structures

##### **A. Permitted Uses**

1. Manufacturing and assembly facilities.
2. Warehouses and distribution centers.
3. Manufacturers' service centers.
4. Construction firms.
5. Lumber and building materials centers.
6. For a complete listing of permitted uses refer to the District Use Table located in the Appendix section of this Resolution. Those Listed Uses and No Others shall be permitted in this District.

##### **B. Accessory Uses**

1. Offices ancillary to permitted uses.
2. Maintenance facilities ancillary to permitted uses.
3. Storage areas ancillary to permitted uses.
4. Fences.
5. Outdoor Advertising, refer to Section VII.

##### **C. Minimum Lot Requirements**

1. Minimum Lot Width One Hundred and fifty (150') foot frontage
2. Minimum Lot Size five (5) acres
3. Minimum front set back line one hundred (100') feet from the road right of way.
4. Side yard and rear yard setback shall be thirty (30') feet.

##### **D. Height Limitation**

No structure shall be erected to a height in excess of sixty (60') feet, measured from the natural grade at the building line to the highest point on the roof. (Except that these provisions shall not apply to the height of a wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of the building.)

##### **E. Landscaping**

1. A landscaping plan shall be prepared for the approval of the Zoning Board that shall include the following;
  - A) The location, size, and species of vegetation to be used.
  - B) The location and specifications of drainage and irrigation.
  - C) A maintenance plan.
2. The setbacks shall be considered buffers and part of the landscaping plan.
3. The buffers shall be designed and maintained to include mature trees in the side and rear yard setbacks. The front yard setback may include mature trees.
4. The buffers shall be designed to protect the adjacent district or roadways from unsightliness or visual distractions, on a year round basis. The design shall be encouraged to utilize native vegetative species or non-native species that have a demonstrated suitability for Trumbull County. In addition, the design may be required to incorporate effective noise reducing features.
5. Implementation of said buffers shall commence prior to building occupancy. And shall be guaranteed by a performance bond or similar means of insuring implementation and maintenance, as approved by the Zoning Inspector, for an amount of one hundred and fifty (150%) percent of the estimated screen cost for a period of five (5) years after initial occupancy.

#### F. Performance Standards

1. Each industry is required to continuously employ the best pollution control and nuisance abatement technology when reasonable and practicably available, provided that where federal, state, or regional laws or regulations provide for the level of technology to be employed, the appropriate standards shall apply.
2. All operations and facilities producing heat, light, or glare, including exterior lighting, shall be constructed, screened or used, so as not to unreasonably infringe upon the use and enjoyment of properties beyond the boundaries of the industrial district.
3. Other than that caused by highway vehicles or construction activity, no ground vibration shall be permitted which is discernible without instruments, at or beyond the property line for the use concerned.
4. No odors shall be emitted that are detectable at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of properties beyond the boundaries of the industrial district.
5. No materials, products or equipment shall be stored in the open on the site.

#### G. Design Review

The Zoning Board shall have the responsibility of recommending the approval of site designs for industrial districts. The site design review shall include, but not be limited to the following:

- A) The location of all new and existing buildings and storage areas.
- B) Buffers, screening and fencing.
- C) Internal circulation and parking.
- D) Aesthetic appearance
- E) Safety Issues.
- F) Signage and exterior lighting.

Prior to the submission of a site plan to the Zoning Inspector, the developer shall complete the following:

1. A topography map based on (1') one foot contours prepared by a registered land surveyor, which shows the location of all development, drainage, utilities, circulation and signage.
2. Approved copies of all required state and local permits.

#### H. Fire Lanes:

A Fire Lane, with a minimum width of twelve (12') feet is required along the entire length of the structure containing the Main Entrance.

#### I. Fences

1. Fences may not be built closer than one (1') foot from the property line.
2. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side without exposed supports or posts.
3. Fences, walls or hedges shall not encroach on any public right of way.
4. Approved fencing materials include: stone, brick, finished wood, chain link, etc.
5. Front yard fences require fifty (50%) percent or more open space (split rail, picket, or woven wire) and may be erected to a maximum height of four (4') feet.
6. A fence or wall six (6') feet in height may be located only in side or rear yards as long as such fence is a minimum of five (5') feet from the road right of way.
7. Security fences topped with barbed wire or razor wire must be a minimum of eight (8') feet in height and are only allowed in Commercial and Industrial Districts.

8. No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.

### **Section V. Prohibited & Restricted Uses & Property Conditions**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District.

#### **PROHIBITED:**

1. A) Dumping, storing, burying, reducing of or burning garbage, refuse, scrap metal, toxic waste, medical wastes, or wastes from soil contaminant plants, rubbish, offal or dead animals. (This section shall not be applicable to the normal care of individual lawns or gardens or pursuits incidental to agriculture purposes.) For more information refer to Chapter 3745-27 of the Ohio Administrative Code.  
B) Industrial Waste  
C) Construction & Demolition Debris (C&DD) means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways. C&DD includes structural and functional materials comprising the structure and surrounding site improvements, including, but not limited to: brick, concrete, and other masonry materials, stone, glass, wall coverings, drywall, framing and finishing lumber, roofing materials, plumbing fixtures (toilets, sinks, water heaters, pipes), heating equipment (furnaces, duct work), electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphalted substances, metal incidental to any of the above, weathered railroad ties and weathered utility poles.
2. Dumping or storage of toxic or nuclear waste.
3. Amusement parks.
4. Commercial Aviation fields.
5. Bulk petroleum station with tanks above ground; Distilling or crackling plants or plants used in the refining of gasoline and oil products. Agriculture exempt.
6. Distilling of bones, fat, glue, or gelatin manufacturing.
7. Manufacturing and/or selling of explosives and/or fireworks. Not including loading ammunition for personal use. Sale of ammunition is permitted.
8. A) Junk yards, automobile grave yards or places for the collection, sales or recycling of plastic, scrap metal, paper, rags, glass salvage or junk for salvage or storage purposes, except where this is an integral part of a manufacturing process. No abandoned, currently unregistered, wrecked or dismantled automobiles, trucks, trailers, farm equipment, aircraft, boats, refrigerators, washers, dryers, commodes, white-ware or any other unsightly materials shall be permitted to remain exposed on the premises. Failure to comply after thirty (30) days' notice of removal shall constitute a misdemeanor (513-23) and penalty (519-99) Revised Code, Refer. Section XVII of this Resolution.  
B) JUNK: The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.  
C) Parking of Disabled Vehicles: The parking of a disabled vehicle for a period of more than two (2) weeks shall be prohibited in all districts, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.  
D) No political subdivision shall prevent a person from storing or keeping, or restrict him in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property;

except that a political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

- E) The Kinsman Township Zoning Inspector may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within thirty days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or suitable structure, or shall be removed from the property.

9. Adult Entertainment Businesses {See Definitions}

A sexually oriented business cannot be operated within one thousand feet of the property line of certain other uses, including churches, schools, public parks and property used for residential uses. Hours of operation are limited from Noon-10pm Monday through Saturday and only permissible in the Industrial zoned section.

**RESTRICTED**

- 10. Commercial zoos or zoological parks.
- 11. Strip-mining for minerals, coal, sand, gravel, clay, limestone or sandstone deposits.
- 12. Any commercial racetrack or drag strip.
- 13. Commercial egg factories.
- 14. Prisons.
- 15. Drug rehabilitation centers or homes.
- 16. Psychiatric institutions.
- 17. Storing of tires except where this use is an integral part of manufacturing process.
- 18. Recreational Vehicle Parks, Camp Grounds, Temporary or Permanent living quarters in Recreational Vehicles, Travel Trailers, Tents or any other temporary shelters.
- 19. No land use or operation in any District shall be permitted that adversely affects the environment, soil, waterways, property values, health, safety, welfare, or creates a nuisance.
  - A) Existence of any physical condition that may constitute an attractive nuisance to children, including, but not limited to, abandoned wells or shafts, open excavations, or unsecured structures.
  - B) Existence of holes, breaks, loose or rotting materials, on exterior walls or roofs of structures.
  - C) Any other use of property condition that constitutes a health hazard, safety hazard, or general nuisance to the general public.
- 20. Dangerous pets are prohibited in ALL DISTRICTS.
  - A) PREDATORY: Any animal, reptile, fish, bird or insect, which either bites, claws, injects venom, strangles or constricts prey in manners which could cause serious injury or death to humans.
  - B) NUISANCE: Animals, birds or reptiles, which emit noises or odors of an offensive nature beyond the residential property of the owner.
  - C) NATURE: Any non-native animal, bird, reptile, fish or insect, which if released or escaped could create a threat to local ecology or proliferate to nuisance proportions.

**Section VI. Nonconforming Structures and Uses**

**A. Purpose**

Within the districts established by this Resolution or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but

which would be prohibited, regulated, or restricted under the terms of this Resolution. The term of "grand fathering" shall be used only in regards to structures. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution that such nonconformities be allowed to continue until removed, they should not be encourage to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

#### **B. Incompatibility of Nonconformities**

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district in which such use is located.

#### **C. Construction Begun**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun in preparation to rebuilding, such demolition or removal shall be deemed to be actual construction provided that the work shall be completed within two years of issuance of the zoning permit.

#### **D. Certificates of Non-conformity**

The Zoning Inspector shall issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure and land used for nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. The Zoning Inspector, who shall maintain as a public record, a file of all certificates, shall retain one copy.

#### **E. Substitution of Nonconforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board of Zoning Appeals shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require additional conditions to the approval of such change and failure to meet such conditions shall be considered a punishable violation of this resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

## **F. Single Nonconforming Lots of Record**

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution, other County or State Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances or requirements other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

## **G. Nonconforming Lots of Record In Combination**

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

## **H. Nonconforming Uses of Land**

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

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Resolution.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such nonconforming uses of land are discontinued or abandoned for more that (1) one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

## **I. Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Nonconforming structures may not be enlarged or altered to increase such nonconformity.
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it may not be reconstructed to its previous state but to a more conforming status.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **J. Nonconforming Uses of Structures or of Structures and Land in Combination**

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

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
3. When a nonconforming use of structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year, except when government action impedes access to the premises, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

#### **K. Termination of Use Through Discontinuance**

When any nonconforming use is discontinued or abandoned for more than (1) one year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed.

#### **L. Termination of Use by Damage or Destruction**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50%) percent of the cost of replacement of such structure exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this resolution. When such a nonconforming structure is damaged, or destroyed to the extent of fifty (50%) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be completed within one (1) year of such destruction.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

#### **M. Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content/area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official change with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.



## **Section VII. Outdoor Advertising**

### **Purpose**

The purpose of these sign regulations is to promote, and protect the public health, safety and welfare of the citizens of the Township and promote an attractive physical environment establishing uniform standards for the size, height, location, setback, lighting and other requirements for the character, appearance, installation and maintenance of signs.

### **Scope**

The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any street, sidewalk or public/private common open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this section shall be in addition to any provisions of Chapter 5516 of the Ohio Revised Code and the Ohio Basic Building Code (OBBC) applicable to the construction and maintenance of signs.

### **Permit Required**

No sign shall be erected, enlarged, expanded, relocated or reconstructed on public or private property, unless all provisions of this section have been met and a zoning certificate issued by the Zoning Inspector.

- Normal maintenance and minor repair that does not result in the sign being removed from its current fixed location or altered in size may be done to the existing sign without a permit.
- Alterations to the sign resulting from occupancy changes requires an occupancy form (DIC 3019) to be completed as outlined in the Ohio Building Code Section 111.2.
- Alterations to signs designed solely for advertising purposes not specific to the business at the location of the sign must apply for a permit. This form must be completed and submitted to the zoning inspector. Applicable Township fees apply.

**EXCLUSIONS:** Signs designed to have changeable content (either in the form of electronic display or changeable letters) are not required to obtain a zoning certificate for changes after initial sign permits have been issued for installation.

### **General Requirements for all Signs and Districts**

The following regulations and restrictions shall apply to all signs located and erected within the Township of Kinsman, regardless of type, style, location, design or other classification. Location:

- A. No sign shall be located within the right of way of any public or private road within the township, except publicly owned signs, such as traffic control signs and directional signs.
- B. All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communications equipment.
- C. The placement of signs and their supporting structures shall not interfere with natural or artificial drainage ways.

### **Lighting**

- A. Movement: No sign shall incorporate movement or the illusion of movement.
- B. Intensity: Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights.

- C. Illumination: In no event shall an illuminated sign or lighting device be placed or directed so as to permit/allow the beams and illumination to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflections that may constitute a traffic hazard or other nuisance.

**Sight interference:**

- A. No sign shall be permitted/allowed that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

**Traffic Safety; Colors; Etc.:**

- A. Signs shall not closely resemble or approximate the shape, form or color of official traffic signs, signals and/or other devices
- B. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted/allowed on any property.

**Design, Construction and Maintenance:**

- A. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices.
- B. All signs shall be rigidly secured and no sign shall employ any parts or elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- C. No advertising sign shall be attached to or supported by a tree, standpipe or utility pole or painted upon a roof.
- D. No vehicle or trailer may be parked on a business premises or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
- E. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Resolution at all times.

**Measurement Standards:**

- A. Sign area shall include the face of all the display area of the sign, not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. The area of letters, numbers or emblems mounted on a building wall shall be computed by enclosing such letters, numbers or emblems with the smallest single continuous perimeter.
- B. Sign height shall be measured from the grade at the center of the sign to the highest point of the sign or its supporting structure.
- C. Building Frontage shall be the width of the facade(s) of the building, which faces the principal street or contains the main entrance. If a building is divided into units, the building unit frontage shall be the width of that unit, as measured from the party wall centerlines.

**Sign Schedule**

The following on-premise signs or advertising structures of a permanent nature shall be permitted/allowed or conditionally permitted/allowed within the following Zoning Districts.

Type of Sign	"PA"	R-1 & R-2	"C-1"	"C-2"	"I"
Ground Mounted/Monument		C		P	P
Pole/Pylon		C		P	P
Building Signs					
Wall			P	P	P
Roof				P	P
Projecting			P	P	P
Window			P	P	P
Canopy/Marquee				P	P
Off Premises Signs					
Billboards	P				

C – Conditional Use

P – Permitted Use

### **Specific Requirements for Certain Signs**

The regulations set for herein shall apply to all permitted or conditionally permitted signs as noted in the Sign Schedule.

#### **A. Free-Standing Signs: Ground Mounted/Monument**

All ground mounted/monument signs shall be erected in a landscaped setting. Neither the landscaping nor the ground sign shall obstruct the view of vehicles entering or exiting the property.

1. Residential Districts: Ground Mounted/Monument signs shall be permitted in the Residential District for all uses that are conditionally permitted, and shall conform to the following:
  - A) A maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided ground signs, shall be permitted per developed parcel.
  - B) Ground signs shall not exceed an area of twenty-five (25) square feet per sign face.
  - C) No ground sign shall exceed a height of six (6') feet from established grade to the top of the sign structure.
  - D) Ground signs shall be located no closer than ten (10') feet from the street right of way line. Such sign shall be located no closer than twenty-five (25') feet from any side lot line.
2. Non-Residential Districts: Ground Mounted/Monument signs in non-residential districts shall conform to the following:
  - A) A maximum of two (2) sign faces, either as a double-sided sign or as two (2) single-sided ground signs, shall be permitted per developed parcel.
  - B) Ground signs shall not exceed twenty-five (25) square feet per sign face or fifty (50) square feet in total sign area.
  - C) No ground sign shall exceed a height of eight (8') feet from established grade to the top of the sign structure.
  - D) Ground signs shall be located no closer than ten (10') feet from the street right of way line. Such sign shall be located no closer than twenty-five (25') feet from any side lot line.

#### **B. Free-Standing Signs: Pole/Pylon**

The maximum height of a pole/pylon sign shall be measured from the base of the support structure to the top of the sign. The minimum height shall be measured from the base of the support structure to the bottom of the sign.

1. Residential Districts: Pole/Pylon signs shall be permitted in the Residential District for all uses that are conditionally permitted, and shall conform to the following.
  - A) Not more than one (1) Pole/Pylon sign shall be permitted per developed parcel.
  - B) Maximum surface display area shall not exceed sixty (60) square feet per sign face.
  - C) Maximum height shall not exceed twenty (20') feet and a minimum height of no less than fifteen (15') feet.
  - D) Signs shall be located no closer than ten feet (10') from the street right of way line. Such sign shall be located no closer than twenty-five (25') feet from any side lot line.
  - E) No sign shall be located within fifty (50') feet of any existing freestanding sign located on any parcel on the same side of the street.
2. Non-Residential Districts: Pole/Pylon signs in non-residential districts shall conform to the following:
  - A) Not more than one (1) Pole/Pylon sign shall be permitted per developed parcel.
  - B) Maximum surface display area shall not exceed sixty (60) square feet per sign face.
  - C) Maximum height shall not exceed twenty (20') feet and a minimum height of no less than fifteen (15') feet.
  - D) Signs shall be located no closer than ten feet (10') from the street right of way line. Such sign shall be located no closer than twenty-five (25') feet from any side lot line.
  - E) No sign shall be located within fifty (50') feet of any existing freestanding sign located on any parcel on the same side of the street.

### **C. Wall Signs**

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Wall signs in non-residential districts shall conform to the following:
  - A) A single-tenant in a single-tenant building shall be permitted a maximum of one and one-half (1 1/2) square feet of sign area per linear foot of building frontage not to exceed eighty (80) square feet.
  - B) Each building unit in a multi-tenant building shall be permitted a maximum of one and one-half (1 1/2) square feet of sign area per linear foot of building frontage not to exceed thirty (30) square feet.
  - C) Additional area for wall signs shall be permitted for corner lots when a building has a secondary building frontage, the additional sign area shall not exceed seventy-five (75%) percent of the maximum permitted area.
  - D) A wall sign shall not project above the top of the wall nor beyond the ends of the wall to which attached.
  - E) A wall sign shall not project more than fifteen (15") inches from the building surface.

### **D. Roof Signs**

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Roof signs in non-residential districts shall conform to the following:
  - A) Shall be permitted only when the property owner can demonstrate to the Zoning Board that no other sign is feasible due to the physically restrictive characteristics of the parcel to which the sign shall serve.
  - B) No roof sign shall exceed fifty (50) square feet in sign area nor extend more than eight (8') feet above the front wall of the building on which it is erected. In no case, shall the maximum height of a roof sign exceed thirty (30') feet above ground level.

### **E. Projecting Signs**

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Projecting signs in non-residential districts shall conform to the following:
  - A) The maximum sign area shall be no more than twelve (12) square feet.
  - B) The sign shall project no more than four (4') feet from the facade on which it is attached.
  - C) The bottom of the sign shall have a minimum clearance of eight (8') feet above ground level.

### **F. Window Signs**

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Window signs in non-residential districts shall conform to the following:
  - A) Window signs shall be permitted for each business provided the copy area does not exceed twenty-five (25%) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed one hundred (100) square feet.

### **G. Canopy/Marquee Signs**

1. Residential Districts: Not Permitted
2. Non-Residential Districts: Canopy/Marquee signs in non-residential district shall conform to the following:
  - A) Marquee, canopy or awning signs, shall be affixed flat to the surface and shall not rise above the vertical dimension above the marquee, canopy or awning. Such sign shall be limited to a maximum of ten (10) square feet in sign area.

### **H. Temporary Signs**

1. Residential Districts: Temporary signs may be permitted in Residential Districts and shall conform to the following:
  - A) One temporary sign may be permitted for non-commercial special, civic and

- institutional events for a period not to exceed thirty (30) consecutive days.
- B) A temporary sign may have two (2) sign face areas with a maximum sign face area of twelve (12) square feet.
- 2. Non-Residential Districts: Temporary signs may be permitted in Non-Residential Districts and shall conform to the following:
  - A) One temporary sign may be permitted for commercial, non commercial special, civic and institutional events for a period not to exceed sixty (60) consecutive days.
  - B) A temporary sign may have two (2) sign face areas with a maximum sign face area of twenty-four (24) square feet.

**I. Off-Premise Signs (Billboards)**

- 1. Residential Districts: Not Permitted
- 2. Non-Residential Districts: Billboards may be permitted in Prime Agricultural Districts and shall conform to the following:
  - A) The maximum size area for any one face of a billboard shall not exceed five hundred (500) square feet.
  - B) The maximum height of a billboard shall not exceed fifty (50) feet from established grade to the top of the sign structure.
  - C) Billboards shall not be located closer than one thousand (1,000') feet from another such billboard.
  - D) No billboard shall be permitted within three hundred (300') feet of any residential property or entrance to any public park, public or parochial school, library, church or similar institution.
  - E) Billboards shall be located a minimum of one hundred (100') feet from the street right of way line and one hundred (100') feet from the side and rear lot lines.

**Exemptions**

Signs that are exempt from the provision of these regulations shall be permitted, but shall not be illuminated nor animated unless as specifically provided and shall not extend nor be placed in a required right of way.

- A) Real estate signs not exceeding six (6) square feet in area in any Residential District (twenty-four (24) square feet in any other district) which advertises the sale, rental or lease of the premises on which said signs are located and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- B) Professional or occupational name plates not exceeding one (1) square foot in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- C) Occupational signs not exceeding two (2) square feet in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- D) Temporary signs not exceeding thirty-two (32) square feet in area denoting the architect engineer, or contractor when placed upon work under construction, to be removed upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- E) Memorial signs or tablets, names or buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- F) Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs. Non-advertising signs may be authorized by the Board of Zoning Appeals.
- G) The flag, pennant, or insignia of any nation, state, city, township or other political unit or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- H) "No Trespassing" signs or other such signs regulating the use of a property such as "No Hunting", "No Fishing", etc. of not more than two (2) square feet in area and located no

closer than one hundred (100') feet from another such sign.

- I) Poster signs when exhibited from inside a window.
- J) On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed after the sale.

### **Prohibited Signs**

- A) Any helium, gas and air balloons located on or attached to structures, vehicles, the ground, or anything connected to or on the ground
- B) Signs that display any written or graphic message that is lewd, lascivious or obscene.
- C) Any sign, whether otherwise allowable or exempt under this Section, that constitutes a traffic safety hazard; obstructs the vision of motorists or pedestrians; interferes with any official traffic control devices; utilizes flashing or revolving red, green, blue or amber lights; or utilizes the words "stop", "look", "danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- D) Signs that contain any mirror or mirrored device.

### **Administration Procedures**

Upon filing of an application for a sign permit, the Zoning Inspector shall examine the plans and specifications, and may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of these regulations and other applicable codes, a permit will be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly commenced within six (6) months of the date of issue or if the work authorized by it is suspended or abandoned for one (1) year.

Any sign subject to regulations by the Ohio Department of Transportation (ODOT) under Ohio Revised Code Chapter 5516 and which is required to obtain a state permit shall not be issued a zoning certificate without evidence that the state permit has first been issued, or notification from ODOT that a state permit is not required.

An application for a sign permit shall be made to the Zoning Inspector and shall include the following:

- A. Detailed drawings of the sign showing the color, design, size, background, and material of the sign and the frame or structure. Final draft must be submitted to the Zoning Inspector.
- B. A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks.
- C. A permit fee for each sign application, pursuant to the current fee schedule.

### **Non-conforming Signs**

Any sign lawfully erected and in existence on the effective date of these regulations which does not meet the requirements may be maintained as a legal non-conforming sign provided it has not become a safety hazard.

### **Maintenance and Removal of Signs**

All signs shall be maintained in good structural condition and in conformance with these regulations and all applicable building codes. The Zoning Inspector shall have the right to order the repair or removal of any sign or sign structure which is defective, damaged or substantially deteriorated.

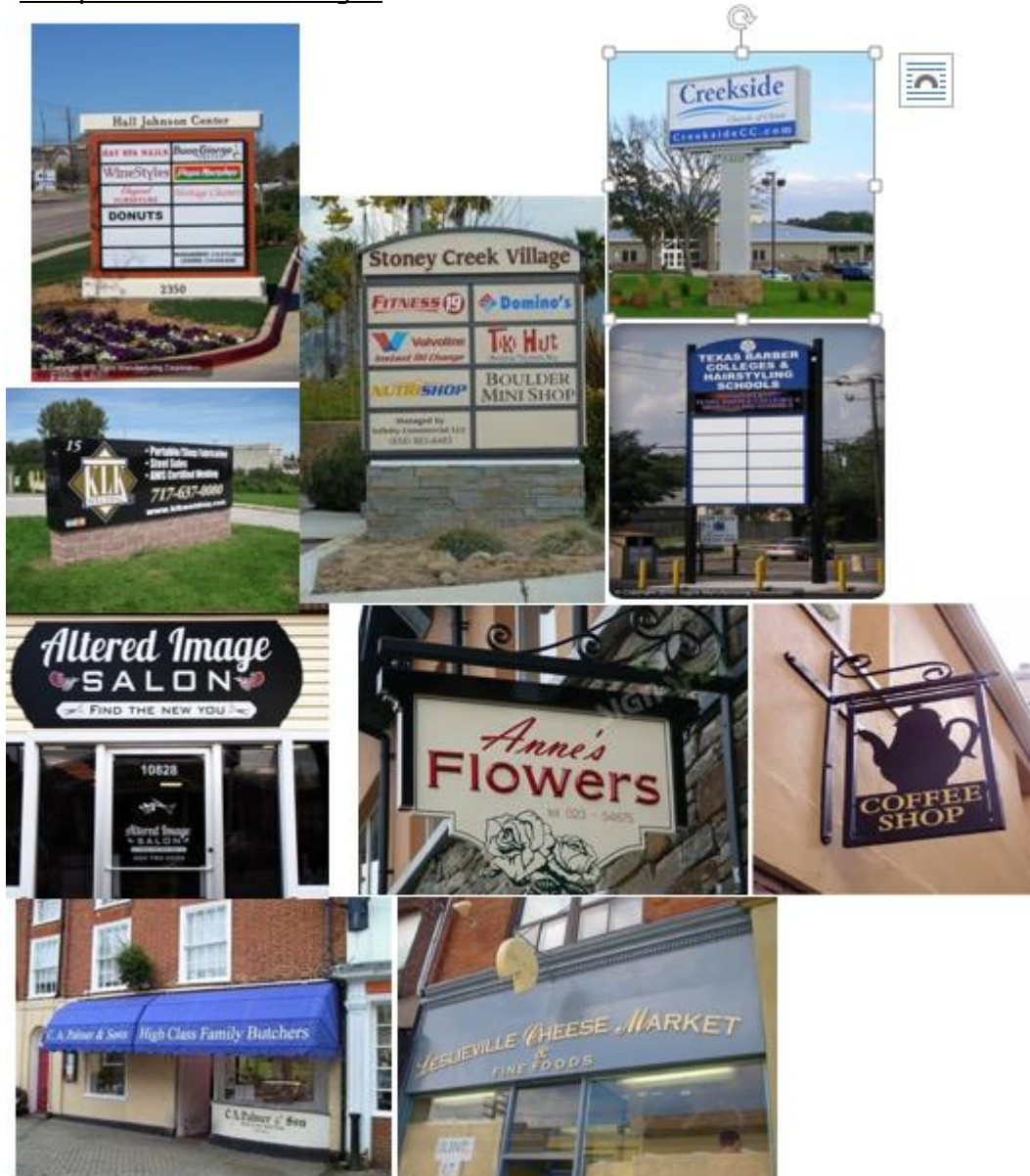
When a Zoning Inspector finds, upon investigation, that a sign endangers the public safety by reason of its location and placement; is dangerous or materially, electrically or structurally defective; has been abandoned, or for which no required permit has been issued, such sign shall

be declared a public nuisance. The Zoning Inspector shall notify the owner of the sign and the owner of the land on which the sign is located, by certified mail, of such findings. Such notice shall advise the sign and property owners that the sign has been declared a public nuisance and shall be removed within (30) thirty days from the date

of notification. Failure to remove the sign within the stated period shall constitute a violation of these Regulations.

The sign owners or property owners may appeal such decision to the Board of Zoning Appeals.

Samples of Permitted Signs:



## **Section VIII. Public Utilities And Railroads**

1. Any new high voltage extension transmissions or new railroad lines must have the approval of the public as to location.
2. No nuclear power plants can be built in the township without the public approval of the location.
3. Cellular Communication Antenna, Communications Facilities & Communication Towers including 5G : Cellular Communication Antennas, Communication Towers and Communication Center Hub as defined in this Ordinance shall be a Permitted Use in all districts except Residential. However, a plot plan must be issued for review by the Zoning Inspector in order to receive zoning approval for a tower. Standard commercial zoning fees and requirements apply.

### **A. Existing Structures**

1. In order to reduce the number of communication towers needed in the community in the future, proposed towers shall be required to be constructed to have the capacity to accommodate other users, including other cellular communication companies, and local police, fire and ambulance companies.
2. A cell site with antenna that is attached to an existing communication tower, smoke stack, water tower, or other tall structure, is permitted in the above mentioned districts. The height of the antenna shall not exceed the height of the existing structure by more than twenty (20') feet. If the antenna is to be mounted on an existing structure (and is within the twenty (20') foot limit) it shall be authorized as a Use by Right and the applicant shall not be required to meet the standards and criteria contained in the following provisions of this Section of the Ordinance.

### **B. New Structures**

1. If the cellular communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of tall structures within a one-quarter mile radius of the proposed site. This would include smoke stacks, water towers, tall buildings, communication towers of other companies and other tall structures. The township may deny the application to construct a new tower, if the applicant has not made a good faith effort to mount the antenna on an existing structure.
2. All other uses ancillary to the antenna and associated operational equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from cell site, unless otherwise permitted in the zoning district in which the cell site is located.
3. Cell sites shall be exempt from minimum lot size requirements and subdivision regulations when the parcel of land is leased for less than 99 years. Cell sites shall however, be a minimum of one hundred by one hundred feet (100' X 100').
4. **Setbacks:**
  - A. Cell sites shall comply with all yard setbacks of the underlying district.
  - B. Regardless of yard requirements, the center of the tower base must be set back at least fifty percent (50%) of the tower height from any property line.
  - C. All guy wire anchors shall be at least twenty-five (25') feet from any property line.



5. Fencing:

A fence shall be required around the communication tower and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8') feet in height with a lockable gate.

6. Height:

- A. Communication towers shall be exempt from the height limitations of the underlying district.
- B. Maximum height of a communication tower shall be limited by section B.4.B. of this amendment. No tower shall exceed one hundred and ninety feet (190').

**Section IX. Private Swimming Pools**

A "swimming pool" is any outdoor enclosure located at a private residence

(1) Designed, intended, or used for the containment of water, whether constructed below ground level or above ground level, (2) having a surface area of one hundred (100) square feet or more and a depth of eighteen (18") inches or more, and (3) which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests without payment of a fee.

Fencing Requirements

- A) Height: Pools are to have fencing with a minimum height of four (4') feet and a maximum distance between the ground and bottom of the fence of three (3") inches.
- B) Gate: Any gate must be self-closing and self-locking. The latch shall be no less than four (4') feet above the ground level and shall be so constructed and placed as to be inaccessible to small children. All gates shall be locked when the pool is not in use or is unattended by an adult who knows how to swim.
- C) Materials: Durable wood, masonry, or coated non-corrosive metal, or a combination thereof, are acceptable materials for construction of a fence. The fence must be so constructed that it is not climbable by small children.
- D) Installation: The fence shall be completely installed before filling the pool.
- E) Aboveground Pools: The walls of an aboveground pool may serve as the fence, is four (4') feet above ground level. However, any access to the permanent ladder or stairs must be fenced.

**Section X. Community Or Club Swimming Pools**

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

- 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Walls or fences shall be a minimum of six (6') feet above outside grade and be maintained in good condition with a gate and lock.
- 3. For the purpose of this resolution, a swimming pool is considered a structure and shall be required to comply with all restrictions regarding rear and side yard minimum clearances. As a structure, all swimming pools will require Zoning Permits prior to being installed.

## **Section XI. Wind Turbines**

### **Consisting of One Unit of Less Than 1 Mega Watt**

#### **Intent:**

The intent of the small wind project resolution is to establish guidelines for the location of small wind projects in Kinsman Township. Kinsman Township recognizes in some specific instances and under carefully controlled circumstances, it may be in the public interest to permit the placement of small wind projects consisting of one unit less than 1 MW in certain areas of the township. Kinsman Township also recognizes the need to protect the scenic beauty of the township from unnecessary and unreasonable visual interference, noise radiation and environmental impacts and that small wind projects may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this resolution intends to:

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

#### **Wind Projects**

Wind projects as defined herein shall be permitted in all zoning districts within the township, subject to the following conditions:

- A. Wind projects of 1 MW or more shall be required to submit an application with the Ohio Power Site Board (OPSB) and at the Public Utilities Commission of Ohio (PUCO), and shall be required to meet all OPSB regulations.
- B. Maximum Height: the clear fall zone surrounding the wind turbine unit shall determine the maximum heights of any turbine tower. For the purposes of this Resolution, the maximum height shall be considered to be the total height of the turbine system, including the tower and the maximum height of the turbine's blades. Maximum height shall, therefore, be calculated by measuring the length of the blade at maximum vertical rotation to the top surface of the ground.
- C. Setbacks: A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located. Sitting a turbine tower in front of the primary structure will require an appeal to the Zoning Appeals Board.
- D. Maintenance: Wind turbines shall be maintained in good working order. The current turbine tower owner or property owner shall, within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine may stand no longer than Twelve (12) months following abandonment. All costs associated with the demolition of any wind turbine and associated equipment shall be borne by the current wind turbine owner or current property owner. A wind turbine shall be considered abandoned, when it ceases transmission of electricity for thirty (30) consecutive days. Unless this inactivity is due to mechanical problems or replacement parts not being readily available. The current wind turbine owner or current property owner must remove wind turbine towers/small wind projects, that become inoperable for more than twelve (12) months, within thirty

- (30) days of the issuance of a zoning violation by the township Zoning inspector. Removal includes the removal of all apparatuses, supports, and/or other hardware associated with the existing wind turbine tower or other small wind project.
- E. Decibel levels: Decibel levels shall not exceed sixty (60) DBA as measured at the closest neighboring inhabited dwelling. Any and all noise complaints shall be civil matters between the property owners and shall be handled through the civil court system.
  - F. Wiring and Electrical Apparatuses: All wires and electrical apparatuses associated with the operation of the wind turbine unit shall meet all applicable local, state and federal codes, including the County Building Regulations and Residential Building Code of Ohio.
  - G. Fencing: The wind turbine shall be fenced with a minimum six (6') feet and maximum ten (10') feet in height fence, in such a manner as to prevent unauthorized persons from having access to the structure and equipment.
  - H. Warning signs: Appropriate warning signs to address voltage and trespassing issues shall be posted in a visible location on the fence surrounding the turbine tower and shall conform to all existing sign requirements. Signage shall also display current emergency contact numbers.
  - I. Other signage: Other signage than that described in "H" above, including advertising on the wind turbine tower or surrounding fence is strictly prohibited.
  - J. Lighting: The only permitted lighting on a wind turbine tower is that required by the Federal Aviation Association (FAA) and the Federal Communications Commission (FCC).
  - K. Building permits: All small wind projects and parts thereof shall obtain all applicable building permits from the State of Ohio and Trumbull County Building Regulations where required.
  - L. Zoning Certificate: A certificate shall be required before construction can commence on an individual wind project system, including wind turbine towers. As part of the certificate process, the applicant shall consult with the County Building Inspector as to whether additional height restrictions or other regulations are applicable due to the unit's location in relation to any local airports. Applicant shall then provide the Zoning Inspector with the following items and/or information when applying for a certificate:
    1. The total size of the unit.
    2. If applicable, the total size and depth of the unit's foundation structure as well as soil and bedrock data.
    3. A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring, anchors, warning signs and any necessary FAA and/or FCC lighting.
    4. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
    5. A hazardous materials disposal plan including Material Safety Data Sheets.
    6. The maximum decibel level of the particular unit. The manufacturer shall provide this information.
    7. A site drawing, prepared by a professional engineer/surveyor, showing the location of the unit in relation to existing structures on the property, roads and other public rights of way, and neighboring property lines.
    8. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the zoning certificate application and certificate.
    9. Verification from the County Building Inspector that no additional regulations apply to the wind project.
    10. Utility company documentation as to what will happen to any excess power that may be generated.
    11. Documentation that addresses ice throw, with engineering data that the setbacks and/or composition of the rotors will be sufficient to prevent damage from ice thrown from the blades.

**Aesthetics:**

The following provisions shall be applied to the aesthetic issue of wind turbines:

- A. The turbine, including prop blades, turbine, cowling, tower, etc. shall remain in the color provided by the manufacturer, preferably a non-reflective neutral such as white or gray, with logos, advertising, or identification marks other than those of the manufacturer and model type to be prohibited.
- B. A requirement as to color being neutral and non-reflective assures that the wind turbine will have less aesthetic impact on neighboring properties.

**Section XII. Solar Panels**

- A. Free standing solar panels shall be limited to a maximum height of ten (10) feet and located in the rear yard where they shall adhere to setback requirement for accessory buildings.
- B. Each free standing solar panel shall not exceed fifty (50) square feet in size.
- C. For free standing solar panels, all electrical lines shall be in conduit and all electrical and plumbing lines shall be buried.
- D. Roof-mounted solar panels on the front side of the roof facing the street shall be flush mounted to the roof.
- E. Roof mounted solar panels that do not face the street may be mounted at an angle to the roof and shall not extend above the ridgeline of the roof.
- F. For roof or wall-mounted panels, electrical lines shall be in conduit and all plumbing and electrical lines shall be painted in a color scheme that matches as closely as reasonably possible the color of the structure.
- G. Nonfunctioning or broken solar panels must be removed.

**Section XIII Medical Marijuana**

Pursuant to the resolution RN2016-086 passed on December 12, 2016 by the Kinsman Township Trustees, the use, possession, cultivation, distribution and sale of marijuana, whether for medical or recreational use, remain illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841 with the following approved by unanimous vote:

As a land use matter, medical marijuana cultivators, dispensaries, and processors – as defined in House Bill 523 – are hereby prohibited within the Township, to protect the health, safety and welfare of the residents of Kinsman Township.

**Section XIV. Temporary Housing**

**A. Temporary Emergency Housing**

In the event of extreme emergency, where the residence of a citizen is damaged or completely destroyed by windstorm, fire, flood, explosion or other Act of God, Temporary Housing may be granted and shall be recorded by the Zoning Inspector; said grant to be for a period of six (6) months, if a proper Septic Permit for the temporary housing unit has been granted by the County Board of Health. In the event the owner of the residence anticipates usage under this Section, which will exceed six (6) months, application must be made to the Zoning Appeals Board for an extension. This application must be filed at least thirty (30) days before the expiration of the six (6) months period. Owner is permitted to live onsite in temporary housing such as a park home, modular home, or trailer after receiving zoning approval for a maximum time of 2 years. Proper permits must be displayed and the temporary housing must be removed once construction is completed (excluding RVs)

## **B. Temporary Medical Housing**

In the event that a family member becomes extremely ill, with a physical or mental condition which warrants two (2) different Doctor's documenting that, and that said condition requires close supervision by other family members, Temporary Housing may be granted and shall be recorded by the Zoning Inspector, if a proper Septic Permit for the Temporary Housing unit has been granted by the County Board of Health. The temporary housing must be removed from the property at the demise of the ill person, or if the temporary housing unit is vacant for at least sixty (60) days.

## **Section XV. Board Of Zoning Appeals**

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective un-expired term. Members shall be fully knowledgeable of current zoning rules and regulations, past procedures and current agreements.

The Township Board of Zoning Appeals shall have the following powers:

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

In exercising the above mentioned powers, such board may in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the 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.

## **Rules, Organization And Meetings**

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

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

Upon receipt of an appeal or request for a conditional zoning certificate, the board shall set

a public hearing within a reasonable time, give at least ten (10) days written notice by certified mail, certified return receipt requested, to the parties in interest, and give notice by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing, and decide the same within thirty (30) days after receiving the request. A minimum of four (4) Zoning Appeals Board members, two (2) members from the Zoning Board and two (2) members from the Township Board of Trustees and the Zoning Inspector must be present to all Zoning Appeal Hearings. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

## **Section XVI. Certificates**

### **A. ZONING CERTIFICATES**

The position of Township Zoning Inspector is hereby created.

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

No Landowner or tenant of any land or building may change the use classification or enlarge the use in any building or on any premises without contacting the Trumbull County Building Department for a Change of Use Certificate.

Before constructing, locating, changing the use of, or altering any buildings, including accessory buildings or changing the use of any premises, application shall be made to the Township Zoning Inspector for a Zoning Certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, plans and specifications showing the proposed location and dimensions, height of the building and the proposed use, all of which shall be included in the permanent record of the application. If the proposed construction, alteration, or change of use by the application complies with the requirements of this resolution and the proper fee accompanies the application the Zoning Inspector shall issue a zoning certificate or shall refuse the same, if it does not comply.

The following fees shall be paid prior to issuance of zoning certificates. Such fees are for the purpose of defraying the cost of inspection, certification and the maintenance of necessary records. These fees for zoning certificates shall be double when issued after construction, additions, or alterations have been started by the builder.

**Residential Fees:**

Construction	\$ 20.00	Plus 10 Cents Per Square Foot
Fences	\$ 20.00	Plus 10 Cents Per Linear Foot
Decks	\$ 20.00	Plus 10 Cents Per Square Foot
Solar Panels	\$ 20.00	Plus 10 Cents Per Square Foot
Home Business Permit	\$ 25.00	
Signs (Six Square Feet)	\$ 25.00	

**Commercial Fees:**

Construction	\$ 50.00	Plus 15 Cents Per
Square Foot Fences	\$ 50.00	Plus 15 Cents Per
Linear Foot		
Solar Panels	\$ 50.00	Plus 15 Cents Per Square Foot
Signs	\$ 50.00	
Temporary / Mobile Signs (32 Square Feet) Maximum Sign Size (40 Square Feet Per Side)		

**Industrial Fees:**

Construction	\$100.00	Plus \$400.00 Per Every 10,000
Square Foot Fences	\$ 50.00	Plus 20 Cents Per Linear Foot
Signs	\$ 50.00	
Temporary / Mobile Signs (32 Square Feet) Maximum Sign Size (40 Square Feet Per Side)		

**Permit Fees:**

Garage Sale (4 days)	\$ 3.00	
Swimming Pools	\$ 45.00	(Deck /Construction permit fee additional)
Wind Turbine Permit	\$150.00	
Solar Panel Permit	\$150.00	
5G Towers/"Communication Center Hub"	\$250.00	fee renewed annually with 10% increase every 5 yrs.
Zoning Appeal Fee	\$450.00	(Conditional Use Permits / Variances)
Zone Change Fee	\$550.00	

This resolution shall not be interpreted as interfering with, abrogating or annulling any ordinances, regulations, resolutions or permits previously adopted or issued by the Kinsman Township Trustees except where such ordinances, regulations, resolutions or permits are in conflict with this resolution or amendments hereto; in which event this resolution or amendments hereto shall prevail.

A zoning certificate, once issued, shall not be transferable to a person other than the applicant or to another property and the fee paid therefore shall not be refundable.

A zoning certificate shall expire at the end of six (6) months from the date of issuance and unless construction, location, change of use or alteration of any building or premises is commenced within said six (6) month period, a new application for another zoning certificate must be made to the Zoning Inspector. An application showing good cause for the extension of the period provided herein may be submitted to the Zoning Inspector who may, if such cause is shown, extend this period up to an additional six (6) months.

After a zoning certificate has been issued, the construction, change of use, location or alteration of the exterior of any building or structure shall be completed within two (2) years

from the date of issuance of zoning certificate. Failure to complete the construction, change of use, location or alteration of the exterior of any building or premises within said two (2) year period shall be prosecuted as a violation of this resolution. An application showing good cause for the extension of the period provided herein may be submitted to the Zoning Inspector who may, if such cause is shown, extend this period up to an additional six (6) months.

Builders shall obtain a zoning certificate before new construction, additions, or alterations have been started. Builders shall properly display zoning certificate card in a manner, which is clearly visible from the street.

This section shall not be deemed to apply to costs of repairs or replacement of damaged or worn parts of structures. The Township Zoning Inspector shall issue a receipt for all monies paid by the applicant for zoning certificate.

#### **B. OCCUPANCY PERMIT**

No building hereafter erected or altered in any District shall be occupied or used in whole or in part, without first obtaining a Certificate of Occupancy from the Zoning Inspector, stating that the use of the building or premises complies with the provisions of this ordinance.

The following information must be submitted prior to the issuance of a Kinsman Township Occupancy Permit:

1. A copy of the Sewage Disposal System Permit, indicating final inspection approval.
2. A copy of water test from a recognized testing agency, indicating drinking water pot ability and a signed well permit.
3. A final electrical permit certification provided by the Trumbull County Electrical Inspector.
4. Confirmation that the homeowner received the Sewage Permit with attached design papers and on lot sewage system owner's manual.
5. As built drawings for house and lot.
6. Additionally, prior to the issuance of a Certificate of Occupancy, final inspections must be obtained with respect to the approved building, plumbing and grading permits.
7. NO OCCUPANCY OF A STRUCTURE SHALL BE PERMITTED UNTIL AN OCCUPANCY PERMIT IS OBTAINED.

Application for a Certificate of Occupancy shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five (5) days after the Zoning Inspector has been notified in writing that the building or premises is ready for occupancy.

#### **Section XVII: Conditional Zoning Certificates**

##### **1. Purpose**

The purpose of this chapter is to provide for the issuance of Conditional Zoning Certificates for conditionally permitted uses that are generally compatible with the permitted uses in a zoning district in which they are listed, but which require individual review in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses.

These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the public health, safety, convenience, comfort prosperity and general welfare of the community. This Section of the Zoning Resolution provides for a more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, and method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a



proposed conditional use, the Board of Zoning Appeals may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed.

2. Procedures for making Application

An application for a Conditional Zoning Certificate for any land use or structure listed, as a conditionally permitted use under this Zoning Resolution shall be submitted in accordance with the following procedures:

Submission of Application: The owner, or agent thereof, of property for which a conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required nonrefundable fee as established by the Board of Township Trustees. The application shall, at a minimum, contain the following information:

A) The application form completed by the applicant.

B) Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and other information as the Board may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution.

C) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet from the subject parcel as appearing on the County Auditor's current tax list.

The zoning inspector shall review the application, and if found to be complete, transmit it to the Board of Zoning Appeals within seven days of its receipt.

3. Public Hearing

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days upon receipt of an application for a conditional zoning certificate.

Notice of Public Hearing: Notice shall be given in one or more newspapers of general circulation at least ten (10) days before the date of the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

Notice to Parties in Interest: Written notice shall be sent to all adjoining property owners listed in the application at least ten (10) days before the date of the hearing. The notice shall contain the same information as required for notices published in the newspaper.

4. Reviews and Basis of Determination

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the application and plans submitted, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use as set forth in this Section of the Zoning Resolution, are satisfied by the establishment and operation of the proposed use.

5. Action by the Board of Zoning Appeals

Within thirty (30) days after the conclusion of the public hearing, the Board of Zoning Appeals shall take one of the following actions,

A) Approve the issuance of the conditional zoning certificate by making an affirmative finding in writing that the proposed conditional use satisfies all the requirements set forth in this Section of the Zoning Resolution, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written findings may also prescribe supplementary conditions and safeguards.

B) Make a written finding that the application is denied specifying the reasons for disapproval.

6. Terms and Duration of a Conditional Zoning Certificate

A) A conditional zoning certificate shall be deemed to authorize only one (1)

- particular conditional use on a specific parcel for which it was approved.
- B) A conditional zoning certificate shall become void if such conditionally permitted use has not been instituted or utilized within one (1) year of the date of its approval.
- C) The breach of any condition, safeguard or requirement of the terms under which the conditional zoning certificate is granted shall automatically invalidate the certificate granted and shall constitute a violation of this Resolution.

7. General Criteria for all Conditional Uses

A conditional use, and accessories to such conditional use, shall be permitted in a district only when specified as a permitted conditional use in said district. A proposed conditional use shall comply with the following general criteria, which are in addition to specific conditions, standards and regulations set forth in this Section. The Board of Zoning Appeals shall review that particular fact and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the conditional use,

- A) Will be harmonious with and in accordance with the general objectives of the District or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption.
- 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 and that such use will not essentially change the essential character of the same area.
- C) Will not be hazardous or disturbing to the existing and future use and enjoyment of properties in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.
- D) Will not be detrimental to or endanger the public health, safety or general welfare.
- E) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection and should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for such public services and facilities.
- F) Will be in compliance with State, County and Township regulations.
- G) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.

8. Specific Conditions for Conditional Uses

In addition to the general criteria, the following specific conditions shall apply.

Supplementary Conditions and Safeguards: Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing conditions and safeguards that are in addition to these requirements in order to ensure compliance with the general criteria set forth herein.

Conformance with District Regulations: A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Section. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Section shall prevail, unless clearly indicated differently in the regulations.

Overall Development Standards:

- A) The Board of Zoning Appeals may limit the hours of operation to ensure that a conditional use is compatible with the surrounding uses.
- B) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
- C) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.

- D) Landscaping and buffering shall be provided in compliance with the applicable sections of the Zoning Resolution.
  - E) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district in which the conditional use is proposed.
  - F) All trash receptacles shall be adequately screened.
  - G) In a residential district, on lots of one (1) acre or more, all points of entrance or exit should be no closer than seventy-five (75') feet from an intersection.
9. Supplemental Regulations for Certain Uses
- The following specific conditions, standards and regulations for certain conditional uses are in addition to the criteria and standards set forth in this Section.
- A. Automotive Related**
- 1. Motor Vehicle Sales and Rentals
    - a. Service garage, leasing department and other activities customarily incidental to a full service automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in a wholly enclosed building.
    - b. Only repair of automobiles customarily associated with automobile sales shall be permitted and shall be conducted inside a suitable building.
    - c. No junk, inoperative or unlicensed vehicles will be permitted to remain outside on the property for more than forty eight (48) hours.
    - d. All motor vehicles displayed for sale shall be parked on a hard surface.
  - 2. Requirements for Gasoline Stations; Automobile Service Stations; and Vehicle Repair Garage;
    - a. No inoperative motor vehicles, equipment, or parts shall be permitted to remain outside on the property.
    - b. Except while being serviced at a pump island, no vehicle shall be parked between the fuel pumps and the front property line.
    - c. A car wash establishment may be combined with a gasoline station or an automotive service station provided that a minimum lot size for the combined uses is a minimum of fifty thousand (50,000) square feet.
    - d. When located on a corner lot, that facility shall not have less than one hundred fifty (150) feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection; and shall be limited to no more than one (1) access drive per street frontage.
    - e. Vehicle parking areas, vehicle storage areas, maneuvering lanes  
And access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
  - 3. Gasoline Station The only services permitted to be performed at a gasoline station shall be the dispensing of fuel, oil, air and windshield wiper fluid and other common vehicle liquids and lubricants.
  - 4. Automobile Service Station Automobile service stations shall not provide services to vehicles that exceed one and one-half (1 ½) tons in capacity. All activities, except those required to be performed at a fuel pump, air dispenser or self-serve automobile vacuum, shall be conducted entirely within a building or garage.
  - 5. Automobile Service Stations and Vehicle Repair Garage For automobile service stations and motor vehicle repair facilities, parking shall be located behind the front line of the principal building. An exception to this requirement may be granted where necessary due to the shallow depth of a parcel, its irregular shape, or other similar

circumstances.

6. Automobile Service Station and Vehicle Repair Garage No oil draining pit or visible appliance for any such purpose, other than filling caps, shall be located within ten (10) feet of any street right-of-way or within twenty five (25) feet of any residential district, except where such appliance or pit is within a building.

**B. Bed and Breakfast Establishment: Boarding House**

1. Except in the Commercial District, such uses shall occupy an existing structure that was previously or is currently occupied for residential purposes.
2. Deliveries of food and other items shall be made at the rear of the building.
3. No more than twelve (12) guest sleeping rooms shall be utilized for a Bed and Breakfast establishment.
4. Supplement regulations for Bed and Breakfast in an Agricultural and Residential District.
  - a. Meals shall be provided only to guests or boarders taking lodging in the facility,
  - b. Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
  - c. The building owner shall reside on the premises.

**C. Church/Place of Worship; Library; Cultural Institution and Other Places of Assembly including Assembly Halls, Membership Clubs and Conference Centers**

1. Associated uses such as a convent, faculty residence, cafeteria, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this Chapter.
2. In any District, all outdoor children's activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
3. The development plan shall indicate the emergency entrances and exits.
4. In order to minimize any effects of the above uses, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District. In addition, the Board of Appeals may limit the hours/days of operation to insure that the use is compatible with surrounding land uses.
5. In Residential Districts
  - a. Such use shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood.
  - b. All access drivers shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements
  - c. All activities, programs and other events shall be directly related to the conditional use so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
6. In Single-Family, Residential Districts  
The maximum lot coverage shall be forty-five percent (45%).

**D. Day Care Facility, Child or Adult**

1. For the protection of children and adults enrolled in the Day Care Center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
2. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure safety of the children and adults.
3. A Day-Care Center for children shall comply with the following;
  - a. An outdoor play area equal in area to the ground floor area of the Day-

Care facility is required. The required outdoor activity area shall not be located closer than forty (40) feet to any residential property.

- b. Play structures and other similar apparatus shall not be located closer than fifty (50) feet to any residential property.

**E. Drive-thru facility in association with a permitted use**

1. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
2. All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.
3. Any proposed loudspeaker system shall be approved as part of the development plan.

**F. Hospital**

1. Such use shall be located on an arterial or collector street.
2. Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
3. The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
4. Applicants must clearly demonstrate that the use will be compatible with the surrounding land uses, particularly with regard to traffic circulation, parking, noise and appearance.

**G. Outdoor recreation: Campground: Golf Course: Public Park or Playground: Swimming Facility**

1. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises.
2. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands and concession stands.

**Section XVIII. Amendments**

The Township Zoning Board shall meet yearly or at any time upon call by the chairman of said Board and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the Zoning Resolution to the Board of Township Trustees, the Township Zoning Board shall hold not less than one (1) public hearing hereon, notice of which shall be given by one (1) publication in one (1) or more newspapers of general circulation in the Township at least twenty (20) days before the date of such hearing. (In accordance with the ORC) A minimum of four (4) Zoning Board members must be present at all Zoning Board Public Hearings. When the Township Zoning Board has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of a proposed amendment to the Zoning Resolution from the Township Zoning Board and before adoption of any such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

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

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

### **Section XIX. Enforcement**

A. It shall be unlawful to construct, re-construct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm, or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined not more than five hundred (\$500.00) dollars. Each and every day during such illegal erection, construction, re-construction, enlargement, change, maintenance or use continues may be deemed a separate offense.

B. In case any building is or is proposed to be located, erected, constructed, re-constructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent or neighboring 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, actions, proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, re-construction, enlargement, change, maintenance or use.

### **Section XX. Interpretation**

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

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

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

### **Section XXI. Validity**

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not effect nor render invalid the resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.

## **Section XXII. Definitions**

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

**Abandoned Sign** A sign which for a period of at least sixty (60) consecutive days no longer advertises or identifies a legal business establishment, product or activity.

**Accessory Building or Use** A use or detached building which is incidental and subordinate to the principle use or building on the same lot.

**Accessory Structures** Such as sheds, storage sheds, pool houses, unattached garages and barns.

**Adult Use** A business that provides sexual entertainment or services to customers. Adult uses include X-rated video shops and book stores, live or video peep shows, topless or fully nude dancing establishments, accommodation book/video and "marital aid" stores, non medical massage parlors, hot oil salons, nude modeling studios, hourly motels, body-painting studios, swingers clubs, ex-rated movie theaters, escort service clubs, and combinations thereof.

**Agriculture** Farming, ranching, aquaculture, alga culture, apiculture, horticulture, viticulture, animal husbandry, poultry husbandry, dairy production, production of field crops, timber, and pasturage.

**Agritourism (AKA Agrotourism)** Any agriculturally based operation or activity that brings visitors to a farm or ranch.

**Alley** A public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on some other public way.

**Alteration** Any change in copy, color, size or shape, which changes the appearance of a sign, or a change in position, location, construction or supporting structure of a sign.

**Amusement Park** A group of entertainment attractions, rides, and other events in a location for enjoyment of large numbers of people. It is more elaborate than a simple city park or play ground.

**Anemometer** An instrument that measures force and direction of wind.

**Animated Sign** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

**Antennas Or Related Equipment** Means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

**Apartment** A room or suite of rooms which is arranged, intended, designed and constructed or re-constructed to be occupied as a residence of a single family, individual, or group of individuals.

**Apartment House/Multi Family Dwelling** A building divided into apartments.

Area of Sign Refer to measurement standards.

**Assisted Living Facility** Are housing facilities for people with disabilities. These facilities provide supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of residents activities to help ensure their health, safety, and well being.

**Awning** A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

**Awning Sign** Any sign painted on or attached to or supported by an awning.

**Balloon Sign** A lighter-than-air gas-filled balloon, tethered in a fixed location, that has a sign with a message on its surface or attached in any manner to the balloon.

**Banner Sign** A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

**Bed & Breakfast** Overnight lodging with American or continental breakfast included; Bed & Breakfast is usually a spare room in a private home.

**Berm** Defined as being the edge of the improved portion of any highway.

**Billboard or Poster Panel** An off-premises sign.

**Boarding House** A private house in which accommodations and meals are provided for paying guests.

**Buffer** To screen or mask from view.

**Building Frontage** The frontage of any building facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

**Building Frontage Length** Shall be the sum of all wall lengths parallel, or nearly parallel, to street frontage.

- For buildings with two or more street frontages, the length and allowable sign area shall be calculated separately for each such frontage.
- The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**Building Identification Sign** Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

**Building or Structure** Anything, other than a sign or fence as permitted by this or other appropriate ordinances, which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. In-ground swimming pools are considered structures. Flagpoles, ornamental decorations, statues, birdbaths, etc. are not considered structures.

**Canopy** A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

**Canopy Sign** Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure, which extends over the pedestrian walkway, which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. See also Projecting Sign.

**Cell Site** Is a cellular telephone site where antennas and electronic communication equipment are placed, usually on a radio mast, tower or other high place.

**Changeable Copy Sign** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or a panel mounted in or on a track system.

**Clear Fall Zone** An area surrounding the wind turbine unit, in which the wind turbine and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The purpose of the clear fall zone is such that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

**Commercial Aviation** Aircraft operated for profit, as distinguished from commercial or private aviation.

**Communication Antenna** Means an antenna, appurtenant to a structure, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC). The term "communication antenna" shall not include antennas utilized by amateur operators licensed by the FCC, or residential receiving antennas.

**Communication Facility** The use of land, buildings or structures for uses such as but not limited to radio and television receiving antenna and dishes; accessory, radio and television transmitting and receiving facilities, and radiotelephone communication facilities.



**Communication Tower** Means a principal structure, which is principally intended to support communication equipment for telephone, radio and similar communication purposes. The term "communication tower" shall not include towers not exceeding 75 feet in height. Communication towers are generally described as either monopole (freestanding), lattice (self-supporting), or guyed (anchored with guy wires or cables).

**Conditional Use** A use that may locate within a zone only upon taking measures to address issues that may make the use detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district.

**Construction Sign** A non-permanent sign identifying the persons, firms or business directly connected with a construction project.

**Continuing Care Retirement Communities** Offers services and housing packages that allow access to independent living, assisted living, and skilled nursing facilities in one community.

**Corner Lot** A lot with two sides, which are bounded by margins of intersection dedicated public highways.

**Cowling** A streamlined removable cover that enclosed the turbine's nacelle.

**Dangerous Pets** Any animal, reptile, bird, fish or insect which is trained, retrained, confined and cared for in a way which demonstrates ownership and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

**Decibel** A unit of relative sound equal, to ten times the common logarithm of the ratio of two readings. For sound, decibel scales run from zero for the least perceptible to 130 for sound that causes pain.

**Directional Sign** A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

**Drug Rehabilitation** The processes of medical or psychotherapeutic treatment, for dependency on psychoactive substances such as, but not limited to, alcohol, prescription drugs, and street drugs such as cocaine, heroin or amphetamines. The general intent is to enable the patient to cease substance abuse, in order to avoid the psychological, legal, financial, social, and physical consequences that can be caused, especially by extreme abuse.

**Drug Rehabilitation Center** An agency that provides treatment for a person with a chemical or drug dependency.

**Family** A group of individuals who share ties of blood, marriage, or adoption; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage.

**Farmers' Market** Is a physical retail market featuring foods sold directly by vendors to consumers. Farmers Market typically consist of booths, tables or stands, outdoors or indoors, where vendors sell fruits, vegetables, meats, and sometimes prepared foods and beverages.

**Fence** An enclosing or dividing barrier for land, yard or gardens made of wood, stone, metal or other suitable materials which are intended to prevent straying from within or intrusion from without. Retaining walls shall be considered to be fences subject to the provisions herein to the same extent that such walls protrude above the highest point of the grade.

**Flea Market** A type of bazaar, which rents space to vendors who want to sell their merchandise to the general public. This cannot be located on residential property.

**Foot-candle** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

**Freestanding Sign** Any sign, which is permanently affixed in or upon the ground, and not attached to any building or structure, supported by one or more structural members. Freestanding signs may consist of a variety of types including Low Profile Ground Mounted, Monument, Pole and Pylon.

**Garage Sale** Also known as yard sale, rummage sale, tag sale, lawn sale, moving sale and junk sale, is an informal irregularly scheduled event for the sale of used goods by private individuals. These sellers are not required to obtain business licenses or collect sales tax.

**Gazebo** A freestanding roofed structure usually open on the sides.

**Governmental Sign** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other government regulation.

**Grade** The level of the site at the property line located at the closest distance to the sign.

**Green Space** An area of grass, trees, or other vegetation set apart for aesthetic purposes.

**Ground Sign** A freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a Monument sign.

**Height of a Building** Measured from the finished grade at the ground level of the building with the highest portion of the building, exclusive of chimneys, church spires, belfry, clock tower, wireless tower, chimney, water tank, or other mechanical appurtenances when erected upon and as an integral part of such building.

**Height of Sign** Refer to measurement standards.

**Holiday Decorations Signs** or displays including lighting which are a non permanent installation celebrating national, state, and local holidays or holiday seasons.

**Home Occupation** A business conducted in a residential dwelling unit that is incidental and subordinate to the primary residential use. Regulations of home occupations usually restrict the % of the unit that can be used for the occupation, exterior evidence of the business and the amount of parking needed and traffic generated.

**Illegal Sign** Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign, which has not been brought into compliance with any applicable provisions of this Code.

**Illuminated Sign** Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

**Instructional Signs** A sign clearly intended for instructional purposes, as determined by the Zoning Inspector, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.

**Junk Motor Vehicle** Is three years old or older, is extensively damaged, is apparently inoperable and does not have proof of insurance.

**Logo** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

**Lot** A legal lot for building purposes, which shall have sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have access to an improved public street, or to an approved private access.

**Lot Area** The total horizontal area of the lot except that no portion of the lot within the right-of-way of a street shall be included in the lot area.

**Lot Line, Front** The street line, or the line separating the lot from the street right-of-way.

**Lot Line; Rear** The lot line opposite the front lot line. The rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line.

**Lot Line, Side** Any lot line, which is neither a front for rear lot line.

**Lot Width at the Building Line** The horizontal measurement of the distance between the side lot lines at the building line, equal to the minimum as required for the zoning district.

**Marquee** A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material, which may or may not project over a public right-of-way.

**Marquee Sign** Any sign painted on or attached to or supported by a marquee.

**Megawatt (MW)** A unit of power equal to one million watts.

**Mobile Home Park** A parcel of land under single ownership, which has been planned and improved for placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

**Monument Sign** See Ground Sign.

**Mural** A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Nacelle** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

**Neon Sign** A sign with tubing that is internally illuminated by neon or other electrically charged gas.

**Nonconforming Lot** A use or activity, which lawfully existed prior to the adoption, revision, or amendment of an ordinance but fails to conform to the current ordinance.

**Nonconforming Sign** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

**Nonconforming Structure** Any building that does not meet the zoning ordinance limitations on building size or location on a lot for its use and district.

**Nonconforming Use** A use that lawfully existed prior to the adoption or amendment of an ordinance but that fails to conform to the current ordinance.

**Non-Native Animals** Any animal, bird, reptile, fish or insect, which if released or escaped could create a threat to local ecology or proliferate to nuisance proportions.

**Off-Premises Sign** Any sign normally used for promoting an interest other than that of a business, individual, products, or services available on the premises where the sign is located.

**On-Premises Sign** Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

**Pergola** An arbor or passageway of columns supporting a roof of trellises, on which climbing plants are trained to grow.

**Personal Care Home** A home composed of unrelated people. Could include:

- 1) Home for a few senior citizens who want to share living expenses and not be alone.
- 2) Students pursuing higher education wanting to live independently but need to share expenses.
- 3) A care - giver to live with a non-relative to provide personal care to individuals who cannot care for themselves.
- 4) Closely supervised temporary housing for individuals needing job skill opportunities and training to live self-sufficiently.

**Pole Sign** A freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a Post sign.

**Political and Noncommercial Signs** Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

**Portable Sign** Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

**Predatory Animals** Any Animal, reptile, fish, bird or insect, which either bites, claws, injects venom, strangles or constricts prey in manners, which could cause serious injury or death to humans.

**Projecting Sign** A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

**Primary Structures** For each property the structure, that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary

structures include residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, garages and barns.

**Professional Engineer** A qualified individual licensed in Ohio as a Professional Engineer.

**Pylon Sign** A freestanding sign supported by one (1) or more support structures enclosed with a pole cover, placed in or upon the ground surface and not attached to any building.

**Real Estate Sign** Any non-permanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

**Revolving or Rotating Sign** An animated sign.

**Right-Of-Way** A strip of land acquired or dedicated for use as a public or private way. In addition to the roadway pavement, it normally incorporates the curbs, planting strips, sidewalks, lighting, drainage facilities, sanitary sewer, water line and other utilities.

**Roadside Stand** A roadside stand means a location at which an individual sells his/her produce directly to consumers. This is in contrast to a group or association selling their produce at a farmers market.

**Roof Sign** Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

**Rooming House** A rented residential premise where an individual rents a bedroom and shares the kitchen and/or bathroom with others.

**Satellite Dish** Freestanding dish antenna used to receive and transmit signals related by satellite.

**Senior Apartments** Are apartment complexes restrictive by age, usually 55 plus. They may include community services such as recreational programs, transportation services, and meals served in a communal dining room.

**Set Back Line** The minimum distance from the property line, to where a structure may be built. Set back may also apply to how close a structure may be built to a road.

**Sign** Any name, nameplate, billboard, poster, display, illustration, structure or device used for visual communication, which is affixed, painted, or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public.

**Sign Face** An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

**Single Family Dwelling** A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or re-constructed to be occupied by a single family; and it shall consist of not less than 1,000 square feet of floor area (exclusive of basements, porches, garages, breezeways, terraces, attics) in a single story dwelling, and 1,200 square feet of floor area in a more than one story dwelling consisting of not less than three (3) habitable rooms and a bath. The ceiling of the first floor in either a single story or multiple story dwelling shall not be less than seven (7) feet high. Floor area shall be computed by the multiplication of the outside measurements of a dwelling.

**Skilled Nursing Facility** An establishment that houses chronically ill, usually elderly patients and provides long term nursing care, rehabilitation, and other services.

**Small Wind Project** Any wind project less than 1 MW, which include the wind turbine generator and anemometer.

**Snipe Sign** A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.

**Special Event Sign** Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

**Storage Shed** A detached self-standing structure, without any plumbing (kitchen and bathroom facilities).

**"Street", "Road", "Highway" or "Lane"** A public way located, designed and dedicated for public use.

**Swimming Pool** Any structure intended for swimming or recreational bathing.

**Temporary Sign** A sign which is neither permanently anchored to the ground or permanently affixed to a structure, nor mounted on a chassis, and is intended to be removed after a limited period of display.

**Tourist Home** A house in which rooms are available for rent to transients/tourists.

**Trailer or "house trailer"** Any vehicle originally built, manufactured, to have one or more wheels, and is designed, used or intended for use as a dwelling for one or more individuals. And must meet the following requirements: 1) Must be manufactured within twelve (12) months from date of permit application. 2) Applicant must be First Title Owner. 3) Minimum width of fourteen (14) feet. 4) Must meet the one thousand (1,000) square foot requirement in the original manufactured condition.

**Two Family Dwelling** A detached dwelling arranged, intended, designed and constructed to be occupied by not more than two (2) families and shall include double and duplex houses; and shall consist of not less than sixteen hundred (1,600) square feet of living space (exclusive of basement, porches, garages and breezeways).

**Use** Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building, or other structure or on a tract of land.

**Variance** A departure from any provision of the zoning requirements for a specific parcel that does not change the Zoning Ordinance, or the underlying zoning of the parcel. (A variance is granted only upon the demonstration of Practical Difficulty as per Duncan v. Village of Middlefield, Ohio)

**Vehicle Sign** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

**Wall Sign** Any sign attached to or painted on the exterior wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

**Wind Power Turbine Owner** Person(s) who own the wind turbine.

**Wind Power Turbine Tower** The support structure to which the turbine and rotor are attached.

**Wind Power Turbine Tower Height** The distance from the rotor blade at its highest point to the top surface of the ground at the site.

**Window, Area of** The area of a single window, includes all of the windowpanes in an area that is separated by mullions, or other dividers, which are less than six (6) inches wide.

**Window Sign** Any sign that is viewable through and/or painted or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.