

# Canfield Township Zoning Resolution



**Mahoning County, Ohio**

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## ARTICLE I – GENERAL PROVISIONS

### Section 100 – Title

This Resolution shall be known as and may be referred to, or cited as, the Canfield Township Zoning Resolution, the Zoning Resolution, the Resolution, The Canfield Township Zoning Code, the Zoning Code, and/or the Code.

### Section 105 - Authorization and Purpose

The Trustees of Canfield Township enact this Resolution for the purposes set forth and pursuant to the authority contained in chapter 519 of the Ohio Revised Code and all subsequent revisions thereto.

### Section 110 – Application of Resolution

#### 110.01 – Conformance Required

Except as otherwise provided herein, no Building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any Building or land be used or occupied, other than in strict conformance with all the Use and development regulations established by this Resolution for the district in which the Structure or land is located. All Buildings shall conform to state and local building codes in effect on the date that construction of the Structure or any Alteration thereto is commenced.

#### Section 110.02 – Agriculture

Nothing in this Resolution, shall confer upon the township the power to prohibit the Use of any land for Agricultural purposes or the construction or Use of Buildings or Structures incident to the Use for Agricultural purposes of the land on which such Buildings or Structures are located except as currently defined by Section 519.21 of the Ohio Revised Code, and any subsequent revisions thereto.

#### Section 110.03 - Public Utilities

Unless otherwise provided by the Revised Code of the State of Ohio, nothing in this Resolution shall prevent the Use of any Buildings, Structures or land for any railroad or public utility, whether publicly or privately owned, provided such Use is for the operation of the utility and the provision of service to the general public.

### Section 115 - Severability

If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

## **Section 120 - Interpretation**

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies, and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted or approved.

## **Section 125 - Effect of Other Resolutions**

No provision in the Resolution shall be interpreted as superseding any greater restriction or regulation contained in any other resolution of Canfield Township or any deed or plat restriction.

## **Section 130 – Repeal of Prior Resolutions**

The Zoning Resolution or parts thereof previously in effect in Canfield Township, Mahoning County, Ohio not otherwise adopted as part of this Amended Zoning Resolution, and in conflict with the Zoning Resolution as it was initially established, or established hereafter are hereby repealed. However, all civil legal proceedings and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Resolution but shall be prosecuted to their finality the same as if amendments to this Resolution had not been adopted; and any and all violations of existing zoning, resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

## Article II – Definitions

### Section 200 – Definitions

For the purpose of interpreting this resolution, the following definitions shall be controlling, and words in the present tense shall include the future; the singular **shall** include the plural; the plural **shall** include the singular; the word **may** is permissive and the word **shall** is always mandatory.

1. **Abandon** - To cease from actively using land or any premises for its intended Use for a time period greater than specified herein.
2. **Accessory Structure, Non-Residential** - A Structure or combination of Structures that: (1) are located on the same Lot, tract, or development parcel as the primary non-residential Building; (2) are clearly incidental to and customarily found in connection with the primary non-residential Building or Use; and (3) are subordinate to and serving the primary non-residential Building or Use.
3. **Accessory Structure, Residential** - A subordinate Structure detached from but located on the same Lot as a principal Residence. The Use of an Accessory Structure must be accessory to the Use of the principal Residence. Accessory Structures include, but are not limited to, Garages, decks, and Fences.
4. **Accessory Use** - A Use which: (1) is subordinate to and serves the principal Building or Use; (2) is subordinate in area, extent, and purpose to the principal Building or Use served; and (3) contributes to the comfort, convenience, or necessity of occupants of the principal Building or Use served.
5. **Addition** - Any construction that increases the size of a Building or Structure in terms of site coverage, height, length, width, or gross Floor Area.
6. **Adult Entertainment** - See ARTICLE V, SECTION 580.
7. **Agriculture** - Any Use as currently defined in the Ohio Revised Code Section 519.01 and subsequent changes thereto, including such Uses as farming, dairying, pasturage, animal and poultry husbandry, apiculture, horticulture, floriculture, viticulture, and the sale of Agriculture products when such sale is in conjunction with, but secondary to, production of such products.
8. **Alley** - An unnamed public or private Right-of-Way less than 20 feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.
9. **Alteration** - Any enlargement; Addition; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign; or other change in a facility, but excluding painting; ordinary maintenance for which no building permit is required; and demolition or removal.
10. **Apartment** - A part of a Building consisting of a room or rooms intended, designed, or used as a Residence by an individual or a single Family unit and typically offered on a "for-rent" basis. See "Dwelling, Multi-Family".
11. **Attic** - An unfinished area between the ceiling of the top finished floor area and the roof of the Structure.

12. **Basement** - That portion of a Building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the Building perimeter. A Basement shall not be considered a Story for the purposes of determining Building Height, except when it is used or suitable for living quarters.
13. **Billboard** – A free-standing permanent or Temporary Sign which advertises a business, product, or service not located upon the premises on which the Sign is located. Such Sign shall be classified as a business Use and shall be subject to the regulations established in Section 505.
14. **Block** - The length of a street between two (2) intersecting streets.
15. **Boarding House, Rooming House, Tourist Home and Bed and Breakfast** - A Dwelling, other than a Hotel, which shall be considered a quasi-public Building and wherein table board or sleeping accommodations, or both, are provided for compensation for any person who is not a member of the keeper's Family.
16. **Boat** - A vessel designed to be propelled on water by oars, sails, motor, or similar devices.
17. **Building** - A Structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a Structure for the shelter of persons, animals, or property.
18. **Cemetery Burial Grounds, Grave Yards** - A place or area set apart for the interment of the dead, including not only lots for depositing the remains of the dead, but also avenues, walks, buildings and grounds incidental thereto for shrubbery and/or ornamental purposes.
19. **Clear Vision Triangle** - The triangular area formed by a diagonal line connecting two points, located on intersecting lines of street and Driveway, one being on the street Right-of-Way, the other point being on the Easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. The view through this triangular area, from the street into the Driveway or the Driveway into the street, shall be open and unobstructed by landscaping, Signs, or Structures, from a height of 3 feet above grade to 10 feet above grade.
20. **Collector's Vehicle:** - "Collector's Vehicle" means any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.
21. **Collector's Vehicle, licensed** - "Licensed Collector's Vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine that contains valid license tags issued under Section 4503.45 of the Ohio Revised Code or a similar type vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.
22. **Condominium** – A multiple Dwelling or development containing individually owned Dwelling units and jointly owned and shared areas and facilities, which Dwelling or development is subject to the provisions of state and local laws.
23. **Density** - The permitted ratio of Residential units to net acre of land area or the permitted ratio of Building size to net acre of land area.

24. **Driveway (Access Ways)** - A private road giving access from a street to a Building or abutting grounds.
25. **Driveway Approach** - That portion of a Driveway located within the Right-of-Way of the street.
26. **Dwelling** - A building for human habitation, which shall not include a trailer or other mobile living unit or hotel, dormitory, hospital, rooming house, or any other transient living.
27. **Dwelling, Multi-Family** – Any Building or portion thereof designed for occupancy by three or more families living independently in which may or may not share common entrances, but shall have separate cooking and toilet facilities for each Family. Individual Dwelling units may be owned as Condominiums, or offered for rent.
28. **Dwelling, Single-Family** - A detached Residential Building on a single Lot containing one Dwelling unit, designed to house only one Family.
29. **Dwelling, Townhomes (Rowhouse)** - A series of Dwelling units, attached in a row, separated from each other by an un-pierced wall extending from Basement to roof.
30. **Dwelling, Two-Family (Duplex)** – A Residence Building designed for, or used as, the separate homes or Residence of two separate and distinct families and having the exterior appearance of a Single-Family Dwelling house. Each individual unit in the Duplex shall have a separate entrance, shall have all living rooms accessible to each other from within the unit, and each individual unit is to be occupied exclusively by one Family.
31. **Duplex or Double House** - See “Dwelling, Two-Family (Duplex)”.
32. **Earth Moving Equipment** - Equipment designed to excavate, grade or compact earth and/or other equipment used in construction.
33. **Easement** - A legal interest in land, granted by the owner to another person, which allows that person(s) the Use of all or a portion of the owner’s land, generally for a stated purpose including but not limited to access or placement of utilities.
34. **Family** - A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
  - a. any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
  - b. two unrelated people; or
  - c. two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

“Family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted Uses within Residential zoning districts.



35. **Fence** – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. A Fence shall not be defined as including hedges, shrubs, trees, or other natural growth.
36. **Floor Area, Exclusive Of.** - The livable or usable Floor Area of a Building is the sum of the gross horizontal areas of one or several stories of a Building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) Buildings or sections of Buildings. Floor area, for the purpose of this Resolution, shall not include unfinished Basements, elevators, Attic spaces, terraces, breezeways, Open Porches, decks, uncovered steps, and/or Garages.
37. **Garage** - A Building or Structure, or part thereof, used or designed to be used for the parking and storage of vehicles. In all districts a Garage shall be considered an Accessory Structure when not attached to the main Structure.
38. **Garage, Commercial or Public** - A Garage being used to conduct a business or in conjunction with the operation of a business. The rental of storage space for more than two (2) vehicles not owned by persons residing on the premises shall be deemed a business Use.
39. **Garage, Private** - A Garage not used for conducting business or used for storage of more than one (1) commercial vehicle, which shall be owned by a person residing on the premises. This shall include such Structures as carport, lean-to Garage, portable tent Garages or Structures, or any other Structure used to store Boats or highway vehicles and/or garden equipment.
40. **Height of Building** - The vertical distance measured from the average ground level at the sides of the Building to the extreme high point of the Building, exclusive of chimneys and similar fixtures.
41. **Home Occupation or Home Profession** - A gainful occupation or profession accepted as incidental and secondary to the Use of the Dwelling for Residential purposes, conducted wholly within a Dwelling only by members of the resident Family, and which does not occupy a Floor Area greater than one-half (1/2) the area of the first floor of the main Building.
42. **Household Sewage Disposal System (Septic System)** - A septic tank (with ancillary tanks if necessary) with contributing sanitary sewers and dispersing leach bed or a similar installation on an individual Lot which utilizes an aerobic or anaerobic bacteriological process, or equally satisfactory process, for the treatment of sewage and provides the proper and safe disposal of effluent, subject to the approval of health and sanitation officials having jurisdiction.
43. **Industrialized Unit** - "Industrialized unit" means a Building or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater Structure, and that requires transportation to the site of intended Use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a Manufactured Home as defined by division (C)(4) of Section 3781.06 of the Ohio Revised Code, or a Mobile Home as defined by division (O) of section 4501.01 of the Ohio Revised Code.
44. **Junk Vehicle** - Any licensed or unlicensed vehicle (or any parts thereof) that may or may not be in a deteriorated or extremely damaged condition and/or is no longer operable. Permitted only in industrial districts unless housed in a permanent enclosed Structure.

45. **Junk Yard** - An open land area which is used to dismantle or wreck one (1) or more motor vehicles, Trailers or machinery; or land which is used to store, sell, or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand materials, furniture, chattels, junk, waste paper, containers or other salvage.
46. **Kennel** - Those Building or Buildings used to house over six (6) domestic pets and further as defined by Ohio Revised Code, Sec. 519.21.
47. **Landowner** - The legal or beneficial owner or owners of all of the land for which a zoning permit or change thereof, is requested. The holder of a contract (or option) to purchase, a lessee or other person having a legal, enforceable proprietary interest in such land, also may be deemed to be a Landowner for the purposes of this Resolution.
48. **Lot** - For the purposes of this Resolution, a Lot is a parcel of land, shown in the Records of Mahoning County, of 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 frontage on an improved Public Street, or on an approved Private Street.
49. **Lot Coverage** - The area of a Lot covered by a Building or Buildings, expressed as a percentage of the total Lot area.
50. **Lot, Flag** - A Lot so shaped and designed that the main Building site area is set back from the street on which it fronts and includes an access strip connecting the main Building site with the frontage street.
51. **Lot, Minimum Area** - The Lot area required within each zoning district determined to be the minimum necessary to support the permitted Use.
52. **Lot of Record** - A Lot which is part of a subdivision recorded in the Office of the County Recorder, or a Lot or parcel described by metes and bounds, the description of which has been so recorded.
53. **Lot Types** - Terminology used in this Resolution with reference to Corner Lots, Interior Lots, and Through Lots is as follows:
  - a. A Corner Lot is defined as a Lot located at the intersection of two or more streets. A Lot abutting on a curved street or streets shall be considered a corner Lot if straight lines drawn from the foremost points of the side Lot lines to the foremost point of the Lot meet at an interior angle of less than 135 degrees. Corner Lots shall meet the Setback requirements for all roads, streets, or Alleys that abut.
  - b. An Interior Lot is a Lot with only one frontage on a street.
  - c. A Through Lot is a Lot other than a Corner Lot with frontage on more than one street. Through Lots abutting two streets may be referred to as double frontage Lots.
54. **Lot Width** - The perpendicular distance between parallel side Lot lines measured at the street-line or the chord distance between side Lot lines on a curved street measured at the front street-line, or the shortest distance between side Lot lines measured from a point originating at the front street-line in the event the side Lot lines are not parallel.

55. **Manufactured Home** - A non-self-propelled Building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable federal construction and safety standards. A Manufactured Home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a Dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a Structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for Residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like. Manufactured Homes may be used as Single-Family Dwelling units provided that they are installed on a permanent foundation and meet the minimum square footage requirement for the zoning district in which they are to be installed.
56. **Mobile Home (House Trailer)**- A non-self-propelled Building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections, and which does not qualify as a Manufactured Home or Industrialized Unit. A Mobile Home does not qualify as a Manufactured Home, or as permanently sited manufactured housing.
57. **Model Home** - A temporary showroom or display model that is used for marketing purposes by a homebuilder during the sales period of a new Residential development. Model Homes may be converted to permanent Residences at the end of their use as a marketing location, provided they meet all zoning and Building codes for occupancy.
58. **Motel / Hotel** - A Building with or without party walls, or any row or group of two (2) or more detached or semi-detached Buildings containing guest rooms which are designed and intended or used primarily for the accommodation of travelers.
59. **Motor Home** - A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled, and designed primarily not for Use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal Use.
60. **Planned Unit Development (PUD)** – See Section 465
61. **Porch** - A covered but unenclosed projection from the main wall of a Building that may or may not use columns or other ground supports for structural purposes.
62. **Porch, Open** - A Porch open on three sides except for wire screening. A Porch shall not be considered open if enclosed by either permanent or detachable glass.

63. **Porch, Raised** - A Porch, with a minimum of 24 inches above any approaching walkway and that extends at least 75 percent of the maximum width of a house, where the floor surface of the Porch extends at least seven feet from any adjacent wall surface behind or above.
64. **Porch, Screened** - A roofed Structure not more than 75 percent enclosed by walls and attached to the main Building provided, however, the remainder of the Screened Porch may be enclosed with insect screening or metal, fiberglass, or other approved insect screening. The insect screening shall have at least 50 percent of open area per inch enclosed by walls and attached to the Building for the purpose of sheltering from the rays of the sun, exclusive of vehicles, either persons or inanimate objects.
65. **Portable Storage Unit** - The term "Portable Storage Unit" shall be defined to be: any container, storage unit, shed-like container, shipping container, trailer, or other portable structure that can or is used for the storage of property of any kind and which is located for such purposes outside of a residence or business.
66. **Professional Consultant** - A person who is registered with the State of Ohio as a professional who possesses the skills and knowledge and, by reason of education, training and experience to comprehend the full nature and extent of a project in question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. Examples: In environmental issues, this person may be a professional engineer or a professional environmentalist.
67. **Residence** - A home, abode, or place where an individual or Family is actually living at a specific point in time.
68. **Residential** - Having the nature of being regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.
69. **Right-Of-Way** - A strip of land taken or dedicated for Use as a public way. In Addition to the street, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities.
70. **Row Houses** - See "Dwelling, Townhome"
71. **Satellite Dish** - A Structure, which is designed for the reception of signals such as television, radio, etc., the maximum Height and location of which shall be as designated in Article 515.
72. **Sedimentation Control Plan** - A plan and written description, acceptable to the Mahoning County Engineer, of methods for controlling sediment and/or other residue pollution of other properties during or after construction periods.
73. **Setback** – The minimum distance by which any Building or Structure must be separated from a street Right-of-Way or Lot line. See also "Yard".
74. **Signs and Advertising Devices** - A Sign generally includes any display, illustration, use of light, noise, color, or materials that identify name, symbols, products or services, or that promote direction, idea or other activities for purposes of commerce or identification as discussed in Section 505 of this Resolution.
  - a. Aerial – means a Sign of any material that is principally airborne, whether or not attached, anchored or tethered to the ground directly or indirectly.

- b. Animated or Moving Sign – a Sign or any part thereof, which changes its physical appearance/position by any movement or rotation, or which emits a visual impression of such movement or alteration.
- c. Changeable Copy Sign (manual) - A sign or portion thereof, on which characters, letters or illustrations are changed manually in the field without altering the face or surface of the Sign, including without limitation, a reader board with changeable letters.
- d. Changeable Copy Sign (mechanical or electronic) - A Sign, or portion thereof, on which characters, letters or illustrations are changed mechanically or electronically in the field without altering the face or surface of the Sign, including without limitation, an electronic or mechanical message center.
- e. Flag – means any fabric or material or bunting containing distinctive colors, patterns used as a symbol.
- f. Flashing Lights – any device which contains an intermittent or flashing light source or graphics, or which projects the illusion of such by animation or any other internal or external source.
- g. Height – The height of Signs shall be determined in accordance with Section 505 of this Resolution and shall conform to all applicable requirements of the underlying zoning district.
- h. Inflatable Sign – means any Sign, character or shape constructed of any material in which air or gas is inserted with the intent of vertical lift and/or horizontal spread and inflated to attract attention to a particular Use or location.
- i. Joint Identification Sign - a Sign intended to provide identity (by name, logo, type, graphics or other symbols) of two or more uses in a Building or property.
- j. Monument/Ground Mounted Sign – a freestanding Sign (permanent or temporary) placed on the ground and attached to a supporting foundation or supported between or more columns or posts and not attached to any Building, but is constructed on the subject property and contains graphics directly related to the specific business(s) on that property.
- k. Pennant, Streamer, and Banner – means any lightweight plastic, fabric or other material, regardless of whether it contains a message that is suspended from a rope, wire, string or similar instrument, usually in a series and designed to move in the wind.
- l. Permanent Sign – A Sign attached to a Building, Structure, or the ground in some manner that requires a permit from the township and which is made of materials intended for long-term use.
- m. Portable Sign – means a Sign designed or constructed in such a manner that it is moveable and can be relocated without involving structural or support changes.
- n. Projecting Sign – a Sign which is wholly or partially dependent upon the Structure for support and which projects outward more than twelve (12) inches and typically where the display area is perpendicular to the wall on which it is mounted.
- o. Pylon/Pole Sign – a freestanding Sign (permanent or temporary) greater than 6 feet in height supported by braces or uprights that is not attached to any Building.
- p. Roof Sign – a Sign mounted on the roof of a Structure or which is wholly dependent upon that Structure for its support and which projects above the eave line of the Structure.
- q. Temporary Sign – a Temporary Sign means a Sign set or erected on the property, which is designed to provide information for a limited period of time, not to exceed 1 year.
- r. Wall Sign – a Sign or mural and all associated graphics, whether painted, drawn or fastened to a Building wall, where the wall becomes the supporting Structure or forms the background, which does not project outward more than twelve (16) inches and where the display area is mounted flat and parallel to the wall.

- s. Window Sign – A Sign, poster, graphic, painting or other similar message or image that contains information about the purpose or Use of the premises that is painted or physically affixed to the glass or is within 2 feet of the window and intended to be viewed from the exterior of the premises (This does not include an information Window Sign of 2 square feet or less bearing information about the business hours, accepted forms of payment and similar basic functional notices).
75. **Story** - That portion of a Building, other than a Basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such Story.
76. **Street (Road), Center-line** - An imaginary line that is in or near the center of the street as identified by the Mahoning County Tax Maps, the Mahoning County Engineers office, or the State of Ohio Department of Transportation.
77. **Street (Road), Private** - Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.
78. **Street (Road), Public** - A public roadway, constructed within the boundaries of an officially deeded and accepted public Right-of-Way, which affords principal means of access to abutting property. A Public Street shall constitute all of the area within the public Right-of-Way.
79. **Street-Line (Right-Of-Way)** - A street-line is the established Right-of-Way line of a street or road as indicated by dedication or by deed or record. If no Right-of-Way line is established the Street Line shall be the recommended Right-of-Way line as determined by the Mahoning County Engineers recommendations for the functional roadway classification of the street.
80. **Structure** - Anything constructed or erected, either permanent or portable, the Use of which requires location on the ground or attachment to something having location on the ground, which costs or is valued at one hundred dollars (\$100.00) or more, excluding earth formation.
81. **Swimming Pools** - See 525.
82. **Trailer** - A Structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupation, carrying materials, goods, or objects, or as a temporary office..
83. **Trailer, Camping** – (Also Travel Trailer) A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
84. **Trash Container/Dumpster** - A receptacle which is normally controlled, picked up, and emptied by a waste disposal company and which is used for the temporary storage of waste products. For zoning areas of R-2, Agricultural, Business and Industrial, Trash Containers, whether permanent or portable, shall be placed within a solid wood and/or masonry enclosure consisting of three (3) walls no less than six (6) feet in height or no less than two (2) feet above the height of the container. This enclosure shall have the opening facing the rear wall of the Structure or main Use on the property. Trash containers having capacities of ninety (90) gallons or less shall be permitted without an enclosure only for Single-Family Dwellings located in Agricultural, R-1 & R-2 areas and shall be located in the rear or Side Yards.

85. **Truck** - Any of various forms of vehicle for carrying goods and materials, usually consisting of a single self-propelled unit but also often composed of a trailer vehicle hauled by a tractor unit.
86. **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 as permitted by this Resolution.
87. **Use, Conditional** - A Use which because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities may require the imposition of special controls by the Board of Zoning Appeals. Such control is imposed to ensure that the particular Use at the particular site on which such Use is proposed to be located is compatible with other existing or permitted uses surrounding the site. All Conditional Uses must be permitted by securing a Conditional Use Permit with the township.
88. **Variance** - An adjustment in the application of the specific regulations of this Resolution to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies such disparity in privileges.
89. **Yard** - A required open area other than a court unoccupied and unobstructed by any Structure or portion of a Structure from the general ground level of the graded Lot upward; provided, accessories, ornaments, and furniture may be permitted in any Yard, subject to height installations and requirements limiting obstruction of visibility.
90. **Yard, Front** - A Yard extending between side Lot lines across the front of a Lot, and from the front property line to the front of the principal Building.
- In the case of Through Lots a Front Yard of the required depth shall be provided on all road frontages.
  - In the case of Corner Lots, a Front Yard of the required depth shall be provided on both road frontages.
  - In the case of existing Flag Lots, the Front Yard Setback shall be measured from the front property line established where the Lot widens to the normal required Lot width.
  - With the exception of existing Flag Lots, all required Front Yard Setbacks shall be measured from the Right-of-Way of the public road on which the property fronts. Where a Right-of-Way has not been established, the Front Yard Setback shall be measured from the assumed Right-of-Way based upon the Functional Roadway Classification as defined by the Mahoning County Engineer. Where no Right-of-Way has been established, the front Setback shall be measured from the centerline of the existing road and shall include the required Setback distance as established in the Zoning Resolution, plus half of the distance of the assumed Right-of-Way as defined by the Mahoning County Engineer.
91. **Yard, Rear** - Open space extending across the full width of Lot between the rear line of the Lot and the nearest line of the Structure, deck, Porch, or projection thereof. The depth of such Yard is the shortest horizontal distance between the rear Lot line and the nearest point of the Building.
92. **Yard, Side** - An open Yard extending from the Front Yard to the Rear Yard between the principal Building and the nearest side Lot line measured perpendicular from the side Lot line to the nearest point of the principal Building.

**Article III – Administration and Enforcement**

**Section 300 - Zoning Inspector**

A Zoning Inspector designated by the Board of Township Trustees, as is prescribed by Section 519.16 of the Ohio Revised Code, shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Zoning Inspector shall administer and enforce this Resolution, and shall perform such other duties as are specified or described by the Board of Township Trustees or this Resolution. It shall be the duty of the Zoning Inspector to keep a record of all applications for permits, and a record of all permits issued for a period of five (5) years, with a notation of all special conditions involved. The Zoning Inspector shall file and safely keep copies of all plans submitted and the same shall form a part of the records of the Zoning Inspector’s office and shall be available for the use of the Board of Township Trustees and other officials of Canfield Township.

**Section 305 - Zoning Commission**

There is hereby created, as authorized under sections 519 of the Ohio Revised Code, a Township Zoning Commission. The Township Zoning Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board of Township Trustees. The Board of Township Trustees may appoint two alternate members to the Township Zoning Commission, for terms to be determined by the board. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of Residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

**305.01 – Proceedings of the Township Zoning Commission**

The Township Zoning Commission shall organize annually and elect a chairman, other officers, and a secretary as necessary. Meetings of the Township Zoning Commission shall be at the call of the Chairman and all meetings of the Township Zoning Commission shall be open to the public. For the purpose of taking action the concurring vote of 3 members of the Township Zoning Commission shall be required. The Township Zoning Commission shall keep records of its determinations or other official actions, all of which shall be filed in the Office of the Township Trustees and shall be a public record.

**305.02 – Powers and Duties of the Zoning Commission**

For the purposes of this Resolution the Township Zoning Commission shall have the powers and duties set forth as follows:

- A. To submit a plan, including both text and maps, representing the recommendations of the Township Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the State of Ohio upon townships.



- B. To evaluate and make appropriate recommendations to the Board of Township Trustees regarding proposed amendments to the Resolution and or Official Zoning Map, after conducting necessary hearings.
- C. To employ or contract with such planning consultants as the Township Zoning Commission deems necessary, within the limit of monies appropriated by the Board of Township Trustees for such purposes.
- D. To work with the Zoning Inspector toward the administration and enforcement of the Resolution.
- E. To accomplish such other action(s) as are required by this Resolution or by applicable law.

## **Section 310 - Amendments to the Resolution / Changes of Zoning**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, or in conformance with all applicable planning documents, the Board of Township Trustees may by resolution amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property. Such amendments, supplements, or changes may be initiated by motion of the Township Zoning Commission, by passage of a resolution by the Board of Township Trustees, or by the filing of an application with the Office of the Zoning Inspector by one (1) or more of the owners or lessees of property within the area proposed to be changed.

### **310.01 Application for a Change of Zoning**

Changes not initiated by the Township Zoning Commission, or by passage of a resolution by the Board of Trustees, may be initiated by one or more owners or lessees of property by filing a formal application with the Township Zoning Inspector. Applications to initiate a change of zoning or the Official Zoning Map shall be made to the Office of the Zoning Inspector as follows:

- A. The application forms shall be available from the Office of Zoning Inspector, and shall be completed and returned with all supporting documentation as required in the application form, and as necessary to demonstrate compliance with this Resolution. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, together with plot plans or drawing as necessary.
- B. Applications shall be signed by at least one owner of the property being re-zoned, and shall be filed with the Zoning Inspector a minimum of 30 days prior to the next regularly scheduled hearing of the Zoning Commission.
- C. Each application for a Zoning Amendment shall fully describe the intended land Use.
- D. The application form shall be accompanied by all supporting information as required by the application form. All plans required shall be prepared by a Professional Surveyor, Engineer, Architect, or Landscape Architect registered in the State Ohio.
- E. Applications shall be accompanied by a check or money order made payable to the Canfield Township Board of Trustees in the amount shown on the Schedule of Fees most recently adopted by the Board of Trustees.
- F. For an amendment of zoning to a PUD district the township may require additional submittal information as required by Section 465 of this Resolution.

## **310.02 Procedure**

The procedure for the amendment of the Resolution, or a zoning amendment, shall follow the requirements of the Ohio Revised Code, Section 519.12 (Townships), and are generally outlined as follows:

- A. Upon the adoption of such motion from the Zoning Commission, or the certification of such resolution by the Board of Trustees, or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.
- B. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement.
- C. Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the County Planning Commission.
- D. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.
- E. The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County Planning Commission thereon, to the Board of Township Trustees.
- F. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
- G. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.
- H. Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission, the majority vote of the Board of Township Trustees shall be required.

- I. Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement 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 zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
- J. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

## Section 315 - Board of Zoning Appeals

There is hereby created, to be appointed by the Board of Township Trustees, a Zoning Board of Appeals of five (5) members, who shall be residents of the unincorporated territory of Canfield Township. The Board of Township Trustees may appoint two alternate members to the township Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Members shall be removable for the same causes and in the same manner as provided by section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

### 315.01 - Proceedings of the Board

The Board of Zoning Appeals shall organize annually and elect a chairman, other officers, and a secretary as necessary. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings of the Board of Zoning Appeals shall be at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. Such chairperson, or in that person's absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Zoning Appeals shall immediately be filed in the office of the Board of Zoning Appeals and shall be a public record.

### 315.02 – Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of the provisions of this Resolution.

- B. To authorize upon appeal in specific cases such Variance from the terms of the Resolution as will not be contrary to the public interest, and which will not subsequently affect the Comprehensive Plan of the Zoning of Canfield Township, provided further, that adherence to the strict letter of this Resolution will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan so that the spirit of this Resolution shall be observed and substantial justice be done.
- C. Grant conditional Zoning Permits for the Use of land, Buildings, or other Structures if such Permits for specific Uses are provided for in this Resolution.

### **315.03 – Hearings and Appeals**

An appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Township affected by a decision of the Zoning Inspector in accordance with the following:

- A. Such appeal shall be initiated within twenty (20) days after the determination of decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the Board of Zoning Appeals all papers constituting the record of the action or decision being appealed.
- B. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice thereof as well as due notice at least ten (10) days prior to the hearing, by mail, to the parties in interest at the address filed with the appeal, and decide the same within a reasonable time, after it is submitted. Upon the hearing, any party may appear in person or by attorney.
- C. In exercising the powers in section 519.14 of the Ohio Revised Code, the Board of Zoning Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the Zoning Inspector.
- D. An appeal stays all proceedings in furtherance of the section appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after the Notice of Appeal shall have been filed with the Zoning Inspector, that by reason of facts stated in the certificate, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector and on due cause shown.

### **315.04 – Duties of the Zoning Inspector, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. Any person or persons jointly or severally adversely affected by any decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Mahoning County on the ground that such decision was unreasonable or unlawful. The court may affirm, reverse, vacate or modify the decision complained of in the appeal. Such appeal must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals

## **Section 320 - Conditional Use Permits**

The Board of Zoning Appeals may grant the approval of a Conditional Use Permit for certain types of uses if provided for in this Resolution, which are so classified because of their uncommon or unique characteristics, their infrequency of occurrence, their large area requirements, or for other reasons. When authorized by the Board of Zoning Appeals, such Uses may be permitted only under specific terms, conditions and safeguards as determined by the Board of Zoning Appeals, in order that the Use will not be inconsistent with the intent of this Resolution, and that the Use will not create or cause any detrimental effects upon surrounding or abutting properties. The terms under which the permit may be authorized shall become a part of the Conditional Use Permit, which shall be posted and openly displayed upon the premises. The approval of the Conditional Use Permit shall become null and void if such Use is Abandoned for a period of not less than 24 months. The Township may revoke the Conditional Use Permit upon written evidence by any citizen or official violation of this Resolution and/or the written terms and conditions upon which approval was granted in accordance with section 519 of the Ohio Revised Code. The fee for a Conditional Use Permit shall be established by the Board of Township Trustees and published in the Schedule of Fees as available from the township.

### **320.01 – Application**

An application for a Conditional Use Permit shall be made by the owner, lessee, or developer of property and shall consist of such plans and/or drawing and/or a statement as is necessary to fully describe all elements of the proposed Use. Such data supplied with the permit application shall describe in detail the proposed Use to the extent that the Board of Zoning Appeals can have no doubt as to the development of the proposed Use and can determine the effect upon surrounding properties, and further can evaluate the effect upon traffic, fire hazards, public utilities and the public health, safety and general welfare.

### **320.02 – Notice and Hearing**

Application for such permits shall be made to the Board of Zoning Appeals and it shall hold a public hearing thereon within a reasonable time frame following its receipt of application. Notice of such hearing shall be mailed to the property owners within two hundred (200) feet of the proposed Use, and further notice of the public hearing shall be published in a newspaper of general circulation in the Township at least ten (10) days prior to the hearing. Any party may appear in person or by attorney.

### **320.03 – Action by the Board of Zoning Appeals**

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with conditions, or disapprove the application as submitted. If approved with conditions, the Board of Zoning Appeals shall set forth any specific terms, conditions and safeguards that shall be required so that the proposed Use will be consistent with the intent and standards of the district and it shall instruct, in writing, the Zoning Inspector to issue a Conditional Use Permit. The Township Zoning Commission and Board of Township Trustees shall be notified of any such action.

### **320.04 Decision of the Board of Zoning Appeals**

Before any Conditional Use Permit shall be issued, the applicant shall demonstrate, and the Board of Zoning Appeals shall find, that the proposed Conditional Use meets the following general standards:

- A. The proposed Use must meet the purpose and intent of the district as stated in this Resolution and in all applicable Township and County Plans.
- B. The proposed Use will be harmonious with the existing or intended character of the area in which it is located, and that such Use will not change the essential character of the same area.
- C. Ingress and egress to property and the proposed Structures thereon has been provided and will ensure automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, and all points of vehicular entrance or exit shall conform to state and county regulations.
- D. Off-street parking and loading areas are provided where required, with particular attention to the items in (C) above.
- E. The proposed Use will be served adequately, as required, by essential facilities and utilities which may include, but are not limited to, water and sewers, drainage, refuse collection, and fire and police protection.
- F. The proposed Use will comply with all of the requirements of this Resolution including, but not limited to, Setback, landscaping and buffering, screening, and open space.
- G. The proposed Use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Lighting shall not create a nuisance for the general public or for the residents of neighboring properties; shall not impair safe movement of traffic on any street or highway; shall not shine directly on adjoining properties; and shall comply with all other applicable Sections of this Resolution.
- I. If applicable, Truck routes shall be established for movement in and out of the property being granted a Conditional Use in such a way that will minimize the wear on Public Streets, and prevent hazards and damage to other properties in the community, the general public, and residents of the neighboring properties.
- J. In the event the property being considered for a Conditional Use Permit has a house or other Structure on it, the Conditional Use Permit MAY be issued for only the section of property that is to be used for the Conditional Use and SHALL not include the house or other Structures not being used for same.

## Section 322 - Variances

Upon appeal the Board of Zoning Appeals may authorize, in specific cases, such Variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship, and so that the spirit of the Resolution will be observed and substantial justice done. No non-conforming Use of neighboring lands, Structures, or Buildings in the same district and no permitted or non-conforming Use of lands, Structures, or Buildings in other districts shall be considered grounds for the issuance of a Variance. A Variance from the terms of this Resolution shall only be issued in conformance with the following:

### 322.01 – Application

An application for a Variance shall be submitted to the Office of Zoning Inspector who shall forward the application to the Board of Zoning Appeals. Application forms shall be available in the Office of Zoning Inspector and completed applications shall be accompanied by such information as required on the application form and by a letter from the Zoning Inspector describing the need for the proposed variance.

## **322.02 – Notice and Hearing**

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of a completed application. Notice shall be given at least 10 days in advance of the public hearing by publication in at least one newspaper of general circulation in the area. The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney.

## **322.03 – Type of Variance**

The Board of Zoning Appeals shall be authorized to approve certain variances from the terms of this Resolution as provided below:

- A. Use Variance – The Board of Zoning Appeals is not intended to use its variance power to grant a use that is not normally provided for in the district; the power to re-zone property belonging to the Zoning Commission and Board of Trustees as described under Section 310 of this Resolution. However, in very special circumstances, where it would be both inappropriate to rezone land to another category, and where existing conditions have permitted other uses surrounding the parcel of land in question such that the current zoning leaves no viable economic use, only then may the BZA consider a Use Variance, and only upon finding the following:
1. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  2. The hardship condition is not created by the actions of the applicant;
  3. The granting of the variance will not adversely affect the rights of adjacent owners;
  4. The granting of the variance will not adversely affect the public health, safety or general welfare;
  5. The variance will be consistent with the general spirit and intent of this Resolution;
  6. The variance sought will be the minimum which will afford relief to the applicant; and
  7. There is no other economically viable use which is permitted in the zoning district.
- B. Area Variance – The Board of Zoning Appeals shall have the power to authorize, in specific cases, variances that relate solely to area requirements from the provisions of this Resolution as will not be contrary to public interest. Such Area Variances shall only be granted in cases of special conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty that would deprive the landowner of the beneficial use of the land and buildings involved. No variance from the strict application of any provision of this Resolution shall be granted by the Board of Zoning Appeals unless it finds that, based upon the relevant facts and circumstances, the applicant has encountered practical difficulties and that a strict application of an area zoning requirements is inequitable. In considering an application for an Area Variance the Board of Zoning Appeals shall observe the spirit of this Resolution and weigh the competing interests of the applicant and community. The factors to be considered when determining whether an applicant has encountered practical difficulties include, but are not limited to the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the property owner' predicament feasibly can be obviated through some other method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
8. (Citation from Duncan v. Village of Middlefield (1986), 23 Ohio St. 3d 83).

### **322.04 – Action by the Board of Zoning Appeals**

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with supplementary conditions, or disapprove the application as was submitted. In granting any Variance under the provisions of this section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards set forth in this Article, and to carry out the general purpose and intent of this Resolution. Violation of the conditions, safeguards, and restrictions, when made a part of the terms under which the request for the Variance is granted, shall be deemed a violation of this Resolution.

### **322.05 – Supplementary Conditions and Safeguards May be Prescribed**

In granting any Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Section 365 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use not permissible under the terms of this Resolution in the district involved, or any Use expressly or by implication prohibited by the terms of this Resolution in said district.

## **Section 325 - Zoning Permits**

Zoning Permits shall hereinafter be secured from the Zoning Inspector by the landowner and/or his agent prior to the construction, erection or Alteration of any Building, Structure, or Parking or any part thereof costing or valued at one hundred dollars (\$100.00) or more; except as otherwise stated in Section 110.02 of this Resolution; and prior to the construction or erection of any stationary sign or Billboard. No such zoning permit shall be issued for the proposed Building, Structure, land, or Sign unless the proposed Building, Structure, land, or Sign complies with all provisions of this Resolution.



## **325.01 – Application**

All requests for Zoning Permits shall be made in writing by the owner or his authorized agent and shall include the following:

- A. A statement of the Use or intended Use of the site, Building, or Structure after construction, erection or Alteration.
- B. One set of plans of the site and Structure, accurately drawn to scale, showing the following:
  1. The size and dimensions of the Lot on which the proposed Use or Structure is to occur along with all applicable front, rear, and Side Yard Setbacks required by this Resolution
  2. The locations of all existing and proposed Structures, Additions to Structures, parking and circulation, and Signs with reference to all roads, property lines, and required Setbacks;
  3. Drainage calculations, if applicable, as required by the Mahoning County Engineer.
  4. Clearly marked property pins
  5. Compliance with all applicable development standards for the zoning district in which it resides including, but not limited to, parking, landscaping and screening, signage, and fencing.

## **325.02 – Applicability**

Zoning Permits shall be required for all Buildings, Structures, or Parking; however, no permit shall be charged against such Buildings, Structures, or Parking which shall be constructed or altered which are owned or maintained by any public agency having taxing authority. A separate Zoning Permit shall be required for each advertising device coming under this resolution.

## **325.03 – Expiration**

If the changes or modifications described in the Zoning Permit have not begun within 6 months from the date of issuance thereof, said Zoning Permit shall expire, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. All main or accessory Buildings or Structures in all districts shall have exterior walls, roof, windows and doors completed within one (1) year after the issuance of the Zoning Permit. Non-compliance will require the issuance of another permit. Cost of said additional permit may be based on the value of the construction not yet completed.

## **325.04 – Void Zoning Permit**

When a Zoning Permit has been declared void by the Board of Zoning Appeals pursuant to this section a written notice of the revocation will be provided to the Applicant. Notice of the revocation shall also include a statement that all work upon, or Use of, the Buildings, Structure, or land shall cease until a new Zoning Permit has been issued. Failure to secure a Zoning Permit prior to construction, Additions or Alterations shall automatically double the permit fee. A Zoning Permit shall be void if any of the following conditions exist:

- A. The Zoning Permit was issued contrary to the provisions of this Resolution.
- B. The Zoning Permit was issued based upon any false information provided by the applicant.

## Section 330 - Temporary Permits

Temporary Permits may be authorized by the Board of Zoning Appeals for a period not to exceed one (1) year for Non-Conforming uses incidental to housing and construction projects and including such Structures and Uses as storage of building supplies and machinery, and a real estate office located on the tract being offered for sale; provided such permits are issued only upon agreement by the owner to remove the Structure or Structures upon expiration of the permit. Such permits are annually renewable over a period not to exceed three (3) years.

## Section 335 - Non-Conforming Lots of Record

At the time of adoption or amendment of this Resolution there may exist Lots of record that do not conform to the requirements for Lot Width and or Lot Area established by this Resolution or amendment. Such Lots shall be known as Non-Conforming Lots and shall be permitted to remain subject to the following:

### 335.01. – Non-Conforming Lots and Non-Conforming Lots in Combination

Any Lot of record, existing at the effective date of this resolution in any "A" or "R" District which is pocketed by Buildings existing on the two (2) Lots adjoining at the side which are in different ownership, may be used for the erection or reconstruction of a Single-Family Dwelling even though its area and width are less than the minimum requirements set forth herein. Where two (2) adjoining Lots of record with less than the required area and width are held by one owner, the Board of Zoning Appeals may require that the Lots be combined and used for one (1) main Building or Use. In either case, the prevailing or required Setback shall be met. Where three (3) or more contiguous unimproved Lots of record with less than the required area and width are held by one owner, the Board of Zoning Appeals may require re-plating to fewer Lots to permit compliance with the minimum Yard requirements.

### 335.02. – Relief from Setbacks on Non-Conforming Lots

Where a Lot of record at the time of the effective date of this Resolution is of less width than the minimum Lot width required in the district in which the Lot is located, the Side Yards may be reduced in an "A" District by one (1) foot for each foot of difference to a total width of not less than twenty-two (22) feet, but the narrowest of the two (2) Side Yards shall not be reduced to less than ten (10) feet. In an "R-1" District, the Side Yards may be reduced by nine (9) inches for each foot of difference to the total width of not less than sixteen (16) feet, but the narrower of the two (2) Side Yards shall not be reduced to less than seven (7) feet. In an "R-2" District, the Side Yards may be reduced by six (6) inches for each foot of difference to the total width of not less than twelve (12) feet, but the narrower of the two (2) Side Yards shall not be reduced to less than six (6) feet.

## Section 340 - Non-Conforming Uses of Land

Where, at the time of adoption or amendment of this Resolution, lawful Use of land exists, 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 the following:

**340.01** - A Non-Conforming Use may be continued subsequent to adoption of this Resolution provided there shall thereafter be no expansion of or Addition to such Non-Conforming Use exceeding 25% of the area of land that was devoted to such Use prior to the enactment of this Resolution:

**340.02** – No such Non-Conforming Use shall be moved in whole or in part to any portion of the Lot or parcel other than that occupied by such Use at the effective date of adoption or amendment of this Resolution

**340.03** - If any such Non-Conforming Use of land ceases for any reason for a period of more than 2 years, any subsequent Use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

**340.04** - Prior to the issuance of any permit for the expansion of such Use, all Non-Conforming Uses shall file with the Zoning Inspector of Canfield Township, statements and drawings of such Non-Conforming uses as existed at the time of enactment of this Resolution. Subsequent to such allowable expansion of Use, there shall be no further expansions except in accordance with the regulation for the district in which such Non-Conforming Use is located.

**340.05** - A Non-Conforming Use may not be changed to another Non-Conforming Use disallowed by this Resolution in a district in which the original Non-Conforming Use would be permitted.

## Section 345 - Non-Conforming 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, location on the Lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**345.01** - No such Non-Conforming Structure may be enlarged or altered in any way which increases its non-conformity, but any Structure or portion thereof may be altered to decrease its non-conformity.

**345.02** - Any Non-Conforming Structure or non-conforming portion of a Structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means to an extent of less than 50 percent of its replacement cost at time of such removal, damage, or destruction may be restored to its prior condition and the same Use or occupancy continued or resumed, provided that the total cost of such restoration does not exceed 50 percent of its then fair market value; and provided further that such restoration is started within 1 year after such removal, damage, or destruction and is diligently pursued to completion.

**345.03** - Any Non-Conforming Structure or non-conforming portion of a Structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means by more than 50 percent of its then fair market value shall eliminate the non-conforming Use of such Structure or Structure and land in combination, and shall not be repaired or reconstructed except in conformity with this Resolution

**345.04** - Should such Structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## Section 350 - Reversion of Non-Conforming Buildings and Uses

A Non-Conforming Building or Use may not be altered, rebuilt or resumed, except in conformity with the regulations for the district in which it is located if:

**350.01.** - It has once been changed to a conforming Use **or**

**350.02** - Subsequent to the enactment of this Resolution, it has voluntarily been discontinued for a period of two (2) years or more, which shall be deemed an Abandonment of the Non-Conforming Use **or**

**350.03** - It has been destroyed by fire, explosion or other cause, to the extent of seventy-five (75) percent or more of either its value or its bulk. However, if a Non-Conforming Building or Use is destroyed by fire, explosion or other cause to the extent of less than seventy-five (75) percent of either its value or bulk, it may be rebuilt and reoccupied as a Non-Conforming Building or Use only if reconstructed with the same cubical content and upon the same plan as that of the original Structure, or in the same character of the adjacent Structures in the area, providing same is completed within two (2) years from the date of said destruction.

## Section 355 – Fees

The Board of Township Trustees shall establish a Schedule of Fees listing the charges and expenses, and a collection procedure for Zoning Permits, Zoning Amendments, Zoning Appeals, Conditional Uses, Variances, and other matters pertaining to this Resolution. The Schedule of Fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## Section 360 - Complaints

The Township Zoning Inspector shall investigate all complaints received by residents of the township alleging violations of this Resolution, and shall report all findings to the Township Trustees. The inspector may request, or require, that all such complaints be submitting in writing. Official complaint forms shall be available from the Office of the Zoning Inspector.

## Section 365 - Violations and Penalties

Violation of any provision of the Resolution or any amendment or supplement thereto by any owner or lessee or other person, firm, or corporation shall constitute a minor misdemeanor and each **twenty-four (24) hour** violation after delivery of notification of such violation shall be deemed a separate offense which may be punishable by a fine not to exceed **five hundred dollars (\$500.00)**. (Also see **Section 325.04 for failure to obtain a Zoning Permit**).

## Section 370 - Actions Preventing Violation

In case any Building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of this Resolution, the Board of Township Trustees, the 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, reconstruction, enlargement, change, maintenance or Use.

**ARTICLE IV – ZONING DISTRICTS**

**Section 400 - Districts Created**

For the purpose of this Resolution, the Township of Canfield is divided into the following eleven (11) classes of districts.

- |  |            |
|--|------------|
| 1. Agricultural Conservation           | <b>AC</b>  |
| 2. Ag Residential                      | <b>A</b>   |
| 3. Residential for Single-Family Homes | <b>R-1</b> |
| 4. Residential for Multi-Family Homes  | <b>R-2</b> |
| 5. Neighborhood Business               | <b>B-1</b> |
| 6. Office                              | <b>B-2</b> |
| 7. General Business                    | <b>B</b>   |
| 8. Light Industrial                    | <b>LI</b>  |
| 9. Warehouse & Industrial              | <b>I</b>   |
| 10. Special District                   | <b>SD</b>  |
| 11. Planned Unit Development           | <b>PUD</b> |

**Section 405 - District Boundaries**

The districts and their boundary lines are indicated upon a map entitled “Zoning Map – Township of Canfield”, hereinafter called the “Zoning Map”. The Zoning Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this Resolution. The official Zoning Map shall be held and maintained in the Office of Zoning Inspector for Canfield Township.

**405.01 Rules for Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated approximately following the center lines of streets or highways, Street Lines or highway Right-of-Way lines, such as Center Lines, Street Lines, or highway Right-Of-Way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the Lot lines, such Lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the Center Lines or Street Lines of streets, or the Center Lines of Right-Of-Way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the Zoning Map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said Zoning Map.

- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
- E. Where the boundary of a district follows a stream or other body of water, the centerline of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- F. Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.

Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, and subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

## **Section 410 - Uses Permitted**

The Permitted, Accessory, and Conditional Uses which may be permitted to be located in Canfield Township are designated within the sections regulating each district. Uses not specifically listed or interpreted by the Board to be similar Uses, and which are not categorically included under this or subsequent Articles, shall not be permitted except by Variance or amendment to this Resolution. Only a Use designated as a Permitted Use shall be allowed as matter of right in any zoning district and any Use not so designated shall be prohibited.

**410.01** - Buildings and land shall be used, and Buildings shall be designed, erected, altered, moved or maintained, in whole or in part in all zoning districts only for the Uses set forth in the Permitted Uses within each district, and under the provisions of subsequent Articles of this Resolution.

**410.02** - The Uses set forth as Permitted Uses within each district, shall be permitted by right as the principal Building or of a Lot or parcel of land only in the district in which it is specifically named as being permitted. Where Accessory Uses and Structures are included under the permitted Uses, they shall not be developed on a Lot or parcel of land individually, but only in conjunction with a Permitted Use to which the Accessory Use or Structure is clearly incidental.

**410.03** - The Uses set forth as Conditional Uses within each district shall be permitted only as they conform to specific conditions established by the Board of Zoning Appeals, in their review of such Uses, and such Conditional Use Permits may be authorized by the Board only upon satisfaction in each instance of such conditions as to general character, Height and Use of Structure, the provision of surrounding open spaces and the treatment of the grounds, and as to street capacity and Use, as in the opinion of the Board of Zoning Appeals may be necessary to safeguard the public health, comfort and convenience, and as may be required for the preservation of the general character of the neighborhood in which such Building is to be placed or such Use is to be conducted.

## Section 415 - (AC) Agricultural Conservation District

The purpose and intent of the Agricultural Conservation District is to promote the protection and conservation of large tracts of land for agricultural purposes, protect prime farmland and agricultural soils, provide for tracts of land that correspond to the agricultural district requirements under the Ohio Revised Code Section 929, and to help maintain the rural character of Canfield Township. Residential Dwellings in this district shall be limited to one Dwelling per property, and may be served by on-site sewer and water systems as approved by Mahoning County, or by public sewer and water if available.

### 415.01 – Permitted Uses

Within the Agricultural Conservation District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Agricultural Dwellings, barns and their Accessory Uses and Structures.
- B. The growing and selling, either retail or wholesale, of all types of agricultural produce, livestock, and appurtenant products produced on the premises and resulting from agricultural land Use as defined by the Ohio Revised Code Section 519.01.
- C. Single-Family Dwelling houses and their Accessory Uses and Structures. Excluded are Trailers, House Trailers, and Basement Dwellings. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the AC District provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum Floor Area requirements.
- D. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.

### 415.02 – Conditional Uses

Within the Agricultural Conservation District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Private Air Field and its Accessory Uses and Structures.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.
- C. Slaughtering of poultry, but excluding the slaughter of animals and the rendering of lards and other fats and meat smoking.
- D. Kennels.

### 415.03 – Minimum Lot Size

The minimum required Lot size (total Lot Area in acres) for all Lots in the Agricultural Conservation District shall be 10 acres.

**415.04 – Minimum Lot Width**

The minimum required Lot Width along a Public Street frontage for all Lots in the Agricultural Conservation District shall be 200 feet.

**415.05 - Frontage Upon A Street**

Every Dwelling hereafter built, erected or altered, shall have a clear and unobstructed frontage upon a street.

**415.06 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Agricultural Conservation District are as follows:

- A. Minimum depth from the Right-Of-Way line 75 feet
- B. Minimum distance of detached Garages and Accessory Structures behind the actual Setback line of the main Structure 40 feet

**415.07 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Agricultural Conservation District are as follows:

- A. Main Structure - Total combined width of both Side Yards 40 feet
  - a. Width of smallest Side Yard 10 feet
- B. Detached Garages and Accessory Structures 10 feet
- C. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

**415.08 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Agricultural Conservation District are as follows:

- A. Minimum Rear Yard Setback for the main Structure 40 feet
- B. Minimum Rear Yard Setback for detached Garages and Accessory Structures 10 Feet

**415.09 – Additional Lot Size and Yard Setback Standards**

The Lot size and Yard Setback standards for the Agricultural Conservation District shall be as follows

- A. In the case of a Corner Lot the Setbacks shall be defined as follows:
  1. Both street frontages shall be considered a Front Yard and shall conform to the Front Yard Setback requirements of each street bordering the property.



2. Each property line separating the Corner Lot from the adjacent Lot on the same street shall be considered a Side Yard and shall meet the Side Yard requirements for the district.
- B. An owner of a Dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such Dwelling to provide additional enclosed space for living or Garage purposes, provided, however, that no Side Yard shall be reduced to less than required by the district.
- C. BUILDING PROJECTIONS - The ordinary projection of sills, belt course and ornamental features may extend to a distance not to exceed eighteen (18) inches into any required Yard.

### **415.10 – Building Height and Area Standards**

The Building Height and area standards established in section 415 shall apply to all Lots within the Agricultural Conservation District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

### **415.11 – Minimum Livable Floor Area**

The minimum required livable Floor Area for Residential Structures in the Agricultural Conservation District are as follows:

- A. Single-Family Dwellings shall provide a minimum of:
  1. 1,050 square feet for a single-story Dwelling with a Basement
  2. 1,200 square feet for a single-story Dwelling without a Basement
  3. 1,500 square feet for a Dwelling with more than one Story

### **415.12 – Maximum Building Height**

The maximum Height requirements for all Structures within the Agricultural Conservation District are as follows:

- A. The maximum Height of all Residential Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

## **415.13 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Agricultural Conservation District is as follows:

- A. The maximum coverage of a Lot by all Structures 25 percent

## **415.14 - Clearance in Living Quarters**

No living quarters shall be placed in a Basement or in any other room or space having less than an average of seven (7) feet of ceiling clearance, and no sidewall height in multi-level Dwellings shall be less than four (4) feet in height.

## **415.15 Conditional Use Standards**

The following additional development standards shall apply to Conditional Uses approved within the Agricultural Conservation District.

### A. Private Landing Fields for Aircraft Use:

Private Landing Fields approved as a Conditional Use in the Agricultural Conservation District shall comply with the following standards:

1. The applicant shall demonstrate that the design and location of the facility meets all applicable requirements of the Federal Aviation Administration, The Ohio Department of Transportation (ODOT), Division of Aviation, and Mahoning County.
2. The applicant shall provide proof to the township that all applicable air rights have been secured for all runway paths.
3. The location of Buildings, hangars, and all other Structures must meet the minimum Setback requirements established for the district.
4. All airplanes must be stored in hangars or Garages.
5. The private landing field shall be used for a maximum of 2 planes or helicopters owned by the owner of the property only.
6. The location of all off-street parking & loading shall be approved by the Board of Zoning Appeals.
7. The facility shall have water and wastewater facilities that meet the requirements of Mahoning County and the Ohio EPA.
8. The facility must be placed a minimum of 500 feet from any existing Dwelling or Residential district.

**Section 420 - (A) Agricultural Residential District**

The purpose and intent of the Agricultural Residential District is to provide opportunities within Canfield Township for large Lot Residential parcels that can be developed without the costly extension of centralized utilities, that will respect the rural character of the township, and that will provide a variety of housing opportunities for a diversity of lifestyles within a low Density setting.

**420.01 – Permitted Uses**

Within the Agricultural Residential District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single-Family Dwelling houses and their Accessory Uses and Structures. Excluded are Trailers, House Trailers, and Basement Dwellings. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the A District provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum Floor Area requirements.
- B. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.

**420.02 – Conditional Uses**

Within the Agricultural Residential District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Clubhouse without features likely to occasion a nuisance in a Residential neighborhood by reason of noise or other objectionable characteristics.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.
- C. Slaughtering of poultry, but excluding the slaughter of animals and the rendering of lards and other fats and meat smoking.
- D. Kennels.

**420.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Agricultural Residential District is as follows:

- A. For Lots occupied by a Single-Family Dwelling public utilities) 15,000 square feet (with
- B. For Lots occupied by Non-Residential Structures private septic and well) 65,400 square feet ( with

**420.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Agricultural Residential District are as follows:

- A. For Lots occupied by a Single-Family Dwelling 100 feet
- B. For Lots occupied by Non-Residential Structures 132 feet

**420.05 - Frontage Upon A Street**

Every Dwelling hereafter built, erected or altered, shall have a clear and unobstructed frontage upon a street.

**420.06 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Agricultural Residential District are as follows:

- A. Minimum depth from the Right-Of-Way line 75 feet
- B. Minimum distance of detached Garages and Accessory Structures behind the actual Setback line of the main Structure 40 feet
- C. For Lots less than 1-1/2 Acres the R-1 standards for Front Yard Setbacks shall apply to this district

**420.07 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Agricultural Residential District are as follows:

- A. Main Structure - Total combined width of both Side Yards 40 feet
  - 1. Width of smallest Side Yard 10 feet
- B. Detached Garages and Accessory Structures 10 feet
- C. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.
- D. For Lots less than 1-1/2 Acres the R-1 standards for Side Yard Setbacks shall apply to this district

**420.08 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Agricultural Residential District are as follows:

- A. Minimum Rear Yard Setback for the main Structure 40 feet
- B. Minimum Rear Yard Setback for detached Garages and Accessory Structures 10 Feet
- C. For Lots less than 1-1/2 Acres the R-1 standards for Rear Yard Setbacks shall apply to this district

## **420.09 – Additional Lot Size and Yard Setback Standards**

The Lot size and Yard Setback standards for the Agricultural Residential District shall be as follows

- A. In the case of a Corner Lot the Setbacks shall be defined as follows:
  - 1. Both street frontages shall be considered a Front Yard and shall conform to the Front Yard Setback requirements of each street bordering the property.
  - 2. Each property line separating the Corner Lot from the adjacent Lot on the same street shall be considered a Side Yard and shall meet the Side Yard requirements for the district.
- B. An owner of a Dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such Dwelling to provide additional enclosed space for living or Garage purposes, provided, however, that no Side Yard shall be reduced to less than required by the district.
- C. Building Projections - The ordinary projection of sills, belt course and ornamental features may extend to a distance not to exceed eighteen (18) inches into any required Yard.

## **420.10 – Building Height and Area Standards**

The Building Height and area standards established in section 420 shall apply to all Lots within the Agricultural Residential District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

## **420.11 – Minimum Livable Floor Area**

The minimum required livable Floor Areas for Residential Structures in the Agricultural Residential District are as follows:

- A. Single-Family Dwellings shall provide a minimum of:
  - 1. 1,050 square feet for a single-story Dwelling with a Basement
  - 2. 1,200 square feet for a single-story Dwelling without a Basement
  - 3. 1,500 square feet for a Dwelling with more than one Story

**420.12 – Maximum Building Height**

The maximum Height requirements for all Structures within the Agricultural Residential District are as follows:

- A. The maximum Height of all Residential Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

**420.13 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Agricultural Residential District is as follows:

- A. The maximum coverage of a Lot by all Structures 25 percent

**420.14 - Clearance in Living Quarters**

No living quarters shall be placed in a Basement or in any other room or space having less than an average of seven (7) feet of ceiling clearance, and no sidewall height in multilevel Dwellings shall be less than four (4) feet in height.

**Section 425 - (R-1) Single-Family Residential District**

The purpose and intent of the Single-Family Residential District is to provide opportunities in Canfield Township for a variety of Single-Family Lot types within platted subdivisions, and along existing streets, that may be served by public utilities or on-site sewer and water systems.

**425.01 – Permitted Uses**

Within the Single-Family Residential District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single-Family Dwelling houses and their Accessory Uses and Structures. Excluded are Trailers, House Trailers, and Basement Dwellings. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the R-1 District provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum Floor Area requirements.
- B. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.

**425.02 – Conditional Uses**

Within the Single-Family Residential District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Clubhouse without features likely to occasion a nuisance in a Residential neighborhood by reason of noise or other objectionable characteristics.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.

**425.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Single-Family Residential District is as follows:

- A. For Lots occupied by a Single-Family Dwelling 15,000 square feet
- B. For Lots occupied by Non-Residential Structures 43,560 square feet (1 acre)

**425.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Single-Family Residential District are as follows:

- A. For Lots occupied by a Single-Family Dwelling 100 feet
- B. For Lots occupied by Non-Residential Structures 132 feet

**425.05 - Frontage Upon A Street.**

Every Dwelling hereafter built, erected or altered, shall have a clear and unobstructed frontage upon a street.

**425.06 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Single Family Residential District are as follows:

- A. Minimum depth from the Right-Of-Way line 60 feet
- B. Minimum distance of detached Garages and Accessory Structures behind the actual Setback line of the main Structure 40 feet

**425.07 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Single Family Residential District are as follows:

- A. Main Structure - Total combined width of both Side Yards 24 feet
  - 1. Width of smallest Side Yard 10 feet
- B. Detached Garages and Accessory Structures 10 feet
- C. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

**425.08 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Single-Family Residential District are as follows:

- A. Minimum Rear Yard Setback for the main Structure 40 feet
- B. Minimum Rear Yard Setback for detached Garages and Accessory Structures 10 Feet

**425.09 – Additional Lot Size and Yard Setback Standards**

The Lot size and Yard Setback standards for the Single-Family Residential District shall be as follows

- A. In the case of a Corner Lot the Setbacks shall be defined as follows:
  - 1. Both street frontages shall be considered a Front Yard and shall conform to the Front Yard Setback requirements of each street bordering the property.
  - 2. Each property line separating the Corner Lot from the adjacent Lot on the same street shall be considered a Side Yard and shall meet the Side Yard requirements for the district.
- B. An owner of a Dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such Dwelling to provide additional enclosed space for living or Garage purposes, provided, however, that no Side Yard shall be reduced to less than required by the district.
- C. Building Projections - The ordinary projection of sills, belt course and ornamental features may extend to a distance not to exceed eighteen (18) inches into any required Yard.



**425.10 – Building Height and Area Standards**

The Building Height and area standards established in section 425 shall apply to all Lots within the Single-Family Residential District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

**425.11 – Minimum Livable Floor Area**

The minimum required livable Floor Areas for Residential Structures in the Single-Family Residential District are as follows:

- A. Single-Family Dwellings shall provide a minimum of:
  - 1. 1,050 square feet for a single-story Dwelling with a Basement
  - 2. 1,200 square feet for a single-story Dwelling without a Basement
  - 3. 1,500 square feet for a Dwelling with more than one Story

**425.12 – Maximum Building Height**

The maximum Height requirements for all Structures within the Single-Family Residential District are as follows:

- A. The maximum Height of all Residential Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

**425.13 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Single-Family Residential District is as follows:

- A. The maximum coverage of a Lot by all Structures 25 percent

**425.14 - Clearance in Living Quarters**

No living quarters shall be placed in a Basement or in any other room or space having less than an average of seven (7) feet of ceiling clearance, and no sidewall height in multilevel Dwellings shall be less than four (4) feet in height.

**Section 430 - (R-2) Multi-Family Residential District**

The purpose and intent of the Multi-Family Residential District is to provide opportunities in Canfield Township for smaller Lot Single-Family houses, and Multi-Family attached Residential units in more dense settings, providing for a transition between lower-density Residential development in the more rural areas of the township, and higher intensity land uses or traffic patterns.

**430.01 – Permitted Uses**

Within the Multi-Family Residential District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single-Family Dwelling houses and their Accessory Uses and Structures. Excluded are Trailers, House Trailers, and Basement Dwellings. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the R-2 District provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum Floor Area requirements.
- B. Two-Family Dwellings and Multiple-Family Dwellings and their Accessory Uses and Structures are permitted. Excluded are Trailers, or House Trailers, and Basement Dwellings.

**430.02 – Conditional Uses**

Within the Multi-Family Residential District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Clubhouse without features likely to occasion a nuisance in a Residential neighborhood by reason of noise or other objectionable characteristics.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.

**430.03 – Minimum Lot Size**

The minimum required Lot Area per Family (total Lot Area in square feet) for all Lots in the Multi-Family Residential District is as follows:

- A. For Lots occupied by a Single-Family Dwelling 13,500 square feet
- B. For Lots occupied by Two-Family Dwellings 10,000 square feet per Family
- C. For Lots occupied by Multiple-Family Dwellings 10,000 square feet per Family
- D. For Lots occupied by Non-Residential Structures 43,560 square feet (1 acre)

**430.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Multi-Family Residential District are as follows:

- A. For Lots occupied by a Residential Dwelling 100 feet
- B. For Lots occupied by Non-Residential Structures 132 feet

**430.05 - Frontage Upon A Street.**

Every Dwelling hereafter built, erected or altered, shall have a clear and unobstructed frontage upon a street.

**430.06 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Multi-Family Residential District are as follows:

- A. Minimum depth from the Right-Of-Way line 60 feet
- B. Minimum distance of detached Garages and Accessory Structures behind the actual Setback line of the main Structure 40 feet

**430.07 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Multi-Family Residential District are as follows:

- A. Main Structure - Total combined width of both Side Yards 20 feet
  - 1. Width of smallest Side Yard 10 feet
- B. Detached Garages and Accessory Structures 5 feet
- C. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

**430.08 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Multi-Family Residential District are as follows:

- A. Minimum Rear Yard Setback for the main Structure 40 feet
- B. Minimum Rear Yard Setback for detached Garages and Accessory Structures 5 Feet

**430.09 – Additional Lot Size and Yard Setback Standards**

The Lot size and Yard Setback standards for the Multi-Family Residential District shall be as follows:

- A. In the case of a Corner Lot the Setbacks shall be defined as follows:
  - 1. Both street frontages shall be considered a Front Yard and shall conform to the Front Yard Setback requirements of each street bordering the property.
  - 2. Each property line separating the Corner Lot from the adjacent Lot on the same street shall be considered a Side Yard and shall meet the Side Yard requirements for the district.
- B. For the purpose of the Side Yard regulations, a Two-Family or Multi-Family Structure shall be considered as one (1) Building occupying one (1) Lot.

- C. Additional Side Yard requirements for Two-Family and Multiple-Family Dwellings shall be that for each Family in addition to one (1) to be accommodated in a Building containing Dwellings, the total width of the two (2) Side Yards shall be increased by six (6) feet.
- D. An owner of a Dwelling erected prior to the effective date of this Resolution shall be permitted to enlarge or structurally alter such Dwelling to provide additional enclosed space for living or Garage purposes, provided, however, that no Side Yard shall be reduced to less than required by the district.
- E. Building Projections - The ordinary projection of sills, belt course and ornamental features may extend to a distance not to exceed eighteen (18) inches into any required Yard.

**430.10 – Building Height and Area Standards**

The Building Height and area standards established in section 430 shall apply to all Lots within the Multi-Family Residential District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

**430.11 – Minimum Livable Floor Area**

The minimum required livable Floor Areas for Residential Structures in the Multi-Family Residential District are as follows:

- A. Single-Family Dwellings shall provide a minimum of:
  - 1. 950 square feet for a single-story Dwelling with a Basement
  - 2. 1,100 square feet for a single-story Dwelling without a Basement
  - 3. 1,500 square feet for a Dwelling with more than one Story
- B. Two-Family Dwellings shall provide a minimum of:
  - 1. 900 square feet for a single-story Dwelling with a Basement
  - 2. 1,050 square feet for a single-story Dwelling without a Basement
  - 3. 1,200 square feet for a Dwelling with more than one Story
- C. Multiple-Family Dwellings shall provide a minimum of:
  - 1. 400 square feet for an efficiency Apartment
  - 2. 540 square feet for a one-bedroom Apartment
  - 3. 700 square feet for a two-bedroom Apartment
  - 4. 900 square feet for Apartments with three or more bedrooms
  - 5. Average Floor Area for all Apartments must be 900 square feet or above.

**430.12 – Maximum Building Height**

The maximum Height requirements for all Structures within the Multi-Family Residential District are as follows:

- A. The maximum Height of all Single-Family Residential Structures shall not exceed 35 feet or 2 stories, whichever is less.
- B. The maximum Height of all Multi-Family Residential Structures shall not exceed of 35 feet or 2 stories, whichever is less.
- C. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof, except as modified by 430.09 (C).
- D. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

**430.13 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Multi-Family Residential District is as follows:

- A. The maximum Lot coverage of a Lot by all Structures 25 percent

**430.14 - Clearance in Living Quarters**

No living quarters shall be placed in a Basement or in any other room or space having less than an average of seven (7) feet of ceiling clearance, and no sidewall height in multilevel Dwellings shall be less than four (4) feet in height.

**430.15 - Alteration of Existing Dwellings.**

Nothing herein shall prevent Alteration of a Single-Family Dwelling, existing in an “R-2” Residential District at the time of enactment of this Resolution, for Multiple-Family Use, provided:

- A. That after Alteration of a Building the Lot Area, and Yard width and depth requirements for Multi-Family Dwellings are equal to those required in Section 430.03.
- B. That the average Floor Area shall be at least seven hundred fifty (750) square feet for all Dwelling units created by the Building Alteration and that the minimum Floor Area required for the different sizes of Apartments required in Section 430.11 shall be met.
- C. That no living quarters shall be placed in a Basement or in any other room or space having an average of less than seven (7) feet of ceiling clearance or having less than 2 means of emergency egress.

## Section 435 - (B-1) Neighborhood Business District

The purpose and intent of the Neighborhood Business District is to provide opportunities in Canfield Township for a variety of small retail and business opportunities that will provide goods and services to local residents at a size and scale that fits within, or on the edge of, Residential neighborhoods, local street corners, and less intense land Uses. Neighborhood businesses generally will be smaller in scale, generate less traffic, and require less space-consuming parking areas.

### 435.01 – Permitted Uses

Within the Neighborhood Business District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.
- B. Small retail stores, pharmacies, shops, and convenience centers. No single retail store shall exceed 5,000 square feet in Floor Area and no single Building shall exceed 10,000 square feet in Floor Area.
- C. Personal care services such as salons, barbers, and spas.
- D. Small local restaurants such as pizza shops, Deli's, ice cream shops, and similar establishments without drive-thru's.
- E. Small offices of medical professionals including doctors, dentists, and similarly allied professionals.
- F. Small professional offices such as Architects, Engineers, Real Estate, Accounting, Legal, or other such similar professionals.
- G. Similar small office or retail Uses to those listed above that are determined by the discretion of Canfield Township to be substantially similar in nature, consistent with the purpose and intent of this district, compatible with the surrounding land Uses, and not detrimental to the surrounding community by way of increased traffic or intensity.

### 435.02 – Conditional Uses

Within the Neighborhood Business District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Drive-Thru windows for restaurants permitted in the district.

### 435.03 – Minimum Lot Size

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Neighborhood Business District is as follows:

- A. No minimum Lot size required other than that which is required for the Building or Use and its associated parking and loading spaces, required screening, and Setbacks.

**435.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Neighborhood Business District are as follows:

- A. For all Lots 80 feet

**435.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Neighborhood Business District are as follows:

- A. Minimum depth from the Right-Of-Way line 40 feet

**435.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Neighborhood Business District are as follows:

- A. All Structures - Total combined width of both Side Yards 20 feet
  - 1. Width of smallest Side Yard 10 feet
- B. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

**435.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Neighborhood Business District are as follows:

- A. Minimum Rear Yard Setback for the main Structure 20 feet

**435.08 – Building Height and Area Standards**

The Building Height and area standards established in section 435 shall apply to all Lots within the Neighborhood Business District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

**435.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the Neighborhood Business District are as follows:

- A. The minimum usable Floor Area for all principal Buildings shall be 950 square feet
- B. The maximum usable Floor Area for retail and convenience uses shall not exceed 10,000 square feet.

## **435.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the Neighborhood Business District are as follows:

- A. The maximum Height of all Structures shall not exceed 35 feet or 2 stories, whichever is less.
- B. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

## **435.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Neighborhood Business District is as follows:

- A. Within the Neighborhood Business District a Building may use any portion of a Lot not otherwise required for off-street parking, loading or screening outside of the required Setback areas.



## Section 440 - (B-2) Office District

The purpose and intent of the Office District is to provide opportunities in Canfield Township for a variety of business and professional offices that allow the location of businesses within the township, provide an opportunity for additional jobs for residents of the township, and compliment the character of the township. Larger corporate and professional office Buildings and complexes are more suitable for higher traffic areas near major thoroughfares and other commercial developments.

### 440.01 – Permitted Uses

Within the Office District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.
- B. Corporate and multi-tenant office Structures
- C. Offices of medical professionals including doctors and dentists and similarly allied professionals.
- D. Hospitals and Urgent Care Centers
- E. Outpatient surgery centers and clinics
- F. Medical testing facilities
- G. Research and testing facilities
- H. Professional offices such as architects, engineers, real estate, accounting, legal, or other such similar professionals
- I. Commercial services primarily engaged in serving the needs of professional offices such as copy centers, data centers, and call centers.
- J. Similar office Uses to those listed above that are determined by the discretion of Canfield Township to be substantially similar in nature, consistent with the purpose and intent of this district, compatible with the surrounding land Uses, and not detrimental to the surrounding community by way of increased traffic or intensity.

### 440.02 – Conditional Uses

Within the Office District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. A nursing home for other than contagious or mental diseases.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.

**440.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Office District is as follows:

- A. No minimum Lot size required other than that which is required for the Building or Use and its associated parking and loading spaces, required screening, and Setbacks.

**440.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Office District are as follows:

- A. For all Lots 100 feet

**440.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Office District are as follows:

- A. Minimum depth from the Right-Of-Way line 50 feet

**440.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Office District are as follows:

- A. All Structures - Total combined width of both Side Yards 20 feet
  - 1. Width of smallest Side Yard 10 feet
- B. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

**440.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Office District are as follows:

- A. Minimum Rear Yard Setback for all Structures 20 feet
- B. A Rear Yard of not less than fifty (50) feet in any “B-2 or B-3” District is required where any Lot abuts any Lots in an “A or R” District.

**440.08 – Building Height and Area Standards**

The Building Height and area standards established in section 440 shall apply to all Lots within the Office District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

## **440.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the Office District are as follows:

- A. The minimum usable Floor Area for all principal Buildings shall be 950 square feet

## **440.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the Office District are as follows:

- A. The maximum Height of all Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

## **440.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Office District is as follows:

- A. Within the Office District a Building may use any portion of a Lot not otherwise required for off-street parking, loading or screening outside of the required Setback areas.

## Section 445 - (B) General Business District

The purpose and intent of the General Business District is to provide opportunities in Canfield Township for a variety of retail and business Uses that may need larger Structures or include more intense Uses. General Business District Uses are generally more suitable for locations along major thoroughfares and in higher Density areas where their increased traffic and intensity of Use will not be incompatible with Residential areas or the more rural areas of the township.

### 445.01 – Permitted Uses

Within the General Business District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.
- B. Stores, shops, business, or retail offices not exceeding 70,000 square feet in Floor Area
- C. Restaurants, both sit down and fast food types
- D. Motels and Hotels.
- E. Professional offices such as doctors, insurance agents, tax preparation services, real estate agents, or other similar Uses.
- F. Automobile / motorcycle dealerships
- G. Theaters, both movie and performance oriented.
- H. Stone or monument works
- I. Service Garages and gas stations (not including Truck stops), not to exceed one (1) per mile except at cross-roads.
- J. Laundries, Laundromats, or dyeing and cleaning works with not more than ten (10) employees engaged in these processes
- K. Indoor Kennels.
- L. Similar commercial Uses to those listed above that are determined by the discretion of Canfield Township to be substantially similar in nature, consistent with the purpose and intent of this district, compatible with the surrounding land Uses, and not detrimental by way of increased traffic or intensity.

### 445.02 – Conditional Uses

Within the General Business District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. A nursing home or hospital for other than contagious or mental diseases.
- B. Clubhouse without features likely to occasion a nuisance in a Residential neighborhood by reason of noise or other objectionable characteristics.
- C. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any

facilities necessary to maintain and operate them.

- D. High-rise Multi-Family Dwellings and their Accessory Uses and Structures.
- E. Adult Entertainment
- F. Commercial warehouses, lumber yards and building material storage yards, loading and transfer stations and Truck terminals, which are screened from adjoining properties according to the regulations of Section 560.

**445.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the General Business District is as follows:

- A. No minimum Lot size required other than that which is required for the Building or Use and its associated parking and loading spaces, required screening, and Setbacks.

**445.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the General Business District are as follows:

- A. For all Lots 132 feet

**445.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the General Business District are as follows:

- A. Minimum depth from the Right-Of-Way line 60 feet
- B. Minimum distance of detached Garages and Accessory Structures behind the actual Setback line of the main Structure 30 feet

**445.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the General Business District are as follows:

- A. All Structures - Total combined width of both Side Yards 20 feet
  - 1. Width of smallest Side Yard 10 feet
- B. The Side Yard Setback of Accessory Structures from a side street shall be equal to the Setback requirement along the main street.

## **445.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the General Business District are as follows:

- A. Minimum Rear Yard Setback for all Structures 20 feet
- B. A Rear Yard of not less than fifty (50) feet in any "B-2 or B-3" District is required where any Lot abuts any Lot in an "A or R" District.

## **445.08 – Building Height and Area Standards**

The Building Height and area standards established in section 445 shall apply to all Lots within the General Business District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

## **445.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the General Business District are as follows:

- A. The minimum usable Floor Area for all principal Buildings shall be 950 square feet
- B. The maximum Floor Area for a single retail store shall be 70,000 square feet

## **445.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the General Business District are as follows:

- A. The maximum Height of all Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

## **445.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the General Business District is as follows:

- A. Within the Business District a Building may use any portion of a Lot not otherwise required for off-street parking, loading or screening outside of the required Setback areas.

## **445.12 - Public Garages and Gas Filling Stations.**

No Public Garage repair space shall have an opening in roof or walls within fifteen (15) feet of any side property line; and

- A. In business districts, no Public Garage, or Private Garage accommodating more than five (5) cars, or gas filling station shall have a vehicular entrance upon the same side of the street with, and closer to an entrance to a public school, church, hospital, public park, playground or fire station than one hundred (100) feet, except that this shall not apply if a street fifty (50) feet wide or wider intervenes between such Garage or gas filling station entrance and the entrance to such public space and the edge of an entrance drive to such Garage or gas filling station nearest to an intersection of two (2) streets shall not be less than one hundred (100) feet to the Center-Line of the said intersection; and
- B. In all other districts, no such Garage or gas filling station entrance shall be closer to an entrance to such a public place than two hundred (200) feet, whether or not on the same side of the street, and whether or not there is an intervening street, and said measurement shall be taken as the shortest distance between such entrances, across the street if the entrances are upon opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same Block.
- C. All gas filling stations shall be so arranged, and all gasoline pumps shall be so placed as to permit all servicing on the premises and outside the limits of the public way and no gasoline pump shall be placed closer to a side property line than ten (10) feet.

## Section 450 - (LI) Light Industrial District

The purpose and intent of the Light Industrial District is to provide opportunities in Canfield Township to establish smaller non-retail oriented businesses that may engage in a variety of production, manufacturing, or service related industries within a clean environment. Uses in this district will have a lower intensity, generate little traffic, and require less parking and loading space than larger warehouse and industrial Uses.

### 450.01 – Permitted Uses

Within the Light Industrial District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. The small scale manufacturing of parts, products, and/or the assembly of same into a finished product, within an enclosed Structure not to exceed 15,000 square feet in Floor Area, and in conformance with the standards of Section 535.
- B. The production, freezing, canning, and or packaging of food and food related items for distribution, within an enclosed Structure not to exceed 15,000 square feet in Floor Area, and in conformance with the standards of Section 535.
- C. Machine shops, tool and die companies, and other similar light industrial Uses operating within an enclosed Structure.
- D. Welding and fabricating businesses operating within an enclosed Structure.
- E. Testing and research facilities.
- F. The offices of contractors, construction companies, and general trades having limited outdoor storage of materials and equipment.
- G. Automotive service centers, tire centers, body shops, automotive restoration companies, and other similar Uses operating completely within an enclosed Structure and having limited outdoor storage of vehicles or equipment.
- H. Similar light industrial Uses to those listed above that are determined by the discretion of Canfield Township to be substantially similar in nature, consistent with the purpose and intent of this district, compatible with the surrounding land Uses, and not detrimental by way of increased traffic or intensity.

### 450.02 – Conditional Uses

Within the Light Industrial District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.



**450.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Light Industrial District is as follows:

- A. All Lots within the Light Industrial District 43,560 square feet (1 acre)

**450.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Light Industrial District are as follows:

- A. For all Lots 150 feet minimum width

**450.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Light Industrial District are as follows:

- A. Minimum depth from the Right-Of-Way line 50 feet

**450.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Light Industrial District are as follows:

- A. All Structures - Total combined width of both Side Yards 50 feet
  - 1. Width of smallest Side Yard 20 feet
- B. The smallest Yard of any Lot in any "I" District adjoining any Lot in any "A or R" District shall not be less than ninety (90) feet.

**450.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Light Industrial District are as follows:

- A. Minimum depth from the rear Lot line 20 feet
- B. A Rear Yard of not less than one hundred (100) feet on any Lot in an "I" District is required where such Lot abuts any Lot in any "A or R" District.

**450.08 – Building Height and Area Standards**

The Building Height and area standards established in section 450 shall apply to all Lots within the Light Industrial District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

## **450.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the Light Industrial District are as follows:

- A. The minimum usable Floor Area for all principal Buildings shall be 950 square feet
- B. The maximum square footage for all manufacturing and industrial Uses shall be no greater than 15,000 square feet.

## **450.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the Light Industrial District are as follows:

- A. The maximum Height of all Structures shall not exceed 35 feet or 2 stories, whichever is less.

## **450.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Light Industrial District is as follows:

- A. The maximum Lot coverage of a Lot by all Structures 40 percent

## Section 455 - (I) Warehouse and Industrial District

The purpose and intent of the Warehouse and Industrial District is to provide opportunities in Canfield Township to establish larger warehouse and industrial Uses that will provide employment opportunities for residents of the township, support the local tax base, and create opportunities to grow and expand businesses. Warehouse and industrial Uses will require access to more developed infrastructure, larger capacity roads, and will generally not be compatible with less intense Residential areas.

### 455.01 – Permitted Uses

Within the Warehouse and Industrial District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Slaughtering of poultry, but excluding the slaughter of animals and the rendering of lards and other fats and meat smoking.
- B. The manufacturing of parts, products, and/or the assembly of same into a finished product within an enclosed Structure in conformance with the standards of Section 535.
- C. The production, freezing, canning, and or packaging of food and food related items for distribution in conformance with the standards of Section 535.
- D. Recycling facilities that involve the storage, bailing, shipping, or treatment of junk, iron, rags, bottles, or scrap paper within an enclosed Structure.
- E. Laundries, Laundromats, or dyeing and cleaning works with not more than ten (10) employees engaged in these processes
- F. Commercial warehouses, distribution centers, lumber and coal yards, building material storage yards, loading and transfer stations, and Truck terminals, which are screened from adjoining properties according to the regulations of Section 560.
- G. The offices of contractors, construction companies, and general trades.
- H. Kennels
- I. Similar warehouse and industrial Uses to those listed above that are determined by the discretion of Canfield Township to be substantially similar in nature, consistent with the purpose and intent of this district, compatible with the surrounding land Uses, and not detrimental by way of increased traffic or intensity.

### 455.02 – Conditional Uses

Within the Warehouse and Industrial District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.
- B. The storage of explosives or poisonous gases incidental to a permitted industrial process, exclusive of the manufacture or bulk storage of fireworks and explosives.

- C. The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks in accordance with Ohio law in respect thereto, and provided further, that all above-ground tanks having a capacity of ten thousand (10,000) gallons or more shall be properly diked, with dikes having a capacity equal to one and one-half (1½) times the capacity of the tank or tanks surrounded.
- D. Strip mining for topsoil and minerals, coal, sand, gravel, clay, limestone, or sandstone deposits in accordance with Ohio law and the provisions of Section 540.
- E. Junk yards, automobile graveyards or disassembly plants and storage of second hand materials for resale entirely within and not above a solid enclosure, which shall be maintained in good condition at all times, not less than eight (8) feet in height and not more than ten (10) feet in height.

**455.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Warehouse and Industrial District are as follows:

- A. All Lots within the Industrial District 43,560 square feet (1 acre)

**455.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Warehouse and Industrial District are as follows:

- A. For all Lots 150 feet minimum width

**455.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Warehouse and Industrial District are as follows:

- A. Minimum depth from the Right-Of-Way line 60 feet

**455.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Warehouse and Industrial District are as follows:

- A. All Structures - Total combined width of both Side Yards 50 feet
  - 1. Width of smallest Side Yard 20 feet
- B. The smallest Yard of any Lot in any "I" District adjoining any Lot in any "A or R" District shall not be less than ninety (90) feet.

## **455.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Warehouse and Industrial District are as follows:

- A. Minimum depth from the rear Lot line 20 feet
- B. A Rear Yard of not less than one hundred (100) feet on any Lot in an "I" District is required where such Lot abuts any Lot in any "A or R" District.

## **455.08 – Building Height and Area Standards**

The Building Height and area standards established in section 455 shall apply to all Lots within the Warehouse and Industrial District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

## **455.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the Warehouse and Industrial District are as follows:

- A. The minimum usable Floor Area for all principal Buildings shall be 950 square feet

## **455.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the Warehouse and Industrial District are as follows:

- A. The maximum Height of all Structures shall not exceed 60 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof.

## **455.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Warehouse and Industrial District are as follows:

- A. The maximum Lot coverage of a Lot by all Structures 40 percent

**Section 460 - (SP) Special District**

The purpose and intent of the Special District is to provide lands within Canfield Township for recreation facilities, public parks, playgrounds, and conservation areas for the use and enjoyment of the residents of the township that enhance the quality of life and provide recreation and leisure opportunities.

**460.01 – Permitted Uses**

Within the Special District the following Uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Churches and other related religious institutions, public schools, educational institutions, publicly-owned Buildings AND public parks or playgrounds.
- B. A public or quasi-public Building or private athletic field or private parks, recreational areas including golf courses, public and private forests, and wildlife preserves including any facilities necessary to maintain and operate them.

**460.02 – Conditional Uses**

Within the Special District the following Uses, developed in accordance with all other provisions of this Resolution, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 320 of this Resolution:

- A. Clubhouse or public Swimming Pools without features likely to occasion a nuisance in a Residential neighborhood by reason of noise or other objectionable characteristics.

**460.03 – Minimum Lot Size**

The minimum required Lot size (total Lot Area in square feet) for all Lots in the Special District is as follows:

- A. For Lots occupied by Non-Residential Structures 43,560 square feet (1 acre)

**460.04 – Minimum Lot Width**

The minimum required Lot Widths for all Lots in the Special District are as follows:

- A. For Lots occupied by Non-Residential Structures 132 feet

**460.05 – Front Yard Setbacks**

All Front Yard Setbacks shall be measured from the Right-Of-Way of the dedicated public road. The minimum required Front Yard Setbacks for all Buildings and Structures in the Special District are as follows:

- A. Minimum depth from the Right-Of-Way line 60 feet

**460.06 – Side Yard Setbacks**

The minimum required Side Yard Setback requirements for all Buildings and Structures in the Special District are as follows:

- A. All Structures - Total combined width of both Side Yards 40 feet
  - 1. Width of smallest Side Yard 10 feet

**460.07 – Rear Yard Setbacks**

The minimum required Rear Yard Setbacks for all Buildings and Structures in the Special District are as follows:

- A. Minimum Rear Yard Setback for the all Structures 50 feet

**460.08 – Building Height and Area Standards**

The Building Height and area standards established in section 460 shall apply to all Lots within the Special District with the following exceptions:

- A. The Height regulations herein shall not apply to church spires, belfries, monuments, water and/or fire tanks and towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar Structures, elevator bulkheads, smokestacks, conveyers and Flagpoles, except where the Height of such Structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

**460.09 – Minimum and Maximum Floor Area**

The minimum required Floor Areas for all Structures in the Special District are as follows:

- A. The minimum usable Floor Area for all other principal Buildings shall be 950 square feet

**460.10 – Maximum Building Height**

The maximum Height requirements for all Structures within the Special District are as follows:

- A. The maximum Height of all Residential Structures shall not exceed 50 feet or 3 stories, whichever is less.
- B. Where principle Buildings and Accessory Structures in excess of thirty-five (35) feet in Height are proposed, both required Side Yards shall be increased by one (1) foot for each additional foot of Height or fraction thereof
- C. This Height limitation shall include any television and/or radio tower and/or disk, which shall be considered one (1) Story in Height.

**460.11 – Maximum Lot Coverage**

The maximum Lot coverage of a Lot by a Structure, as measured by a percentage of the Lot, within the Special District is as follows:

- A. The maximum Lot coverage of a Lot by all Structures 10 percent

## Section 465 - Planned Unit Development

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

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

- A. Encourage creative, high quality site design practices in the developments of Residential and commercial areas;
- B. Promote the design and implementation of mixed-use developments that will provide a variety of housing options and commercial opportunities within a compact and walkable environment;
- C. Promote harmony and integration with existing developments and protect adjoining properties from adverse impacts;
- D. Promote safe and efficient pedestrian and vehicular movement;
- E. Promote efficient layout of infrastructure;
- F. Protect a sites natural features through the creative and efficient layout of infrastructure;
- G. Create attractive and useful public and private spaces;
- H. Promote a wider range of housing choices allowing a greater possibility of retaining longtime citizens of Canfield Township; and
- I. Implement the Canfield Township Land Use Plan and additional supporting township and county long range planning documents.

By making such developments subject to the established and negotiated development standards as proposed and accepted by the developer of a PUD District.

### 465.01 - Establishment of Planned Unit Development Districts

- A. No PUD District shall be established except subsequent to petition by the owner(s) of land proposed to be included within the district.
- B. No PUD District shall be created unless a determination is made that such development will be in conformance with the goals and objectives of the Canfield Township Land Use Plan.
- C. Each PUD District shall be served by an approved central or public water supply system and an approved central or public sanitary sewer system.
- D. Each PUD District shall have a Minimum Lot Area of not less than five (5) contiguous acres.
- E. Each Planned Unit Development shall be developed in conformance with an approved Final Development Plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

### 465.02 – Permitted Uses

Within a Planned Unit Development District no Building, Structure, or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except as approved as part of the Preliminary Development Plan. All Uses proposed for the development shall be clearly identified in the Preliminary Development Plan application for the review and approval of the township.



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

### **465.03 – Development Standards**

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

### **465.04 - Density of Dwelling Units**

The maximum Density of Dwelling units shall be as set forth on the approved Preliminary Development Plan, and shall be in compliance with the recommendations of the Canfield Township Land Use Plan, and compatible with the surrounding land Uses as determined by the Zoning Commission and Board of Township Trustees.

### **465.05 - Open Space Requirements**

- A. Open space and recreation areas shall be as set forth on the approved Preliminary Development Plan provided, however, that the land area designated for open space and recreational Use shall not be less than thirty percent (30%) of the total land area of the Planned Unit Development District. Further, at least one-half (1/2) of dedicated open space shall be devoted to recreational activity; and open spaces for recreational purposes shall not be less than six thousand (6,000) square feet in area. Common open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the PUD and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
- B. Land areas devoted to streets, drives, parking areas, Rights-Of-Way, required Setbacks from streets and Rights-Of-Way, required spacing between Buildings, and areas within individual Lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or Setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area.
- C. Water surface of lakes, ponds, other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not be considered to constitute more than one-half (1/2) of the required common open space requirement for any Planned Unit Development District.
- D. The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the Final Development Plan and development agreement and shall be placed on record with the County Recorder as a covenant on the land within the PUD District. The perpetual maintenance plan shall identify Canfield Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
- E. The Township may, but shall not be required to, accept dedication of any common open space.

## **465.06 - Utilities**

All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the Final Development Plan approval.

## **465.07 - Maximum Height**

No Building or Structures shall exceed two (2) stories or thirty-five (35) feet in Height except as specifically authorized by the Zoning Commission and the Board of Township Trustees as part of the Preliminary Development Plan approval. All intended divergences from the maximum Height as stated above shall be listed clearly in the Preliminary Development Plan for the proposed PUD

## **465.08 – Parking**

Each Dwelling unit shall be provided with minimum of three (3) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached Garage. Additionally, for each three (3) Dwelling units, there shall be one (1) additional parking space provided in a common area. Further, parking for recreation facilities and other permitted non-residential Uses shall be provided and identified on the Preliminary Development Plan and approved by the Township. These recreational and other non-residential Use spaces shall not be counted toward the 1:3 common area parking required above.

## **465.09 - Minimum Floor Area**

The minimum Floor Area for all proposed Dwellings within the PUD shall be clearly stated in the Preliminary Development Plan for the review and approval of the township.

## **465.10 - Access and Street Requirements**

- A. All Planned Unit Developments shall be designed to provide access for proposed Uses internally within the development and to minimize access points and intersections onto existing Public Streets.
- B. All streets within a PUD shall be either public or private. Private streets shall be a minimum of twenty (20) feet, or as required by the Mahoning County Engineer, exclusive of any curbs and/or gutters. Private cul-de-sac streets shall be designed with sufficient turnaround areas to adequately accommodate emergency and service vehicles such as snow plows and garbage Trucks. The typical cross section of Private Streets within a PUD shall be designed and constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations for a Type A Residential (local) street and the developer shall be required to have a certified engineer inspect and certify that all such streets were constructed as required. Deviations to the typical cross section will be considered provided they are submitted for approval in the Preliminary Development Plan for the PUD. All streets within a PUD that are proposed to be public shall be constructed to the standards of the Mahoning County Subdivision Regulations and shall be installed in a public Right-Of-Way meeting the same.
- C. Each Dwelling unit and each non-residential Use shall have access to either a Public or Private Street internal to the Planned Development District in a manner approved by the Township and said access shall be clearly defined on the Preliminary Development Plan.
- D. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic. Adequacy and approval to be determined by the Cardinal Joint Fire District.

## **465.11 - Setbacks and Separations**

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

- A. No Building, Structure, or parking area shall be located closer than fifty (50) feet to the Right-Of-Way line of an existing line of an existing Public Street.
- B. No Building, Structure, or parking area shall be located closer than fifty (50) feet to any project boundary line of the Planned Unit Development.
- C. No Building or Structure shall be located closer than fifty (50) feet from the Right-Of-Way line of any public Right-Of-Way as access to the PUD.
- D. No Building or Structure shall be located closer than thirty (30) feet to the edge of pavement or edge of Easement of any Private Street.
- E. The minimum distance between Buildings shall be twenty (20) feet.

## **465.12 - Minimum Building Lot Area**

Where individual Lots are established within a Planned Unit Development, the sizes of said Lots shall be established on the Preliminary Development Plan and as approved by the Township.

## **465.13 - Mixture of Dwelling Types**

Within each Planned Unit Development District, the developer shall provide an appropriate mixture of Dwelling types consistent with the specific development design and the surrounding area.

## **465.14 - Landscaping and Buffers**

- A. All disturbed areas within a Planned Unit Development which are not covered by permitted Structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved Final Development Plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at Driveway entrances and/or street intersections.
- B. Screening and buffering shall be provided within the required Setback from existing Public Street Rights-Of-Way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Board of Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or Fences if approved as part of the Final Development Plan. Buffers may be required within Setback from adjoining properties where the Zoning Commission and Board of Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

## **465.15 - Architectural Design**

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

## 465.16 - Application Requirements and Procedures

Property owners who wish to have their land zoned for a Planned Unit Development District shall make application for both a Zoning Map Amendment and Preliminary Development Plan approval. The request for rezoning and application for Preliminary Development Plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other. Applications for rezoning to a Planned Unit Development District shall be made by filing an application to the Zoning Commission pursuant to the provisions of Section 310 of this Zoning Resolution. Said application shall be heard and action taken in accordance with the procedures and provisions set forth in Section 310. The following additional submission requirements shall apply to all applications for rezoning to a Planned Unit Development District.

- A. A Preliminary Development Plan conforming to the requirements of Section 465.17 (C).
- B. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.
- C. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs.
- D. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
- E. Proposed covenants and restrictions intended to govern the development and future use of the Planned Unit Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, Private Streets, and other commonly owned facilities, and any proposed development agreement proffered as inducement for the rezoning of the property.
- F. After the Board of Township Trustees approves both an application for rezoning to a Planned Unit Development District and the Preliminary Development Plan for said PUD District, the applicant shall submit a Final Development Plan or plans, if the development is to be accomplished in phases, in conformance with Section 465.17 (E).

## 465.17 - Development Plan Requirements and Procedures

- A. **Pre-Application Meeting** - Applicants are encouraged to meet with the Zoning Inspector and other pertinent Township Officials prior to the submission of a plan for a Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD District process, and to acquaint the applicant with the relevant portions of the Canfield Township Land Use Plan.
- B. **Development Plans Required** - Submission of plans is required for all Planned Unit Development projects. A Preliminary Development Plan for the entire project shall be submitted and reviewed simultaneously with the application for rezoning for the PUD District. If the rezoning and the Preliminary Development Plan are approved, subsequent development of the property shall be made only in substantial conformance of said approved Preliminary Development Plan. After a parcel is rezoned to a Planned Unit Development District and a Preliminary Development Plan has been approved for the entire project, the applicant shall submit a Final Development Plan for review and approval prior to development of the project or phase of the project.

- C. **Preliminary Development Plan Submission Requirements** - Each application for Preliminary Development Plan review shall be submitted at least forty-five (45) days prior to the meeting at which said plans will be reviewed by the Zoning Commission and shall include ten (10) copies of a plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:
1. The name of the development, the name of the owner or developer, north arrow, date and scale;
  2. The owners and zoning classification of adjoining parcels;
  3. A boundary survey
  4. Existing topography and proposed finished grade with a maximum two (2) foot contour interval;
  5. Proposed permitted Use and/or Uses for each phase or Sub-Area of the proposed PUD development
  6. Proposed Building locations;
  7. Location of all minimum Setback lines;
  8. Vehicular and pedestrian circulation plans;
  9. All off-street parking areas indicating the number of parking spaces provided and the number required;
  10. A storm drainage plan; including preliminary arrangements for storm detention facilities;
  11. All existing and proposed water facilities including the location and sizes of water mains, and the location fire hydrants;
  12. All existing and proposed sanitary sewer facilities;
  13. Location and size of all recreation and open space areas;
  14. A general planting and landscaping plan;
  15. Architectural plans and elevations of proposed Structures including the number and minimum Floor Area of Dwelling units;
  16. The location, width, names, and grades of existing and proposed streets;
  17. Typical sections for all proposed streets;
  18. Proposed sections if the project is to be developed in stages;
  19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within Lots, the number of Dwelling units by type and overall Density.
- D. **Review Criteria for Preliminary Development Plan** - When reviewing an application for a Planned Unit Development, the Zoning Commission and Board of Township Trustees shall consider, but shall not be limited to consideration, of the following characteristics of the proposed development:
1. The comprehensive nature and design of the plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts;
  2. The suitability of the site proposed for zoning as a Planned Development District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and such other characteristics as may be deemed important;

3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes;
6. The suitability of the location, dimensions, access to streets and utilities of each proposed Dwelling unit within the District;
7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the development;
8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
11. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering;
12. The suitability of the proposed separations between Buildings, including any proposed Setbacks or Yards;
13. The suitability of the total acreage and total Floor Area proposed for each type of Dwelling unit, and the number and bulk of Buildings proposed;
14. The suitability of proposed Condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices to intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements;
15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

## **E. Final Development Plan Requirements**

1. Final Development Plans submitted to the Zoning Commission for review shall be based on a previously approved Preliminary Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least forty-five (45) days prior to the meeting at which said plans will be reviewed by the Zoning Commission. A minimum of ten (10) copies shall be submitted.
2. Submission shall include a fee as defined in the township Schedule Of Fees as established by the Board of Township Trustees. Final Development Plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.

3. Final Development Plans shall be prepared by persons professionally qualified to do such work. Final Development Plans shall be certified by a professional engineer duly registered by the State of Ohio. All plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1'=100'). Profiles must be submitted on standard plan profile sheets.
4. Final Development Plans shall include detailed design information for all of the items contained on Preliminary Development Plans but shall also include detailed construction drawings for proposed improvements including such items as:
  - a. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
  - b. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
  - c. A detailed landscaping plan including a listing of all plant material by type, size and number;
  - d. Provisions for the adequate control of erosion and sedimentation;
  - e. The location, type, size and height of all fencing, screening, and retaining walls;
  - f. The location, width, size and intended purpose of all Easements and Rights-Of-Way and whether they are to be publicly or privately maintained;
  - g. A site lighting plan;
  - h. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses

### **465.18 - Bonding Of Required Improvements**

A performance bond shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of Private Streets, drives and parking areas, improvements within public Rights-Of-Way or Easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. If the project will be developed in phases, the developer may elect to provide a single bond for all phases; or individual bonds equal to the cost of the improvements for each specified phase.

### **465.19 - Approval of Final Development Plans**

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

## **465.20 - Compliance Required**

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

## **465.21 - Amendments to Final Development Plans**

The owner of a property within a Planned Unit Development District may submit plans for amendment of the Final Development Plan approved for the development. All such plans for amendment shall be accompanied by a fee as established by the Board of Township Trustees and published in the most current Schedule of Fees. The Zoning Commission and Board of Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the Preliminary Development Plan approved for the PUD as part of the rezoning. If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved Preliminary Development Plan for the PUD district, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

## **465.22 - Professional Assistance**

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



**ARTICLE V – GENERAL STANDARDS**

Regulations are hereby established and adopted pertaining generally and uniformly to the arrangement of land and Structures throughout the Township. It is the purpose of these development standards to set forth certain rules to be adhered to regardless of the type or classification of development. If a conflict arises between these standards and the more specific standards prescribed in any individual zoning district then the specific provisions of the zoning district shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or Variance.

**Section 500 - Off Street Parking and Loading**

**500.01 - Application**

The off-street parking and loading requirements of this Resolution shall apply to the following:

- A. All new Buildings and Uses constructed after the effective date of this Resolution.
- B. Whenever an existing Use is changed, or enlarged in Floor Area, seating capacity, or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a Use is enlarged to the extent of 50 percent or more in Floor Area, said Use shall then and thereafter comply with all of the parking requirements set forth herein.

**500.02 – Number of Off-Street Parking Spaces Required**

For PUD districts, refer to Section 465. The user of any Lot or tract in Canfield Township shall provide off-street parking for all residents, employees, customers, visitors, and invitees. The following table shall specify the minimum number of parking spaces to be provided.

A. Parking Requirements by Use

	<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
1	All Residential Uses	2 for each Dwelling unit
2	Rooming or Boarding House, Tourist Home, Hotel, bed & breakfast, or Motel	1 for each sleeping room or suite, plus 2 for the resident Family or 1 for each employee
3	Private club, lodge, country club or golf club	1 for each 3 persons capacity, plus one for each employee
4	Church or temple	1 for each 4 seats in the main auditorium
5	School; except high school or college	1 for each 10 seats in the auditorium or main assembly room or 1 for each classroom, whichever is greater
6	College or high school	1 for each 8 seats in the main auditorium or 3 for each classroom, whichever is greater

7	Community center, library, museum or art gallery	10 plus 1 additional for each 300 square feet of floor space in excess of 2,000 square feet
8	Hospital, sanitarium, convalescent home, nursing home, home for the aged or similar institution	1 for each 3 beds, plus 1 for each employee on the maximum working shift
9	Theater or auditorium (except school auditorium) sports arena, stadium or gymnasium	1 for each 5 seats or bench seating spaces
10	Bowling lanes	5 for each lane
11	Mortuary or funeral home	1 for each 30 square feet of floor space in parlors or individual funeral service rooms
12	Restaurants, nightclubs, cafes or similar eating or recreation or amusement establishments	1 for each 100 square feet of Floor Area
13	Assembly or exhibition halls without fixed seats	1 for each 100 square feet of Floor Area
14	Single Retail store or personal service establishment	1 for each 200 square feet of Floor Area.
15	Shopping center (neighborhood / strip)	1 for each 200 square feet of Floor Area except as specified in Section 500.02 (B)(3)
16	Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and services	2 plus 1 for each 200 square feet of floor over one 1,000 square feet
17	Printing or plumbing shop or similar service establishment	1 for each 2 person employed therein
18	Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishment	1 for each employee on the maximum working shift plus space to accommodate all Trucks and other vehicles used in connection therewith
19	Golf Course	5 for each hole and one for each employee
20	Professional or Administrative Offices	1 space for each 250 square feet of Floor Area.
21	Medical Offices	1 space per each 200 square feet of Floor Area.

- B. In computing the number of spaces required in 500.01, the following rules shall govern:
1. "Floor Area" shall mean the sum of the gross horizontal areas of one or several stories of a Building, measured from the exterior faces of exterior walls, or from the centerline of common walls separating two (2) Buildings or sections of Buildings. Floor area, for the purpose of this Resolution, shall not include unfinished Basements, elevators, Attic spaces, terraces, breezeways, Open Porches, decks, uncovered steps, and/or Garages.

2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest number.
3. If more than 20% of a shopping center is occupied or to be occupied by a restaurant or nightclub then the increase in the number of off-street parking spaces required per 1,000 square feet of Floor Area will be calculated using the number assigned for the specific occupancy proposed for the new construction or Alteration.
4. For all uses within Canfield Township, with the exception of single-family, where off street parking spaces are to be provided, the owner shall provide handicap parking spaces to meet the quantity and design requirements of the Americans with Disabilities Act (ADA).

**500.03 – Design and Location**

All parking and circulation areas shall, at a minimum, be designed to meet the following standards:

- A. Size - All parking spaces shall be a rectangular area not less than 9 feet in width by 19 feet in length.
- B. Striping - All parking spaces shall be clearly marked and striped.
- C. Construction – Off-street parking and circulation areas for more than 5 spaces, and loading areas, to be located in any multi-family, commercial, or industrial district, shall be paved with asphalt as a minimum meeting the requirements of the Mahoning County Engineer.
- D. Curb or Wheel Stops - Continuous curbs or wheel stops shall be provided in all parking areas, where adjacent to landscape areas, to prevent vehicles from driving into the landscape areas. Wheel stops, if provided, shall be made of concrete, cut stone, recycled rubber or polymer in white, black or grey, or other similar material and maintained in good condition.
- E. Lighting - Any lighting used to illuminate any off-street parking areas shall be designed and arranged as to reflect light away from adjoining properties, and shall be designed and arranged so that it shall not interfere with traffic on any adjoining street, or be confused with any traffic control lighting.
  1. The use of cut-off or “shielded” light fixtures shall be required to ensure that light does not trespass onto adjacent properties.
- F. Circulation - All parking areas shall be served by a circulation aisle of not less than 22 feet in width and not more than 25 feet in width to permit access to all required parking spaces and must have access by Driveway to an approved Private Street or a public Right-Of-Way.
- G. Access - There shall be adequate provision for ingress and egress to all parking spaces; however, such ingress and egress points shall be located so as to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections. All Driveway access to a public Right-Of-Way shall meet the access management standards, minimum visibility standards, and all other applicable standards of Canfield Township, the Mahoning County Engineers office, and the Ohio Department of Transportation.
- H. Location - Required off-street parking facilities shall be located on the same Lot as the Structure or Use served, except where joint or combined parking areas are permitted by this Resolution.

## **500.04 – Off Street Parking For Residential Uses**

All off-street parking required for Residential uses shall meet the following requirements:

- A. Front Yard Setbacks – the off street parking spaces required by this Section may not be permitted in the Front Yard of any “A” or “R” District.
- B. Garages required for Multi-Family Dwellings - At least one (1) of the required spaces for each Dwelling unit shall be within a Garage constructed simultaneously with the main Building or Buildings when such spaces are required for Multi-Family Dwellings meeting the following requirements:
  - 1. No detached Garage Structure in a multi-Family project shall be constructed to a length exceeding the length of the nearest main Building.
  - 2. Regardless of the location of the required Garage Structure, it shall be of the same design as the main Building or Buildings and the exposed exterior surfaces of the Garage Structure shall be of the same materials as the main Building or Buildings.
- C. Screening Required - All off-street parking spaces, not in Garages, for five (5) cars or more shall be effectively screened from any adjacent property by a landscaped area at least fifteen (15) feet in width, which shall be planted with grass or evergreen ground cover and dense evergreen shrubs at least four (4) feet in height at the time of planting and which shall be maintained in good condition at all times.

## **500.05 - Off Street Parking For Non-Residential Uses**

All off-street parking required for Non-Residential uses shall meet the following requirements:

- A. Setbacks and Screening – Off-street parking areas shall be set back and screened from adjacent properties and Rights-Of-Ways in accordance with the following:
  - 1. Front Yard Parking Setbacks – For all non-residential Uses, parking and circulation areas shall be permitted in the Front Yard provided that parking and circulation areas to not encroach more than 60% into the required Front Yard Setback for the zoning district. In no case shall the parking area extend any closer than 15 feet to the Street Line of the property.
    - a) Where parking areas are developed in the Front Yard the area between the Street Line and the parking shall be landscaped with grass or evergreen ground cover, and planted with shrubs or trees or both.
    - b) No wall or Fence, as required elsewhere by this section, shall be located in a required Front Yard closer to the Street-Line than the Building or Setback line required in the district in which it is located.
  - 2. Adjacency to certain Uses - No part of any parking area for more than five (5) vehicles shall be closer than fifteen (15) feet to any Dwelling, school, hospital or other institution for human care located on an adjoining Lot, unless screened by a solid wood and/or masonry wall as required by Section 570.
  - 3. Screening required - Off-street parking areas for more than five (5) vehicles or off-street loading spaces required by this Resolution, shall be effectively screened on each side which adjoins or faces premises situated in any "A" or "R" district or institutional premises, by a masonry wall or solid Fence. Such wall or Fence shall be not less than six (6) feet in height and shall be maintained in good condition without any advertising thereon. In lieu of such wall or Fence, a strip of land not less than fifteen (15) feet in width and landscaped with grass or evergreen ground cover and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted.

- B. Any property owner wishing to install, enlarge, or expand any parking area shall first be required to secure a Zoning Permit from Canfield Township prior to construction.

### **500.06 – Shared Or Combined Parking**

Nothing in this section shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more Buildings or Uses of similar character, provided the total of such collective off-street parking facilities shall not be less than the sum of the requirements for the various individual Uses computed separately in accordance with the requirements of this Resolution. A written agreement between the parties, approved by the legal counsel and accepted by the Zoning Commission shall be filed with the application for a Zoning Permit, stating that the proposed joint parking area will be developed and maintained jointly and by mutual agreement. The location of such joint parking shall conform to the location requirements of this Resolution. The required parking facilities may be provided under public sponsorship, by private lease or purchase, or by any other means which will promote orderly development of space, diminish traffic hazards and relieve congestion in the streets. Where such publicly sponsored or other joint parking facilities are existing or planned for construction at the same time a Use or Uses requiring parking spaces is being developed, no additional parking spaces are required on the same Lot as the Use being developed if the number of spaces at the other location is equal to those required by the Use and the parking spaces will be within three hundred (300) feet of the proposed Use.

### **500.07 – Off Street Loading Requirements**

In any district, in connection with any Building where shipping and receiving is a normal operation, there shall be provided and maintained on the same Lot at least one (1) off-street loading space for any Building having up to thirty-five thousand (35,000) square feet, plus one (1) such loading space for each additional thirty-five thousand (35,000) square feet or fraction thereof of gross Floor Areas so used. Each loading space shall not be less than ten (10) feet in width, forty (40) feet in length and fourteen (14) feet in height. Such loading space shall not be located in the required Front Yard of the Lot on which it is located, but the loading space shall have unrestricted ingress and egress to a public Right-Of-Way.

### **500.08 - Limitations on Parking and Storage of Certain Vehicles and Equipment**

The parking and / or storage of commercial vehicles, construction vehicles and equipment, recreational vehicles, Boats, Camping Trailers or other Trailers, Mobile Homes, inoperable vehicles, and other vehicles shall meet the following regulations:

- A. **Commercial Vehicles and Construction Equipment** - Commercial vehicles including vehicles and equipment used for construction shall be regulated as follows.
  - 1. Not more than 1 commercial Truck, limited to a two-axle, four-tired pickup or light Truck typically classified as Class 1, or 2 by the Federal Highway Administration Vehicle Inventory and Use Survey, and which has operating characteristics similar to those of a passenger car, shall be allowed per 1 Dwelling unit in any Residential Zoning District, or any Residential component within a Planned Unit Development. This Resolution shall not apply to the personal ownership and use of one or more light Truck or passenger van provided said vehicle does not bear any advertisements and is registered as a non-commercial vehicle.

2. Trucks having dual tires on 1 or more axles, or having more than 2 axles, typically classified as Class 3, 4, 5, 6, 7, or 8 by the Federal Highway Administration Vehicle Inventory and Use Survey, designed for the transportation of cargo and including tractor-Trucks, Trailers, and semi-trailers shall not be allowed in any Residential or Planned Unit Development District. Commercial vehicles making a temporary house calls or deliveries shall not be prohibited under the terms of this section.
  3. The parking or storage of commercial motor vehicles, as defined above including those vehicles having commercial signage, commercial equipment, or Structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted in the Front Yard of any district except industrial, for periods exceeding 72 hours, except when parked or stored in an enclosed Garage. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
  4. Backhoes, road graders, bulldozers, Trailers used to haul commercial vehicles or goods, well rigs, tractors, and such similar vehicles and equipment used for construction or commercial purposes are prohibited from being stored outside of a Permitted or Accessory Structure in any Residential Zoning District, or any Residential component within a Planned Unit Development. Construction equipment temporarily used for construction upon a site shall not be prohibited under the terms of this section.
- B. Storage and/or parking of units such as Collector's Vehicles, Pickup Truck Bed Enclosures, Camping Trailers, Boats, or Motor Homes**
- Storage and/or parking of units such as Collector's Vehicles, pickup truck bed enclosures, Camping Trailers, Boats, or Motor Homes shall be allowed as follows:
1. In an enclosed Garage or other accessory Building **or**
  2. A single unit (a Boat on a Trailer shall be considered as a single unit) of a Camping Trailer, pickup truck bed enclosure, Boat, or Motor Home, may be parked in one Side Yard only and no closer than ten (10) feet to the nearest side property line. Said unit must be parked parallel to the side wall of the main Structure or side property line. Said unit can be no longer than the length of the side wall of the main Structure **or**
  3. Said units may be parked in the Rear Yards providing they are parking no closer than ten (10) feet to the nearest side property line and no closer than ten (10) feet to the rear property line.
  4. Commercial Trailers which require a fifth-wheel type of vehicle for movement shall be stored only in an enclosed Garage or other accessory Building in all Residential districts.
  5. Livestock Trailers shall be permitted in the Rear Yards of properties in the Agricultural Districts only and subject to the provisions of 500.08(B)(3).
  6. All collectors' vehicles which are unlicensed and/or inoperable on public highways must be housed in a permanent enclosed Structure.
  7. Stored indoors or outdoors in a business approved by the township for the storage of personal and/or business property.
- C. Temporary Use** - In the case of any emergency (such as that due to fire, water, wind), the Zoning Inspector, at his discretion may issue a temporary permit to park a House Trailer, Mobile Home, or Motor Home for a period up to ninety (90) days for use as a temporary Dwelling while the home, formerly existing on the property, is under repair.
- D.** In all cases, except as provided for in Section 500.08(C), Camping Trailers, Mobile Homes, and House Trailers shall not be used as living quarters and/or for business uses unless provided for elsewhere in this Resolution.

- E. No provision of Section 500.08 is meant to prohibit, in a Business District, the display of any of the above described units for the purpose of sale, lease and or trade of the units themselves.

## **500.09 - Abandonment of Equipment**

No unlicensed, Abandoned, wrecked or dismantled automobiles, Trucks, Trailers, farm equipment, aircraft, furniture or other miscellaneous materials shall be permitted to remain exposed on the premises in any Agricultural, Residential, or Business District. Such equipment may be permitted to remain exposed on the premises in an Industrial District provided the owner has secured a Conditional Use Permit for such purposes.

## **Section 505 – Signs and Advertising Devices**

The purpose of this section is to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare through regulation of existing and proposed outdoor displays, Signs, advertising fixtures, promotional materials or other outdoor use of lighting, noise or items intending to suggest presence, or calling attention to, or to convey information, to convey an idea or a concept, or that provides direction, or any other activity with similar intent of promotion, economic or personal gain. The objective of this section is to protect property values, to preserve the physical appearance of the community, to preserve the scenic and natural beauty of designated areas, and to create a more attractive Residential and commercial environment by balancing the aesthetic and economic needs of signage. It intends to reduce obstructions to sight or passage, to reduce distractions or hazards resulting from Signs, lighting or other advertising promotional activities that may contribute to traffic or other type accidents, or that otherwise impair or create deterioration to the natural environment. All temporary and Permanent Signs to be attached, erected, placed, constructed or modified within Township limits shall require a Sign Permit prior to any such placement, construction, erection, attachment or modification.

### **505.01 – General Requirements**

A. **Definitions** – For the purposes of this Resolution Signs shall be defined by the following:

1. A Sign generally includes any display, illustration, use of light, noise, color, or materials that identify name, symbols, products or services, or that promote direction, idea or other activities for purposes of commerce or identification as discussed in this section.
2. Directional Signs (non-signs), for the sole purpose of directing vehicular and pedestrian traffic, are not considered Signs in this Resolution. Directional Signs shall not exceed four (4) square feet in area and 3 feet in height, shall be located as to not constitute a safety hazard, shall be located no closer than five (5) feet to a property or Street Line, and contain no information other than the word 'IN', 'ENTER', 'ENTRANCE', 'OUT', or 'EXIT' and/or arrows indicating desired traffic movement. Directional Signs shall not be placed in the public Right-Of-Way. Directional Signs shall be regarded as Structures within the meaning of this Resolution. If, in the Zoning Inspector's opinion, such directional Signs conform to the regulations found elsewhere in this Zoning Resolution, the Zoning Inspector may issue a permit for directional Signs.
3. All Signs shall be regarded as Structures within the meaning of the Resolution.

B. **Compliance**

1. All Signs on lands within Canfield Township and visible from adjacent properties, or public Right-Of-Ways, or that may create hazardous obstacles or distractions to traffic, shall comply with this Section and the requirements of the individual zoning districts in which they reside.

2. When a conflict arises between the Sign requirements of this Resolution and those of the State of Ohio (ORC Chapter 5516) regarding the placement of Signs and Billboards adjacent to state highways, the more restrictive regulation shall govern.

## C. Sign Permit

Unless otherwise provided for in Section 505.03, a Sign Permit shall be obtained for all signage placed within any zoning district in accordance with the provisions of Section 505.04 & 505.05 of this Resolution and the following:

1. Signs placed upon a Building or surface shall be regarded as coming within these regulations in the matters of size and lighting. A Sign Permit is required.
2. No permit or fee shall be required for any activity when performed as an incident to the change of advertising message or normal maintenance of a Sign or its Structure. This includes the change of the Sign message for a new tenant or business, as long as the size, location, character, and Structure, remain the same.
3. No Township Sign Permit shall be issued for any Sign when a State of Ohio permit is required until the State permit for that Sign is presented to the Township Zoning Office.
4. The Zoning Inspector shall have the authority to refuse a Sign Permit for any Sign that, in the Zoning Inspector's opinion, may jeopardize the health, safety and well-being of the general public.
5. Sign Permits shall be accompanied by the following:
  - a) A completed application.
  - b) Free-standing Signs - A dimensioned drawing of the proposed Sign along with a site plan showing the location of the Sign in relationship to the street, Buildings, and other site elements, and a landscape plan for the proposed free-standing Sign.
  - c) Building mounted Signs – A dimensioned drawing of the proposed Sign along with an elevation of the Building to which the Sign is to be attached showing the location of the Sign on the Building and the size and placement of the Sign in relationship to the Building elevation.
6. A permit fee will be required when and only when the Sign Permit is approved.

## D. Location – Signs within Canfield Township shall be located and installed in accordance with the following:

1. No Sign shall be placed in public Rights-Of-Way, or in public parks or any other public property or on utility poles, trees or natural objects.
2. No Sign shall be located in such a way that it obscures traffic control Signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public Right-Of-Way. Signs to be located near the intersection of a Public or Private Road, or near the intersection of a Driveway with a Public or Private Road, shall be installed outside of the area defined as the Clear Vision Triangle within Section 200 of this Resolution.
3. No Signs, Portable Signs or other advertising media, shall extend over a sidewalk or other public way.



- E. **Display area** – The area of a Sign shall be computed by means of a continuous perimeter forming a basic geometric shape which encloses the message or display and is differentiated from the wall or supporting Structure on which it is placed in Addition to the following:
  - 1. Two or More Faces - Where an area of a Sign has two or more display faces, the area of all faces shall be used in determining the area of the Sign unless the two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.
  - 2. Supporting Structures – Supporting Structures or uprights on which a Sign may be placed are excluded from the Sign area if they contain no message and are clearly incidental to the display itself.
  - 3. Wall Mounted Signs – For wall mounted Signs which consist of individually mounted letters, numbers, or other symbols on a wall or fascia, the area of the Sign shall be the area of a rectangle circumscribed around the letters, numbers, or other symbols.
- F. **Height** - The height of a Sign shall be measured as the distance from the average grade surrounding the Sign to the top of the highest attached component of the Sign. The placement of a ground Sign on a mound or raised area for the purpose of increasing the height shall be prohibited.
- G. **Landscaping** - All permanent freestanding Signs (Monument Signs) shall have landscaping around the base of the Sign.
- H. **Lighting** - The illumination of all Signs shall comply with the following:
  - 1. If illuminated, Signs shall be illuminated only by the following means:
    - a) By a white, steady, stationary light of reasonable intensity, directed solely at the Sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
    - b) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
  - 2. The level of illumination emitted or reflected from a Sign shall not be of intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the Sign may be viewed.
  - 3. Ground mounted light fixtures used to illuminate Signs shall be screened from view by site grading or landscaping.
- I. **Digital Signs** – Digital Signs may be approved by the Zoning Inspector for Use in the Township provided that all digital Signs adhere to the following conditions:
  - 1. Digital Signs shall meet all other requirements of this Resolution including those for design, size, location, and lighting.
  - 2. Digital Signs shall not flash, wave, continually scroll, display objects or graphics in motion, or otherwise attract attention and/or distract drivers creating a public safety hazard.
  - 3. Digital Signs shall not be excessively bright in nature as to project light onto adjacent properties and rights-of-ways, cause glare, or otherwise create a nuisance for adjacent properties or a safety hazard for drivers.
  - 4. Digital Signs shall not change picture or message more than 1 time each minute.

5. Digital Signs in violation of the above shall be considered in violation of this Resolution and shall be subject to the actions and penalties outlined in Section 365. Each day of violation shall be considered a separate offence. In addition digital Signs which are in violation of this resolution, or which have demonstrated to be a safety hazard, may be ordered to be removed or replaced by the Township Zoning Inspector.

## **505.02 – Prohibited Signs and Advertising Devices**

The following Signs shall be prohibited in Canfield Township:

- A. ALL Signs not specifically permitted by the express terms of this Resolution.
- B. Abandoned Signs and associated supporting Structures that no longer advertise a commercial message for a bona fide business conducted on the premises for a period of two years. If the Sign Structure supports multiple business names, that portion of the face shall be replaced with a matching blank face and shall screen all internal lighting.
- C. No Sign shall be attached to any Fence within the ROW of any road. No Sign shall be attached to any Fence regardless of location without the permission of the owner of the Fence.
- D. Pole Signs, except as otherwise specifically permitted herein.
- E. Signs or Advertising Devices which attempt, or appear to attempt, to direct the movement of traffic within the Right-Of-Way, or which interfere with, imitate or resemble an official Sign, signal or device.
- F. Obscene Nature: No Sign shall be erected that displays a sexual, provocative, or promiscuous act.
- G. Off premise Signs, except for legal Billboards.
- H. Billboards in Residential zoning districts.
- I. No Sign shall be located as to constitute a safety hazard
- J. Any Sign illuminated with lights where such illumination interferes with safety or general welfare.
- K. Signs with flashing or alternating lights on, in or around the Sign.
- L. Signs with moving parts.
- M. Signs with Banners, posters, Pennants, ribbons, Streamers or similarly fixed or moving devices.
- N. Advertising devices such as festoons, balloons, Banners and Flags.

## **505.03 – Signs – No Permit Required**

The following Signs shall be permitted in Canfield Township subject to the regulations established herein. No zoning or Sign permit shall be required for any sign constructed or erected under the terms of this Section:

- A. The Flag, Pennant or insignia of any nation, state, city or other political unit.
- B. Signs of a duly constituted government body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- C. Signs required by a state or federal statute.
- D. Signs installed by public utilities in their rights-of-way or on their facilities as necessary to identify the Use.

- E. Political Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election. Such Signs shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree, or natural object, nor be located within a public Right-Of-Way.
- F. Signs not exceeding 2 square foot in area, bearing only property numbers, postal box numbers or names of occupants of premises.
- G. Signs indicating the sale, rental or lease of Residential real estate, provided such Signs are limited in size to 6 square feet with one Sign per street front. Such Signs shall be placed on the Residential property referred to and shall not be placed in public Rights-Of-Way and shall be removed within 14 days after sale, rental or lease has occurred.

#### **505.04 – Temporary Signs – Permit Required**

Temporary Signs shall comply with the provisions of Section 505.01 with the exception that Temporary Signs shall not be illuminated. Application shall be made to the Zoning Inspector and upon his/her approval a permit issued and fee will be assessed. Approval shall be for a period not to exceed those described below and may be renewed upon application. Failure to secure a renewal permit shall not constitute an automatic renewal or approval or a waiver of any fees or applicant obligations. The following requirements shall govern Temporary Signs:

- A. Special Event Signs - Special event Signs may be considered by the Zoning Inspector. If, in the Zoning Inspector's opinion, such Signs conform to the regulations found elsewhere in this Zoning Resolution, the Zoning Inspector may issue a special event permit in accordance with the following:
  - 1. Special Event Signs may be issued for a period of thirty (30) days prior to an event and conditioned that such Signs shall be removed within seven (7) days after the closing of such event.
  - 2. No renewal or extension of the permit shall be allowed.
  - 3. Such Signs shall not exceed thirty-two (32) square feet in area, shall be located no closer than five (5) feet to a property or Street-Line and shall not be permitted in the public Right-Of-Way.
- B. Construction / Development Signs – Signs advertising the construction or development of a property currently under construction shall be permitted as a Temporary Sign. Such Signs shall be limited to 32 square feet in area and 8 feet in height and be a minimum of 10 feet from the public Right-Of-Way. Permits granted for such Signs shall be valid for a period of 12 months and may be renewed for (2) additional 6 month periods upon application to the Zoning Inspector.
- C. Signs advertising the sale of undeveloped land–Signs advertising the sale or lease of land available for development shall be permitted as a Temporary Sign. Such Signs shall be limited to 32 square feet of display area per side and shall not exceed 8' in height. Permits granted for such Signs shall be valid for a period of 1 year and may be renewed for (1) additional 1 year period upon application to the Zoning Inspector.
- D. Model Home Signs – Signs advertising a Model Home for display shall be permitted temporarily in any Residential district subject to the following requirements:
  - 1. Minimum size of development - For a Model Home Sign to be permitted the Residential development shall contain a minimum of 10 platted Lots constituting one development.

2. Construction – Model Home Signs shall be a ground mounted Monument Sign, or a Sign suspended from a braced inverted “L” type pole and shall not be illuminated by any means.
3. Height and size – Model Home Signs shall not exceed 16 square feet in display area as defined by Section 505.01 (E), and shall not exceed 4 feet in height to the top of the advertising area.
4. Location – Model Home Signs shall be located on the same Lot as the Model Home, shall be set back a minimum of 5 feet from any property line or Right-Of-Way, and shall not impede the view of vehicles or pedestrians.
5. Removal – Model Home Signs shall be removed by the builder within 15 days of the sale of the Model Home.

## **505.05 – Permanent Signs, Permit Required**

- A. In all Residential Districts no Signs shall be permitted except:
  1. Customary professional, Home Occupation, rooming or Boarding House Signs not larger than two (2) square feet.
  2. Real estate Signs when placed on properties offered for sale, lease or rent.
  3. Signs appropriate to a public or quasi-public Building.
  4. Signs incident to legal process and/or necessary for the public welfare shall not be larger than six (6) square feet. Such Signs shall have a minimum Setback of five (5) feet from the Right-Of-Way of any thoroughfare.
  5. Residential Development Entry Signs subject to the following:
    - a. Development Entry Signs will be located at the main or primary entrance to the development and situated so as not to unduly obstruct normal traffic or clear sight distance at an intersection. Such Signs will not be located within fifteen (15') feet of the public Right-Of-Way and will not be located within fifty (50') feet of adjacent Residential property. Signs are limited to free-standing monument-type, only. Pole and Pylon Signs are prohibited.
    - b. Each Development Entry Sign may have no more than two (2) individual Sign faces: a single, 2-sided Sign; or two (2) 1-sided Signs. All Signs must be permanently mounted and properly landscaped.
    - c. All Signs will be permanently ground mounted and will not exceed six (6) feet in height. Exposed foundations must be constructed with a finished "natural" material such as brick, stone or wood. All Signs will be properly maintained and will not show Signs of rust, corrosion, exposed wiring, chipped paint, cracked or loose materials.
    - d. Total display area of all allowable Sign faces will not exceed sixty (64) square feet and in no case will the area of any individual Sign face exceed thirty (32) square feet.
    - e. The Sign will contain the name of the development, only. All lighting will be ground mounted and directed so as not to be objectionable to adjacent and surrounding properties.
- B. In Business and Industrial districts, the limitations upon the number, size, character, and placement of Signs shall be as follows:

1. Single Uses on Individual Lots - For all single Use Lots or parcels, there shall be no more than one (1) free standing Monument Sign, and one (1) Building mounted Wall Sign per Use or Lot in accordance with the following requirements:
  - a. Free Standing Monument Signs - Free-standing Monument Signs shall be set back at least 15 feet from any Right-Of-Way or Lot line shall be installed in a location that will not impede the view of traffic from Driveways or intersections, and shall be installed outside of the Clear Vision Triangle as defined in Section 200. In addition free-standing Monument Signs for single Uses on individual Lots shall comply with the following:
    - i. Free-standing Monument Signs for single retail or business Uses and outparcels shall not exceed 6 feet in Height and 32 square feet per of display area per side.
    - ii. Gasoline Stations - Gasoline Stations may display signage in addition to the free-standing Monument Sign allotted for single Uses or for outparcels. Such additional signage shall be limited to the display of gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed 50 percent of the total sign area allowed for a free-standing Monument Sign. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate, change color, or change copy more than one time in any one hour period to update the price of fuel.
  - b. Wall Signs - Wall Signs may be constructed of individual letters attached to the Building or constructed as a solid Sign or Sign cabinet and shall conform to the following requirements.
    - i. The Sign(s) surface(s) of a Sign(s) placed flat against the Building wall shall not exceed 65% of the length of the wall of the Building or of the storefront to which the Sign(s) is/are attached. The total area of the Sign shall not exceed 10 percent of the total area of the wall to which the Sign is being attached, or a maximum of 125 square feet in display area, whichever is smaller.
    - ii. Wall Signs shall be located on or along the wall of the Building which faces the street or parking Lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof.
2. Multi-tenant retail developments - Retail developments having more than one retail tenant shall be permitted one (1) joint identification Monument Sign advertising the name of the development, and one (1) Building mounted Wall Sign per each retail tenant in accordance with the following requirements:
  - a. Joint Identification Signs – Monument Signs advertising a multi-tenant retail or business development may include the names of only 4 principal tenants in addition to the name of the retail center or development. Joint Identification Monument Signs shall be set back at least 15 feet from any Right-Of-Way or Lot line shall be installed in a location that will not impede the view of traffic from Driveways or intersections, and shall be installed outside of the Clear Vision Triangle as defined in Section 200. In addition Joint Identification Signs shall meet the following size requirements:
    - i. For retail or business centers larger than 300,000 square feet in total Floor Area, Joint Identification Signs shall not exceed 15 feet in height and 80 square feet of display area for each side.

- ii. For retail and business centers larger than 150,000 square feet but not more than 300,000 square feet in total Floor Area, Joint Identifications Signs shall not exceed 12 feet in height and 60 square feet of display area for each side.
    - iii. For retail and business centers larger than 50,000 square feet but not more than 150,000 square feet in total Floor Area, Joint Identification Signs shall not exceed 10 feet in height and 50 square feet of display area for each side.
    - iv. For retail and business centers 50,000 square feet or less in total Floor Area – Joint Identification Signs shall not exceed 8 feet in height and 40 square feet of display area for each side.
  - b. Wall Signs – Building mounted Wall Signs in multi-tenant retail developments may be constructed of individual letters attached to the Building or constructed as a solid Sign or Sign cabinet and shall conform to the following requirements.
    - i. For individual retail tenants larger than 30,000 square feet in Floor Area in a multi-tenant retail Structure, the total area of the Sign shall not exceed 10 percent of the total area of the wall to which the Sign is being attached, or a total of 125 square feet in display area, whichever is smaller. Wall Signs shall be located on or along the wall of the Building which faces the street or parking Lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof.
    - ii. For retail tenants less than 30,000 square feet in Floor Area in a multi-tenant Building the total area of the Sign shall not exceed 60 square feet in display area. For all Wall Signs in a multi-tenant Building there shall be uniformity in height between the Signs for each tenant and all Signs shall be installed at the same height along the face of the Building.
  - c. Outparcel Signs – Retail and Restaurant Outparcels, including Gas Stations, shall be permitted Signage in accordance with the standards established in Section 505.05 (B) (1) for single Uses on individual Lots.
- C. *Outdoor Advertising or Billboards* - Outdoor Advertising, or Billboards (as defined by ORC 519.20), for a product or service not located upon the premises on which the sign is located shall be classified as a business Use and shall be permitted in all Non-Residential districts subject to the requirements of Section 505.01 and following regulations:
  - 1. No Billboard shall exceed two hundred (200) square feet of advertising area per side nor have more than two sides.
  - 2. No Billboard shall exceed twenty (20) feet in height above the average grade, nor have a length in excess of four times the height of the sign face.
  - 3. No digital Billboard shall change messages more than 1 time in any three minute period.
  - 4. The Use shall comply with the general regulations set forth in other provisions of this Resolution.
  - 5. All Billboards shall be located in compliance with all local, state and federal regulations controlling the same and such proof shall be submitted to the Zoning Inspector. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
  - 6. All Billboards shall be located behind the Building Setback lines established for the district in which the Sign is located and shall be at least one thousand (1,000) feet from any Dwelling, church, school, or similar institution.

7. No Billboard or outdoor advertising Sign shall be located nearer than twenty-five (25) feet to any side Lot line.
8. On vacant property, no Billboards shall extend nearer to any Right-Of-Way line than eighty-five (85) feet.
9. Spacing Requirements- Each Billboard site location shall be separated from every other Billboard site location in accordance with the following:
  - a. Spacing requirements shall be measured along the curb line of the street that the Billboard is oriented to and the measurement shall apply to both sides of the street.
  - b. Spacing requirements shall be measured from existing Billboards regardless of the political jurisdiction within which any other Billboard may be located.
  - c. Measurement of the spacing between Billboard locations shall begin at a point nearest to the proposed Billboard site location from an existing Billboard site location and extending to a point nearest to the existing Billboard site location from the proposed Billboard site location.
  - d. Billboards shall be located at least 1000 feet from other Billboards.

## Section 510 – Temporary Uses, Events, and Sales

Due to the special characteristics and needs of Temporary Uses, Events, and Sales, this Section establishes the requirements necessary to properly locate and control the activities of these Uses in order to secure the health, safety and general welfare of the Township.

### 510.01 - Temporary Use, Event, or Sale Permit

No Temporary Use, Event or Sale shall commence until a Temporary Use Permit shall has been issued by the Township Zoning Inspector. An application for a Temporary Use Permit shall be filed at least 10 days prior to the commencement of the proposed Temporary Use, Event, or Sale. Each application for a Temporary Use Permit shall contain an address and graphic description of the property to be utilized, a description of the proposed Temporary Use, and, excepting Temporary Uses and/or sales listed in Section – 510.05(A), (B), and (C), a site plan drawn to scale, which illustrates the following:

- A. The dimensions of the Lot on which the proposed Temporary Use, Event or Sale will occur.
- B. The size and location of all existing and proposed Buildings and Structures on the Lot, whether they are principal or accessory, or temporary or permanent Structures.
- C. The existing Use and intended Temporary Use of all parts of the land, Buildings and Structures, whether permanent or temporary.
- D. Existing zoning on all adjacent Lots.
- E. Location of existing and/or proposed parking spaces, traffic flow, wheel stops, access drives, Building and parking Setbacks, Yard requirements, and existing and proposed sanitary facilities.
- F. Existing and proposed Signs and Billboards, including lighting and size detail.
- G. Such other information with regard to the Temporary Use, Lot, and neighboring Lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

## **510.02 - Fees Required**

All applications for a Temporary Use Permit shall be accompanied by a fee paid in accordance with the Schedule of Fees adopted by the Board of Township Trustees of Canfield Township with the following exceptions:

- A. The temporary Use, Event or Sales listed in section 510.05 (A), (B), and (C) shall not be required to pay a fee for the issuance of a Temporary Use Permit.

## **510.03 - Issuance of a Temporary Use Permit**

Temporary Use Permits shall be issued or a refusal given thereof within a reasonable period of time of the completed application and fee. If refused a written notice of such refusal and reason thereof shall be given to the applicant.

## **510.04 - Prohibited Temporary Uses, Events, and Sales**

Temporary retail sales conducted on parking Lots, vacant Lots, or along roadsides by transient vendors shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

## **510.05 - Permitted Temporary Uses, Events, and Sales**

The following Temporary Uses, Events or Sales are deemed to be permitted Temporary Uses, Events or Sales and are subject to the following requirements in addition to applicable development standards of the district in which the Use is located:

- A. Garage or Yard Sales - Garage or Yard Sales shall be limited to not more than 2 consecutive days and only 4 such sales may be conducted during any 1 calendar year. The term "Garage or Yard Sales" shall be defined as a sale of personal property to the general public conducted inside or outside a Dwelling unit on any property within a Residential zoning district, including, but not limited to, Garage sales, patio sales, Yard sales, and Porch sales. A Garage or Yard sales does not include the casual sale of motor vehicles, Boats, Trailers, motorcycles, Motor Homes, and other similar types of vehicles, which sales shall be regulated in accordance with the provisions of Section 510.05(C). In addition, the following regulations shall apply to Garage or Yard sales:
  - 1. No Garage or Yard sales shall commence before the hour of 8:00 a.m. nor extend later than 8:00 p.m.
  - 2. Personal property offered for sale shall not be displayed closer than 20 feet of a Public Street or within the public Right-Of-Way.
  - 3. Signs for Garage and Yard sales shall adhere to Section 505 of this Zoning Resolution.
  - 4. The Zoning Inspector may require that the Township Fire Department review the Temporary Use Permit application for such Garage or Yard sale. In the event that the Chief requires that temporary no-parking restrictions be implemented on any Public Street, in order to protect the health and safety of the citizens of Canfield Township, the applicant for a Temporary Use Permit shall cooperate to the extent necessary for the posting of such restrictions.
  - 5. No Garage or Yard sales conducted within a Dwelling unit shall occupy more than 200 square feet of Floor Area of such Dwelling unit, not including Garage space occupied.



6. No person shall sell or offer for sale at such Garage or Yard sales any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. No person shall sell or offer for sale at such home sale any personal property except such property that has been owned, maintained and used for personal household use by such person or members of his Family on or in connection with the premises on which such sale is held. Nothing in this provision is intended to prevent a shared or community Garage sale.
- B. Foreclosure or Estate sales - Foreclosure or Estate sales involving the complete liquidation of all personal property located within the entire Dwelling unit shall be limited to not more than 2 consecutive days and only 1 such sale may be conducted by the owner or occupant of such Dwelling unit.
- C. Casual Sales of Motorcycles and Motor Vehicles, including Boats, but not including Trailers, Motor Homes and Other Similar Vehicles - A casual sale of a motor vehicle, motorcycle or Boat may be conducted on any property in a Residential or planned Residential zoning district provided the following criteria are met:
  1. No person shall sell or offer for sale any such vehicle that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of a new vehicle for sale shall be prima facie evidence that such vehicle was acquired for purposes of resale.
  2. No person shall sell or offer to sell any such vehicles, except such vehicles as have been owned, maintained and used for personal household use by such person or members of his/her Family on or in connection with the premises on which the vehicle is being sold.
  3. No more than 3 such vehicles may be sold or offered for sale in any 1 calendar year.
  4. No more than 1 such vehicle shall be displayed for sale on or from the property at any time. Such displayed item shall be located upon an approved Driveway within the front or Side Yards and such displayed item shall be placed no nearer to the edge of the roadway pavement than 15 feet. In no event shall such displayed items be located in any Public Road Right-Of-Way.
  5. Not more than 2 Signs, each of which shall not exceed 2 square feet in area, may be displayed for the sale of such vehicle upon or in the vehicle, provided that such Sign(s) shall not be illuminated or Animated.
  6. Any such vehicle displayed for sale shall be in operating condition and capable of being immediately moved under its own power if self-propelled, or if not self-propelled, by towing or by ordinary means available upon the premises, and shall have a valid and current registration decal and/or license plate.
- D. Christmas Tree Sales - Christmas tree sales may be permitted for a period not exceeding 35 consecutive days during any one calendar year in any Non-Residential zoning district or upon a church, school or similar site within a Residential zoning district provided no activities are conducted within the public Right-Of-Way and adequate off-street parking is provided in accordance with the minimum parking set-back.
- E. Temporary Real Estate Sales Offices - Temporary real estate sales offices may be permitted for any new subdivision within a Residential zoning district, or a planned Residential zoning district, provided sales activities are limited to that subdivision only and such office is not used as a Dwelling. Such office Use shall cease upon completion of the sales of Lots within the subdivision. Rentals or re-sales of Lots and/or units in the subdivision shall not be conducted from the temporary office.
- F. Temporary Second Residential Use – Any person owning a Lot in the Agricultural Conservation or Agricultural zoning district may be permitted a temporary second Residential Use on their Lot for the following conditions:

1. If the existing house on such a Lot has been damaged or destroyed by fire or other disaster, the owner of the Lot may be permitted to live on-site in a temporary Trailer during the re-construction of the existing home. Such Temporary Use shall be approved only for the duration of the active re-construction of the existing home and shall be removed within 30 days of receiving a Certificate Of Occupancy for the restored Structure.
  2. The owner of such a Lot may be permitted to live in an existing home on the Lot during construction of a new home on the same Lot provided that the existing home be demolished within 30 days of having received a Certificate of Occupancy for the new home. A permit issued for such a purpose shall be valid for a period not to exceed 12 months and shall be eligible, upon application to the Zoning Inspector, for (1) additional 6 month period. The existing home shall be demolished within 30 days of the expiration of such permit.
- G. Temporary Contractors' Offices - Temporary contractors' offices and equipment sheds, other than Portable Storage Units, in association with construction activities may be permitted within any district, provided such Uses are removed immediately upon issuance of a Certificate of Occupancy for all facilities within the project.
- H. Temporary Public Events - Temporary public events sponsored by a public or non-profit organization may be permitted within any Non-Residential zoning district or upon a church, school, or other similar site within a Residential zoning district provided adequate off-street parking, sanitary facilities, lighting, and security are provided. Temporary public events shall be limited to not more than 7 consecutive days and only 2 such events may be conducted on any single property in any 1 calendar year. Temporary public events include, but are not limited to, Temporary Uses such as tent meetings, bazaars, festivals, flea markets, art shows, and other similar public events. Temporary Uses permitted in this section do not include major rock concerts or similar functions that will normally attract more than 500 persons at any single event.
- I. Portable Storage Units – Portable storage units in accordance with the provisions of Sections 510.06 and 510.07.

## **510.06 - Portable Storage Units**

Portable Storage Units may be permitted as a Temporary or Accessory Use in any zoning district only in conjunction with the following activities:

- A. As a Temporary Use for construction sites as accessory to and in association with an on-going commercial or industrial construction project. Such storage unit shall be removed upon substantial completion of the project.
- B. As a Temporary Use when the occupant of the property on which the portable storage unit is located is relocating. Portable storage unit shall not be located on the property for a period exceeding 7 consecutive days or for a period of 14 total days in any 180 consecutive day period.
- C. As a Temporary Use to facilitate temporary activities not described above for a period not to exceed 7 consecutive days or for a period of 14 total days in any 180 consecutive day period.
- D. As an Accessory Use by a business in an industrial district that has been approved by the township for warehousing and storage of personal or business property. Such Portable Storage Unit shall meet the following criteria:

1. Portable Storage Units used for such purposes shall be located to the side or rear of the principle structure(s) only, and all such units shall be completely screened from view from adjacent streets or properties by the use of a fence, wall, or landscaping.

## **510.07 - Portable Storage Unit Criteria**

Portable storage units shall be subject to the following requirements:

- A. A portable storage unit placed on any Residential property in any district shall not exceed 170 square feet in size (total Floor Area) and 8 feet in height.
- B. Portable storage units used for the purpose of storing tools, materials and equipment on commercial and industrial properties under construction may exceed 170 square feet. Such storage units may only be permitted on property currently under construction and shall be removed immediately upon substantial completion of the construction work. On properties where construction work has halted for a period greater than 4 consecutive weeks all storage units and storage Trailers shall be removed.
- C. Not more than 1 portable storage unit shall be permitted on any property at any time, with the exception of commercial or industrial properties currently under construction, or where approved as an Accessory Use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.
- D. No portable storage unit shall be located in a public Right-Of-Way.
- E. Portable storage units shall be located no closer to an adjacent property than 10 feet, or the required minimum side or Rear Yard Setback for Buildings in the district in which the unit is located, whichever is greater.
- F. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever, except where used for the storage of tools, materials and equipment on commercial or industrial properties under construction, or where approved as an Accessory Use on an industrial property zoned for use as a storage or warehouse facility for personal or business property.
- G. The placement of portable storage units shall be in such manner as not to create a public nuisance.
- H. A portable storage unit is not permitted as a permanent accessory storage Structure regardless of the proposed location on a property.

## **Section 515 – Accessory Uses and Structures**

Accessory Uses and Structures shall meet the standards and requirements of the applicable zoning district and the requirements of this section.

### **515.01 - Accessory Uses and Structures Defined**

As used herein, "Accessory Use or Structure" means either a Use or an object, Building or Structure applied, constructed or installed on, above, or below the surface of a Lot, which is located on the same Lot as a principal Use, Building, or Structure, and which meets the following:

- A. Accessory Buildings or Uses are subordinate to or services the principal Use, Building, or Structure.
- B. Accessory Buildings or Uses are subordinate in area to the principal Use, Building, object, or Structure.
- C. Accessory Buildings or Uses are customarily incidental to the principal Use, Building, object, or Structure.

- D. Accessory Buildings or Use includes anything of a subordinate nature detached from, a principal Structure or Use.
- E. Except as otherwise regulated elsewhere in this Resolution, an Accessory Use shall be a Permitted Use, or an approved Conditional Use within the District.
- F. Detached Garages, sheds, sport courts, tennis courts, basketball courts, batting cages, gazebos or other similar Structures or detached opened aired Structures shall be classified as Accessory Structures and shall be governed by the regulations of this section.
- G. For the purposes of this Resolution decks shall not be considered an Accessory Structure, however, all decks are required to meet the minimum Setback requirements of the Lot on which they are constructed and shall require the issuance of a Zoning Permit prior to construction.
- H. At-grade patios directly abutting a principal Structure shall not be classified as Accessory Structures.
- I. Nothing in this section shall prohibit the construction of agricultural Buildings or agricultural Uses as defined by Section 110.02 of this Resolution and Section 519.21 of the Ohio Revised Code or confer upon the Township any power to regulate the same.

## **515.02 - Accessory Uses and Structures Permitted**

Accessory uses or Structures may be permitted provided that following requirements are met:

- A. No more than 2 Accessory Uses or Structures shall be permitted on Lots larger than 0.5 acres in a Residential zoning district. On Residential Lots smaller than 0.5 acres no more than 1 Accessory Use or Structure shall be permitted.
- B. Accessory uses or Structures shall not be constructed prior to the start of construction of the principal Use or Structure.
- C. A Zoning Permit shall be required prior to the erection, Addition, or Alteration of an Accessory Structure or Use on any Lot.
- D. In any zoning district Accessory Uses or Structures shall be located on the same Lot as the principal Use or Structure and located subject to the development standards of the zoning district in which it is located.
- E. Accessory Structures or Uses shall be located to the rear of the principal Structure and shall be no closer than 10 feet from any part of the principal Structure. Accessory Uses and Structures shall meet all required Side and Rear Yard Setback requirements of the applicable zoning district. Accessory Uses or Structures shall not be located within a recorded Easement.
- F. Unless otherwise prohibited by Lot area coverage requirements, only one (1) storage shed as an Accessory Structure may be permitted on a Lot in any Residential district, provided that the area of said storage shed does not exceed 200 square feet of Floor Area in size. The maximum height of a side wall for any storage shed shall not exceed eight (8) feet and the exterior peak height shall not exceed fourteen (14) feet.
- G. Any Accessory Use or Structure in any zoning district shall have an exterior which is complimentary in materials to the principal Building on the parcel or Lot. No temporary Accessory Structures such as tents, tarps, fabric covered Structures, etc. shall be used for long-term storage or permitted within any district.
- H. No commercial uses shall be conducted within an Accessory Structure unless otherwise approved as a Conditional Use by the Township within the zoning district.

- I. Permanently mounted basketball posts may be considered a permitted Accessory Use in any Residential district provided that such pole is maintained in good repair and meets all of the required Setbacks of the Lot on which it resides. Temporary, or movable, basketball posts may be considered a permitted Accessory Use in any Residential district except that the use of such post shall be prohibited within the public Right-of-Way.
- J. Accessory Structures in excess of 200 square feet of Floor Area in size shall be subject to review and approval by the Zoning Inspector and shall have a permanent frost-free foundation as required by the Mahoning County Building Code.
- K. The maximum size and Height of accessory Buildings or Structures shall be based upon the standards established in the following table. If more than one Accessory Structures or Buildings are constructed, the sum of the size of all Accessory Structures or Buildings cannot exceed the maximum size permitted by the following table:

<b>Lot Size</b>	<b>Maximum Size of Accessory Building(s) in Floor Area.</b>	<b>Maximum Height</b> (measured from the finished grade to the mean slope of the roof)
Less than .50 acre	450 square feet	15 feet
Equal to or greater than .50 acre but less than one (1) acre	650 square feet	15 feet
Equal to or greater than one (1) acre but less than two (2) acres	1000 square feet	Shall not exceed the Height of the principal Structure
Equal to or greater than two (2) acres but less than three (3) acres	1536 square feet	Shall not exceed the Height of the principal Structure
Equal to or greater than three (3) acres but less than four (4) acres	2160 square feet	25 feet
Equal to or greater than four (4) acres but less than five (5) acres	2880 square feet	30 feet
Five (5) or more acres (non-agricultural)	3600 square feet	35 feet

**520 Home Occupations**

The Canfield Township Trustees recognize that Home Occupations are essential to creating a diverse economy, reducing long commuting times, and supporting a sense of community. All permitted Home Occupations shall conform to the requirements of the individual zoning district and the following requirements. Nothing in this section or Zoning Resolution shall prevent or restrict a resident from having a home office or working from home as a "satellite" employee when such home office has no additional employees, has no regular in-home meetings or appointments, requires no signage or identification, and all of the work functions are contained entirely within the primary Residence. Nothing in this section shall define farming or Agriculture as a Home Occupation for the purposes of regulating such activity.

**520.01 - Limited Home Occupation**

A Limited Home Occupation shall be a Permitted Use in all Agricultural and Residential zoning districts and shall be defined as a Home Occupation carried on entirely within the principle Residence in accordance with the following standards:

- A. The Limited Home Occupation shall be clearly incidental and secondary to the use of the Dwelling for Residential occupancy and there shall be no substantial indication of the Non-Residential Use of the premises which is visible or apparent as viewed from off the premises.
- B. No person, other than those residing on the premises, shall own or operate such occupation. Not more than 1 non-resident employee shall be employed at any one time in a Limited Home Occupation.
- C. There shall be no change in the outside appearance of the Building or premises and no Signage shall be approved for the Limited Home Occupation.
- D. No Limited Home Occupation shall be conducted in any Accessory Building or Structure.
- E. The exterior access to the space devoted to the Limited Home Occupation shall not be used exclusively for such Use.
- F. No equipment or process shall be used in such Limited Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the Lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- G. No noise associated with a Limited Home Occupation, including musical instruction, shall be detectable off of the Lot or premises or shall cause a nuisance to adjacent property owners.
- H. No "commercial vehicles", having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a Limited Home Occupation.
- I. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a Residential neighborhood.
- J. There shall be no storage of equipment used in the Limited Home Occupation.

**520.02 - Expanded Home Occupation**

Within any Agricultural District, the Single-Family Residential district, and any Planned Unit Development, an Expanded Home Occupation may be permitted by the Township as a Conditional Use of a Residential Dwelling unit or approved Accessory Structure for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed Dwelling or approved Accessory Structure by the occupants residing therein in accordance with the following standards:

- A. Any persons intending to use a Residential property as an Expanded Home Occupation must first secure a Conditional Use Permit from the township in accordance with Section 320 of this Resolution.
- B. The Expanded Home Occupation shall be clearly incidental and secondary to the use of the Dwelling for Residential occupancy.
- C. No person, other than those residing on the premises, shall own or operate such occupation. Not more than 2 non-resident employees shall be employed on premises at any one time in an Expanded Home Occupation.
- D. The exterior access to the space devoted to the Expanded Home Occupation shall not be used exclusively for such Use.
- E. No equipment or process shall be used on premises in such Expanded Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference that shall create a nuisance to adjacent properties. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- F. Delivery of materials, equipment or supplies to an Expanded Home Occupation shall be limited to commercial vehicles or light Trucks falling under the Federal Highway Administration Vehicle Inventory and Use Survey Class 1, 2,3,4,5,or 6. In no case shall a heavy duty vehicle of Class 7 or 8 requiring a Class B license to operate be used in a delivery to or from an Expanded Home Occupation. Not more than 2 deliveries of materials, equipment or supplies shall be received per day in conjunction with an Expanded Home Occupation, and such deliveries shall be limited to normal business hours.
- G. If permitted, an Expanded Home Occupation engaged in the repair or refurbishment of motor vehicles may operate in an approved Accessory Structure with the following requirements:
  1. The approved Accessory Structure shall not be constructed on the Lot in front of the principle Residential Structure.
  2. In no case shall "junk" or "parts" vehicles or vehicles without a current vehicle registration, be stored outdoors anywhere on the Lot or premises.
  3. The storing or stacking of customer vehicles outside of the approved Accessory Structure shall not be permitted.
- H. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a Residential neighborhood.
- I. Storage of materials and equipment in an Expanded Home Occupation shall be completely enclosed in the primary Residence or a permitted Accessory Structure.

## Section 525 - Swimming Pools

Swimming pools are herein defined for the purposes of this Resolution, as a Structure containing a volume of water which is specifically contained in its enclosure for the purpose of swimming, bathing and/or recreation and which is located outside of any Building. Farm ponds and pools, ponds, or lakes developed in urban areas as landscape design features, where swimming is not intended and does not occur shall be excluded from the regulations that follow:

**525.01 – Private Swimming Pools** - Private Swimming Pools are those pools intended and solely used for the enjoyment of the occupants or the guests of the principal user of the property on which it is located. All private Swimming Pools shall comply with the following conditions and requirements:

- A. It may not be located, including any walks or paved areas or Accessory Structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located.
- B. The swimming pool shall be so walled or Fenced to enclose at minimum, the pool and the areas used by bathers, a minimum of six (6) feet from the pool edge. Alternatively, the entire property on which it is located may be Fenced so as to prevent uncontrolled access from the street and from adjacent properties. Said wall or Fence shall not be more than six (6) feet nor less than four (4) feet six (6) inches in height and be maintained in good condition, with a gate and a lock.

**525.02 - Community or club Swimming Pools** - Community or club Swimming Pools shall be any pool constructed by an association of property owners, by a public agency, or by a private club for Use and enjoyment by members of the association, citizens of the community or members of a club and their families or guests. Community, public or club Swimming Pools may be permitted conditionally in all districts, but they shall comply with the following conditions and requirements:

- A. The pool is intended solely for the enjoyment of the members, citizens, or families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. Such pool shall be constructed and Fenced or enclosed in accordance with the requirements of this Resolution, the Mahoning County Codes and Requirements, the Ohio Building Code, and all other applicable Codes or requirements. Such wall or Fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock.
- C. The pool and Accessory Structure thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.

**525.03 – Zoning Permit** - A Zoning Permit is required to be obtained prior to the start of construction of any private, community, or club swimming pool by the Landowner or his legal representative, of the property on which the pool is to be located. A separate permit may be required by Mahoning County. The application for the permit required by this paragraph shall evidence upon its face that the pool and its Accessory Structures will be constructed according to the requirements of Section 525.01 or 525.02.

**525.04 – Use Permit**- Upon completion of construction of the pool, an application shall be submitted to the Zoning Inspector for a permit to use said pool. The Zoning Inspector, after inspection of the construction and finding that the construction meets the requirements set forth herein, shall issue the permit to use said pool.

**525.05** - The permit fee to construct or place said pool and its Accessory Structures shall be in accordance with the schedule of fees as established by the Canfield Township Trustees.



**525.06** - Anyone who fails to obtain a permit for the construction of, or a permit for the use of, a pool shall be subject to the fines and penalties outlined in Section 365.

## **Section 530 - Fire Code**

The Cardinal Joint Fire District (CJFD) has adopted the International Fire Code (IFC), a standard code pertaining to fire, fire hazards, and fire prevention as a governing document. As such, prior to presentation at the Zoning Office, all plans for multiple Structure developments in Residential (R1, R2), Business (B), Industrial (I), Special (SP) and (PUD) districts must be reviewed by the Chief, CJFD for compliance with the IFC. The Chief, CJFD and his assigns have the authority under IFC to interpret the code with due consideration of the geography, topography, and other physical restrictions of the particular property being developed. Absent CJFD approval, no permit will be issued.

## **Section 535 – Public Nuisance Regulations**

No land or Building in any district shall be Used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises, provided that any Use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards and requirements:

### **535.01 – Trash, Debris, Litter, and Junk**

No trash, debris, litter, rubbish, scrap, unused personal property, discarded materials, Junk Vehicles, vehicle parts, rags, lumber, Building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any Lot or portion thereof. Piles of any type of fill, topsoil, gravel, and mulch shall not be permitted to remain on any Lot for a period greater than 21 days, with the exception of active construction sites under permit from the Township or County.

### **535.02 - Fire Hazards**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such materials. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

### **535.03 - Radioactivity or Electrical Disturbances**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

### **535.04 - Noise**

Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness. Noises may be equal but shall not exceed the average street noise adjacent to the nearest Residential district, but in no event shall any noise exceed seventy five (75) decibels as measured at the boundary or boundaries of the district, or at any point within an adjacent "R" District.

## **535.05 - Vibration**

No vibration shall be permitted which is discernible without instrument on any adjoining Lot or property.

## **535.06 - Smoke**

Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart. Smoke of a density of No. 2 on the Ringelmann Chart shall be permitted for a period of up to eight (8) minutes in each hour.

## **535.07 - Odors**

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining Lot or property.

## **535.08 - Air Pollution**

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

## **535.09 - Glare**

No direct or reflected glare shall be permitted which is visible from any property outside an "I" District or from any Public Street, Road or highway.

## **535.10 - Erosion**

No erosion by either wind or water shall be permitted which will carry any objectionable substances onto neighboring properties for existing properties or properties under construction. All proposed properties shall comply with the following:

- A. **Site Erosion and Sediment Control for all Districts.** The purpose of this of this Section is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety. This is intended to allow development, while minimizing downstream flooding, erosion and sedimentation along with reducing impacts to water quality resources and wetlands that may be cause by new development or redevelopment activities. All construction sites within Canfield Township will be subject to the Mahoning County Erosion and Sediment Control SWPPP Review Procedure and Enforcement Escalation Plan prepared by the Mahoning County Engineer's office and the Soil and Water Conservation District.
  1. Sedimentation Plan - A sedimentation plan which has been reviewed by the Mahoning County Soil and Water Conservation District, shall be provided to the Zoning Inspector in all cases where there is to be earth disturbance for subdivisions requiring Mahoning County Planning Commission approval.
  2. For any project requiring a Storm Water Pollution Protection Plan (SWPPP), a copy of the approved SWPPP should be submitted to the Zoning Inspector.

## **535.11 – Site Drainage Retention / Detention areas for all districts.**

On-site surface drainage retention / detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor and / or property owner must request a final on-site inspection by the Zoning Inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations, and post-construction best management practices (BMPs). The developer, contractor, and / or property owner will be required to submit to the Township a certified set of as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance, which will be forward to the Mahoning County Engineer's Office for review.

- A. **Storm Drainage Calculations.** Storm drainage calculations, as required by Canfield Township Zoning, for plats and subdivisions shall be prepared by a Registered Professional Engineer, and must be submitted for review in accordance with the Mahoning County Engineer's Drainage criteria.

## **535.12 - Water Pollution**

Pollution of water shall be subject to the requirements and regulations established by the State of Ohio Environmental Protection Agency.

## **535.13 Enforcement Provisions**

- A. The Zoning Inspector or the Board, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing, equipment operations, and construction are to be eliminated or reduced to acceptable limits and tolerances. Such statements shall be provided by an architect or engineer licensed by the State of Ohio.
- B. Methods and procedures for the determination of the existence of any dangerous and/or elements shall conform to applicable standard measurement procedures established by all applicable agencies having jurisdiction over such matters.

## **Section 540 - Strip Mining**

Strip Mining for topsoil and minerals, coal, sand, gravel, clay, limestone or sandstone deposits shall only be permitted under the following provisions:

**540.01** - The operator shall file with the Canfield Township Fiscal Officer a bond on a form to be described and furnished by the Clerk, payable to Canfield Township and conditioned for the faithful performance of all the requirements contained in the following.

- A. The bond shall be in the amount of five hundred dollars (\$500.00) per acre based upon the number of acres of such deposits which the operator estimates will be mined by strip mining during one (1) year thereafter, provided that no bond shall be for less than five thousand dollars (\$5,000.00). Liability under such bond shall be for the duration of strip mining at each operation, and for a period of five (5) years thereafter. Such bond shall be signed by the operator as principal and by a surety company, authorized to transact business in the State of Ohio, as surety.
- B. Upon receipt of a completion or yearly report, the Canfield Township Fiscal Officer shall charge the area of land affected by strip mining against the bond filed by the operator at the rate of five hundred dollars (\$500.00) per acre. Should the area of land actually affected by strip mining within the year exceed the estimate made at the time of registration, the operator shall, within thirty (30) days thereafter, file an additional sufficient bond similarly determined.

If the area of land actually affected by strip mining during the year is less than the estimate, the Canfield Township Fiscal Officer shall issue a release of the surplus of the bond upon which liability has not been charged as aforesaid. Within one (1) year of completion of the requirements herein give, the premises shall be inspected by the Zoning Inspector, and if he finds that the area has been treated in the prescribed manner, he may certify such performance of the regulations to the Canfield Township Fiscal Officer, who in turn shall issue a release of the bond in proportion to the area so inspected.

- C. If the operator fails or refuses to comply with the requirements of this section, in any respect for which liability has been charged on the bond, the Canfield Township Fiscal Officer shall proceed to sue and collect the amount of liability forfeited thereon for the purpose of restoring the land so excavated.

**540.02** - No excavation shall occur within one hundred fifty (150) feet of a Public Road or highway boundary line.

**540.03** - All land excavated for such deposits must be restored to a grade having not more than fifteen (15) percent slope and must be adequately drained.

**540.04** - All areas affected by strip mining shall be reclaimed at the discretion of the Canfield Township Zoning Inspector, in accord with Section 1513.16 of the Revised Code of Ohio.

**540.05** - No excavation shall occur any closer to a property line of an adjoining property than the depth in feet of the final cut or excavation adjoining such property line.

**540.06** - The area in all cases shall be cleared of Buildings, machinery and appurtenant equipment used in the operation. This includes the removal of unused tipples and the filling in of scale pits.

## Section 545 - Oil and Gas Wells

The Canfield Township Zoning Resolution recognizes the Ohio Department of Natural Resources (ODNR); Division of Oil and Gas (DO&G); and the Ohio Revised Code (ORC) as providing primary jurisdiction on the sitting, drilling, maintenance, Abandonment, and administration of gas and oil wells in the State of Ohio. Accordingly, the Canfield Township Zoning Resolution directs that the following additional measures shall be taken:

### **545.01 – Enclosure**

Prior to the initiation of production, all permanent production and storage facilities shall be entirely enclosed by a solid wood and/or masonry enclosure and/or a chain link Fence not less than six (6) feet in height. All gates shall be padlocked when unattended. Complete sets of keys shall be maintained by the well owner and the well operator. Additionally, a set will be provided to the Cardinal Joint Fire District.

### **545.02 - Access Drives**

- A. The minimum width of all access drives to any well or permanent production storage facility shall be ten (10) feet.
- B. Such access drives shall be properly graded and constructed with a gravel base and shall be maintained so as to be dust free and passable in all seasons and weather conditions.

### **545.03 - Cleanup**

Any mud, debris or trash tracked or deposited on public roads or property shall be removed by the well owner or operator immediately.

## 545.04 - Applicability

The provisions of Sections 545.01 and 545.02 are intended as applicable to those wells for which drilling operations begin on or after the effective date of adoption into the Canfield Township Zoning Resolution. Wells in operation prior to the effective date of this revision are exempt from the requirements of Sections 545.01 and 545.02.

## 550 - Telecommunications Towers

As provided for in Section 519.211 of the Ohio Revised Code, Public Utilities or other functionally equivalent providers may site a telecommunications tower in conformance with the requirements of this section.

### 550.01 - Towers Proposed Within Commercial, Industrial, or Exclusively Agricultural Areas

Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted Use in any zoning district except those expressly zoned for Residential Use or any Residential component of an approved Planned Development.

- A. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or Alteration that would not substantially increase the tower's height.
- B. The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in Residential districts unless and until a written notice of objection has been timely filed.

### 550.02 - Towers Proposed Within Areas Zoned for Residential Use

Telecommunications towers may be regulated in areas zoned for Residential Use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Resolution.

- A. **Notice** - Notice shall comply with ORC 519.211(B)(3).
- B. **Procedure if Objections are Filed** - Upon the timely receipt by the Canfield Township Board of Trustees of an objection to a proposed telecommunications tower, the Board of Township Trustees shall proceed as provided in ORC 519.211(B)(4)(a).
- C. **Procedure if No Objections are Filed** - Telecommunications towers shall be permitted as a Use exempt from any local zoning authority in Residential zoned areas if no objections are timely filed as provided in Section ORC 519.211(B)(4)(b).

### 550.03 - Local Zoning Authority

If objections are timely filed for a proposed telecommunications tower in a Residential zoning district then the telecommunications tower may only be permitted as a Conditional Use by the Board of Zoning Appeals, provided all of the following conditions of this section are met:

- A. **Conditional Use Application** – Consistent with the procedures set forth in Section 320 of this Resolution, an application for Conditional Uses shall be filed with the Board of Zoning Appeals. The application shall include:

1. A locator map which shall contain the following:
    - a) The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
    - b) The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
    - c) For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
      - (i) The type and size of tower at each location;
      - (ii) The type of equipment located or proposed on each tower;
      - (iii) The space available on the tower for additional equipment; and
      - (iv) A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
  2. A scaled and dimensioned site plan for the facility that is being proposed, containing the following:
    - a) the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
    - b) the location of existing and proposed Buildings and Structures, access drives, circulation and parking areas;
    - c) detailed drawings of the landscape screening plan and related design standards;
    - d) on-site land uses, Structures and zoning district, and adjacent land uses, Structures and zoning districts;
    - e) Setbacks from property lines and Dwellings within 600 feet of the proposed tower;
    - f) legal description of the Lot on which the tower is to be sited; and
    - g) any other information necessary to assess compliance with this section.
  3. A written certification from a Professional Engineer stipulating:
    - a) that the tower's design is structurally sound and in compliance with all applicable federal, state and local Building codes;
    - b) that the equipment placed on the tower and at the site complies with all current FCC regulations.
    - c) That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future Use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.
- B. Conditional Use Procedure by Board of Zoning appeals on Receipt of Application**  
Consistent with the procedures set forth in Sections 320.02 and 320.04 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the Conditional Use requested in the application filed pursuant to Section 550.03 of this Resolution.

**C. General Requirements for all Telecommunications Towers in Residential Zones**

1. The applicant or tower provider shall demonstrate that the proposed tower location in a Residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial, or exclusively agricultural areas. If another tower or tall Structure is technically suitable, the applicant shall show that a reasonable request to co-locate was made and that such request was rejected. "Tall Structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support Structures or other telecommunications towers, utility Buildings and Structures over 48 feet in height.
2. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.

**D. Development Standards for all Telecommunications Towers in Residential Districts**

1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the Lots within such subdivision or area are developed with at least one (1) Dwelling unit.
2. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider in a Residential area shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers in a Residential area shall be as follows:
  - a) Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;
  - b) Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
  - c) Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet. The additional height shall be approved concurrent with the need to co-locate additional telecommunications antennae.
3. Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
4. The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing Residential Dwelling unit located on a Lot contiguous to or directly across the street from the Lot on which the tower is proposed to be constructed.
5. A tower base shall be located no closer to any Lot line than the distance equal to the height plus 25% of the proposed tower. Any stabilization Structures or guys shall be located no closer to any Lot line than 50 feet.
6. The tower base shall be located no closer to a street Right-Of-Way than permitted in the underlying zoning district.

7. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to the Township.
  8. Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high Fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the Fence or barrier. Any solid Fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three square feet in size. The storage of any equipment shall be contained inside the screened area.
  9. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan.
  10. No advertising is permitted anywhere on the tower.
  11. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
  12. The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
  13. A telecommunications antenna may be attached to a Non-Residential Building or Structure that is permitted in the district, provided that the tower's height does not exceed twenty (20) feet above the existing Building or Structure to which the tower is attached.
  14. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the Fenced area of the site, and be in compliance with the accessory Building regulations of the district in which it is to be located.
  15. A letter of credit shall be posted in favor of the Township to assure that the project will be completed.
  16. The applicant shall complete the telecommunications tower or Structure within one year of construction commencement.
- E. **Towers on Township Property** - With the prior consent of the Canfield Township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township-owned property not zoned for Residential Use pursuant to Section 550.01. Additionally, with the prior consent of the Canfield Township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township-owned property zoned for Residential Use, but only after obtaining a Conditional Use permit pursuant to Sections 550.03 and all requirements of Section 550.03 have been fully met.



- F. **Co-location on an Existing Tower or Concealed Inside an Existing Structure** - If a telecommunications carrier desires to co-locate a telecommunications antenna on an existing telecommunications tower or concealed inside an existing Structure in an area zoned Residential and such a co-location will result in a substantial change in the Height of the tower, a Zoning Permit may be obtained provided that the requirements found in the following provisions are met: 550.03. A substantial change in height shall mean the addition of more than 40 feet to the existing tower or Structure.

**Section 555 - Windmills and Anemometer**

The purpose of this section is to establish general guidelines for the location of Wind Turbine Generator (“WTG”) and anemometer towers under 5 Megawatts. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of WTG in certain areas of the Township. The Township also recognizes the need to protect its scenic beauty from unnecessary and unreasonable visual interference, noise radiation, and any negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring Uses that could or may be created by the WTG. As such, this section seeks to:

- 1. Protect Residential and agricultural areas from potential adverse impact of WTG;
- 2. Permit WTG in selected areas, subject to the terms, conditions and provision hereof;
- 3. Ensure the public health, welfare and safety of the Township’s residents in connection with WTG; and
- 4. Avoid potential damage to real and personal property from the WTG or anemometer towers or the failure of such Structures and related operations.

**555.01** - Any proposed construction or erection of a WTG or anemometer shall be permitted only by issuance of a Conditional Use Permit Section 320, or as amended hereafter.

**555.02** - In addition to the requirements set forth in Section 320 of the Zoning Resolution, every application for a Conditional Use Permit for a WTG or anemometer tower shall include the following information:

- A. Site Plan - A site plan shall be submitted for review. The following items shall be the minimum requirements for a complete application. The site plan shall include the following:
  - 1. Property lines and physical dimensions of the applicant’s property.
  - 2. Location, dimensions and types of existing Structures on the property.
  - 3. Location of the proposed wind energy system, foundations, guy wires and associated equipment.
  - 4. Fall zone depicted as a radius around the center of the tower for a tower mounted wind energy system.
  - 5. The Right-Of-Way or future Right-Of-Way according to the Mahoning County Thoroughfare Plan of any public road that is contiguous with the property.
  - 6. Two (2) foot contours of the applicant’s property and properties contiguous to the subject property.
  - 7. All overhead utility lines.
  - 8. The site plan shall be prepared and stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.

- B. Wind energy system specifications, including manufacturer, model, rotor diameter in addition to tower height and tower type, if tower mounted, for small wind energy systems.
- C. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.
- D. Tower foundation blueprints or drawings for tower mounted wind energy systems.
- E. Tower blueprints or drawings for tower mounted wind energy systems.
- F. Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.
- G. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer)
- H. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- I. Evidence of compliance with all development standards as outlined in Section 555.03 of this Resolution.
- J. A separate application for Conditional Use Permit shall be submitted for each proposed WTG and Accessory Structures.
- K. Each application for a Conditional Use Permit shall be accompanied by a report from a professional engineer documenting that the proposed wind turbine system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, that it has appropriate over speed controls.
- L. An emergency response plan with a copy submitted to the Cardinal Joint Fire District.

**555.03** - WTG and anemometer towers shall comply with all of the following standards as a requirement for a Conditional Use Permit to be issued:

- A. Minimum Area. The minimum area for a WTG or an anemometer tower erected prior to a WTG shall be three acres.
- B. Maximum Height The maximum WTG or anemometer tower height from the base to the tip of the blade at its highest point shall not exceed 150 feet.
- C. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a WTG shall be no less than 80 feet measured from the highest point of the terrain within one blade radius from the base of the tower.
- D. Fall Zone. In order to provide for a safe clear fall zone in the event of structural failure, there shall be a minimum distance of at least 1.2 times the height of the tower and blade from any property line, electrical transmission line, gas well, public or private road, or Structure. In addition, the fall zone shall be fully encompassed within the owner's property.
- E. Maximum Noise Levels. The audible noise radiation due to wind turbine operations shall not be created which causes the noise level at the property line of the proposed project site to exceed (30) dB(a) for more than five (5) minutes out of any one (1) hour time period or to exceed 34 dB(A) for more than five (5) minutes out of any one (1) hour time period or to exceed 35 dB(a) for any time period; provided, however, if the Natural Ambient Noise Level. Without the WTG is greater 30dB(a), the audible noise radiation shall not exceed 5 dB(a) above the Natural Ambient Noise Level. A WTG shall not be operated so that impulsive sound below 20 Hz adversely affects the habitability or Use of any Dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.

- F. Maximum Vibrations. Any proposed WTG shall not produce humanly perceptible vibrations beyond the property line on which it is located
- G. Transmission Lines. All electrical transmission lines connecting any WTG to the public utility electricity distribution system shall be located underground.
- H. Access. Access to the WTG or anemometer tower shall be no less than 20 feet above the ground.
- I. Aesthetics and Lighting.
  - 1. Each WTG or anemometer tower shall be maintained and there shall be no visible sign of corrosion or oxidation.
  - 2. Each WTG or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority.
  - 3. Each WTG or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guide wires.
  - 4. The WTG shall be designed to counter the effects of "shadow flicker" on any neighboring Residences or roadways caused by the rotor rotation in the sunlight.
- J. Sign. A sign no more than two (2) square feet in area displaying an address and telephone number for emergency calls and information inquires shall be posted at the base on the proposed WTG. No WTG or anemometer or site shall include any sign.
- K. Maintenance. The owner or operator of the WTG shall furnish an operation and maintenance report to the Township on an annual basis by the WTG professional.

**555.04 - Removal of Abandoned WTGs or Anemometer Towers.** The following requirements shall apply when the small wind project is to be removed or Abandoned:

- A. At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail of the proposed date of discontinuation of operations.
- B. Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:
  - 1. Removal of the wind energy system.
  - 2. Removal of any tower and other related above ground Structure.
  - 3. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
- C. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous 2 year period. After 2 years of inoperability, the Zoning Inspector may issue a Notice of Decommission to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within 30 days from the date of receipt. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.

- D. If the owner fails to respond to the Notice of Decommission or if after review by the Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above-ground Structures at the owner's sole expense within 90 days of receipt of the Notice of Decommission.

#### 555.05 - DEFINITIONS

- A. **ANEMOMETER** - An instrument for measuring and recording the speed of the wind.
- B. **ANEMOMETER TOWER** - A Structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operations of a WTG.
- C. **APPLICANT** - The entity or person who submits to the Chairperson of the Township Board of Zoning Appeals an application for Conditional Use for a WTG or anemometer tower.
- D. **NATURAL AMBIENT NOISE LEVEL** - The normal and predominant noise level absent any industrial or commercial noise radiation, excluding any noise resulting from any Agricultural operations.
- E. **PROFESSIONAL ENGINEER** - A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- F. **SHADOW FLICKER** - A moving shadow cast by the blades of a WTG onto nearby Residences or roadways. Normally not a problem in the U. S. because at U.S. latitudes, sun's angle not very low in the sky.
- G. **WIND TURBINE GENERATOR (WTG)** – A tower, pylon, or other Structure, including all accessory facilities, upon which any, all or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
  3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- H. **WTG TOWER HEIGHT**
1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WTG, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceed the height of the WTG.
  2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WTG.

### Section 560 - Landscaping and Screening

For Non-Residential uses within or abutting "A" or "R" Districts, where Residences exist or are intended to be permitted, acceptable landscaping or screening approved by the Zoning Inspector shall be provided. Such screening shall be a masonry wall or solid Fence between four (4) feet and six (6) feet in height maintained in good condition and free of all advertising or other Signs. Landscaping provided in lieu of such wall or Fence shall consist of a strip of land not less than fifteen (15) feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

**Section 565 - Permanence of Yards and Other Open Spaces**

No space applied or necessary under this Resolution to satisfy the Yard requirements in relation to any Building, whether now or subsequently built, shall be counted as part of a Yard or required open space in relation to any other Building.

**Section 570 - Fences, Walls, Hedges, Plantings**

Property Fences may be placed at the property line with mutual written consent of adjacent property owners; otherwise the Fence shall be offset from the line by at least one (1) foot. In Residential districts, no Fence, wall or hedge shall be permitted in excess of six (6) feet in height and any Fence, wall or hedge between the front property line and the front of the main Building shall not exceed three (3) feet in height. A Fence may be placed as specified above, with all outstanding posts facing the owner of the Fence. No planting or Fence shall be placed in such a manner as to obstruct the view of motorists or pedestrians. On a corner Lot in any Residential district, no Fence, wall or hedge in excess of three (3) feet in height shall be permitted within fifty (50) feet from the intersection of the two (2) streets. No Fence, wall or hedge shall be permitted between the front Building line and the street in any business or industrial district except as provided for in Section 560 where Non-Residential uses abut "A" and/or "R" Districts.

**Section 575 - Riparian Setbacks**

It is hereby determined that the system of rivers, streams, and other natural watercourses within Canfield Township contributes to the health, safety, and general welfare of the residents of Canfield Township. The specific purpose and intent of this regulation is to regulate uses and developments within riparian Setbacks that would impair the ability of riparian areas to:

- A. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
- B. Assist stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.
- C. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
- D. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
- E. Provide watercourse habitats with shade and food.
- F. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
- G. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- H. Benefit Canfield Township by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect Structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and environment of Canfield Township, and thereby preserving the character of Canfield Township, the quality of life of the residents of Canfield Township, and corresponding property values.

The following regulation has been enacted to protect and enhance these functions of riparian areas by providing reasonable controls governing Structures and uses within a riparian Setback along designated watercourses in Canfield Township.

## 575.01 - Applicability, Compliance & Violations

- A. This regulation shall apply to all zoning districts.
- B. This regulation shall apply to all Structures and uses on lands containing a designated watercourse as defined in this regulation, except as provided herein.
- C. No approvals or permits shall be issued by Canfield Township without full compliance with the terms of this regulation.

## 575.02 – Conflicts with Other Regulations & Severability

- A. Where this regulation imposes a greater restriction upon land than is imposed or required by any other provision of this regulation, contract, or deed, the provisions of this regulation shall control.
- B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available there under, except as provided in Section 575.02(A), supra.
- C. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

## 575.03 - Definitions

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

- A. **CAPTURED OR CHANNELIZED STREAMS:** Stream that are considered captured or channelized are those that are constructed in waters of the U.S. or connect two waters of the U.S., and they possess a defined ordinary high water mark (OHW), and they possess a defined channel and evidence of stream flow.
- B. **COMMUNITY:** Throughout this regulation, this shall refer to Canfield Township or its designated representatives, boards, or commissions.
- C. **DAMAGED OR DISEASED TREES:** Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a Structure.
- D. **DESIGNATED WATERCOURSE:** A watercourse within Canfield Township that is in conformity with the criteria set forth in this regulation.
- E. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.
- F. **IMPERVIOUS COVER:** Any paved, hardened, or structural surface regardless of its composition including but not limited to Buildings, roads, Driveways, parking Lots, loading/unloading areas, decks, patios, and Swimming Pools.
- G. **NATURAL STREAM CHANNEL DESIGN:** Practices undertaken to stabilize stream systems by restoring natural function and morphology. Natural channel design stream restoration and/or stream bank stabilization projects should comply with principles laid out in the following publications:
  - 1. Stream Corridor Restoration: Principles, Processes, and Practices, the Federal Interagency Stream Restoration Working Group, October 1998.
  - 2. Applied River Morphology, Second Edition, Dr. Dave Rosgen, October 2002.

3. NRCS Field Office Technical Guide, Natural Resource Conservation Service
- H. **NOXIOUS WEED**: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.
- I. **100-YEAR FLOODPLAIN**: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- J. **OHIO ENVIRONMENTAL PROTECTION AGENCY**: Referred throughout this regulation as the "Ohio EPA."
- K. **ORDINARY HIGH WATER MARK**: The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.
- L. **RIPARIAN AREA**: Naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- M. **RIPARIAN SETBACK**: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.
- N. **SOIL AND WATER CONSERVATION DISTRICT**: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as *Mahoning County SWCD*.
- O. **SOIL DISTURBING ACTIVITY**: Clearing, grading, excavating, filling, or other Alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- P. **SUBSTANTIAL DAMAGE**: Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to it's before damaged condition would be equal to, or would exceed, 50% of the market value of the Structure before the damage occurred.
- Q. **WATERCOURSE**: Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
- R. **WETLAND**: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).

#### 575.04 – Establishment of Designated Watercourses and Riparian Setbacks

- A. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:
1. All watercourses draining an area greater than ½ square mile, OR
  2. All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, Canfield Township may consult with a representative of the Mahoning County SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant, OR

3. All previously natural watercourses that are channelized, enclosed by pipe, or captured.
- B. Riparian Setbacks on designated watercourses are established as follows:
1. A minimum of 120 feet on either side of all watercourses draining an area greater than 20 square miles and up to 300 square miles.
  2. A minimum of 75 feet on either side of all watercourses draining an area greater than ½ square mile and up to 20 square miles.
  3. A minimum of 25 feet on either side of all watercourses draining an area less than ½ square mile and having a defined bed and bank as determined by Canfield Township in Section C of this regulation.
- C. Riparian Setback Map. The Riparian Setback Map shall be the current map as prepared by the Mahoning County Engineer's Office identifying designated watercourses and their riparian Setbacks. Said map, and all subsequent revisions, shall be attached hereto and made part of this regulation. The following shall apply to the Riparian Setback Map:
1. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
  2. It shall be a guide only.
  3. Nothing herein shall prevent the Canfield Township from making Additions, amendments, revisions, or deletions from the Riparian Setback Map from time to time as may be necessary.
  4. If any discrepancy is found between the Riparian Setback Map and this regulation, the criteria set forth in Section E (1) and (2) shall prevail.
- D. The following conditions shall apply in riparian Setbacks:
1. Riparian Setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.
  2. Riparian Setbacks shall be measured in a horizontal direction outward from the outside diameter of the outermost pipe.
  3. Riparian Setback shall be measured in a horizontal direction outward from the center of the captured stream.
  4. Except as otherwise provided in this regulation, riparian Setbacks shall be preserved in their natural state.
  5. Where the 100-year floodplain is wider than a minimum riparian Setback on either or both sides of a designated watercourse, the minimum riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, Canfield Township may require site specific floodplain delineation in conformance with standard engineering practices and approved by Mahoning County Engineer's Office. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
  6. Where a wetland is identified within a minimum riparian Setback, the minimum riparian Setback width shall be extended to the outermost boundary of the wetland. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the Landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by Canfield Township to the applicant.



## 575.05 – Applications and Site Plans

The applicant shall be responsible for delineating riparian Setbacks as required by this regulation and shall identify such Setbacks on a site plan included with all subdivision plans, land development plans, and/or zoning permit applications submitted to Canfield Township.

- A. The site plan shall be prepared by a professional engineer, as determined by Canfield Township and shall be based on a survey of the affected land. Six (6) copies of the site plan shall be submitted.
  - 1. The site plans shall include the following information:
  - 2. The boundaries of the Lot with dimensions.
  - 3. The locations of all designated watercourses.
  - 4. The limits, with dimensions, of the riparian Setbacks.
  - 5. The existing topography at intervals of two (2) feet.
  - 6. The location and dimensions of any proposed Structures or uses, including proposed soil disturbance, in relationship to all designated watercourses.
  - 7. North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
  - 8. Other such information as may be necessary for Canfield Township to ensure compliance with this regulation.
- B. Canfield Township may, in reviewing the site plan, consult with the Mahoning County SWCD or other such experts. Any costs associated with this review may be assessed to the applicant. The site plan shall not take the place of soil erosion and Sedimentation Control Plan and/or a storm water pollution prevention plan.
- C. If soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian Setback as specified in this regulation, the riparian Setback shall be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.
- D. No approvals or permits shall be issued by Canfield Township prior to identification of riparian Setbacks on the affected land in conformance with this regulation.

## 575.06 – Permitted Structures and Uses Without Zoning Permit

The following Structures and Uses are permitted in the riparian Setback without a Zoning Permit. No Structures or Uses permitted under this regulation shall allow trespass on, or public access to, privately held lands.

- A. Recreational Activity. Hiking, fishing, hunting, picnicking, and similar passive recreational Uses, as permitted by federal, state, and local laws.
- B. Re-vegetation and/or Reforestation. Riparian Setbacks may be re-vegetated and/or reforested with native, noninvasive plant species.
- C. Water Supply Wells. Water supply wells for the purpose of serving permitted Structures or Uses on Lots of record shall be allowed.

## 575.07 – Permitted Structures and Uses With Zoning Permit

The following Structures and Uses may be permitted in a riparian Setback, subject to the approval of an application for a Zoning Permit by the Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this Zoning Resolution. When granting Zoning Permits for the following Uses, the Zoning Inspector may, for good cause, attach such conditions as it deems appropriate. Permits issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

- A. Crossings: Crossings of designated watercourses through riparian Setbacks with roads, Driveways, Easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian Setbacks and mitigate any necessary disturbances. Such crossings shall be designed by a professional engineer and only be undertaken upon approval of a Crossing Plan by the Canfield Zoning Inspector. Any costs associated with review of Crossing Plans may be assessed to the applicant. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to Canfield Township. Proof of compliance shall be the following:
1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
  2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
  3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
- B. Stream bank Stabilization Projects – Stream bank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles. Such stream bank stabilization measures shall only be undertaken upon approval of a Stream bank Stabilization Plan by the Zoning Inspector. Any costs associated with review of Stream bank Stabilization Plans may be assessed to the applicant. If stream bank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Canfield Township. Proof of compliance shall be the following:
1. A site plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit 13, or
  2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or,
  3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

## 575.08 – Use Prohibited In Riparian Setbacks

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

- A. Construction. There shall be no Building or Structures of any kind.

- B. Dredging or Dumping. There shall be no filling, dredging, or dumping of soil, spoils, liquid, or solid materials.
- C. Fences and Walls: There shall be no Fences or walls, except as permitted under this regulation
- D. Road or Driveways: There shall be no roads or Driveways, except as permitted under this regulation.
- E. Motorized Vehicles. There shall be no use, parking, or storage of motorized vehicles, except as permitted under this regulation.
- F. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within riparian Setbacks except for the following:
  - 1. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
  - 2. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.
  - 3. Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.
- G. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking Lots, or loading/unloading spaces.
- H. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian Setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system in accordance with local health district regulations.
- I. Storm Water Retention and Detention Facilities: Riparian Setbacks shall not be used for storm water retention and detention facilities

## **575.09 – Non-Conforming Structures or Uses in Riparian Setbacks**

Non-Conforming Structures and Uses will be governed by Sections 340, 345, and 350 of this Resolution.

## **575.10 – Variances Within Riparian Setbacks**

- A. The Board of Zoning Appeals may grant a Variance to this regulation as provided herein. In granting a Variance, the following conditions shall apply:
  - 1. In determining whether there is unnecessary hardship with respect to the Use of a property or practical difficulty with respect to maintaining the Riparian Setback as established in this regulation, such as to justify the granting of a Variance, the Board of Zoning Appeals shall consider the potential harm or reduction in riparian functions that may be caused by a proposed Structure or Use.
  - 2. The Board of Zoning Appeals may not authorize any Structure or Use in a zoning district other than those authorized in the Zoning Code.
- B. In making a determination under Section 322 of this regulation~ the Board of Zoning Appeals may consider the following:
  - 1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain.
  - 2. The extent to which the requested Variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian Setback. This determination shall be based on sufficient technical and scientific data.

3. The degree of hardship, with respect to the Use of a property or the degree of practical difficulty with respect to maintaining the riparian Setback as established in this regulation, placed on the Landowner by this regulation and the availability of alternatives to the proposed Structure or Use.
  4. Soil-disturbing activities permitted in the riparian Setback through Variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.
  5. The presence of significant impervious cover or smooth vegetation such as maintained lawns, in the riparian Setback compromises its benefits to Canfield Township. Variances should not be granted for asphalt or concrete paving in the riparian Setback. Variances may be granted for gravel Driveways when necessary.
  6. Whether a property, otherwise buildable under the ordinances of Canfield Township, will be made unbuildable because of this regulation.
- C. In order to maintain the riparian Setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variations to other area or Setback requirements imposed on a property by the Zoning Code.
  - D. In granting a Variance under this regulation, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation.

## **575.11 – Procedures for Variances & Appeals**

Any applicant seeking a Variance to the conditions imposed under this regulation or an appeal to an administrative decision made under this regulation, follow procedures as set forth in Article 3-Administration, Section 322.

## **575.12 – Inspection of Riparian Setbacks**

- A. The identification of riparian Setbacks shall be inspected by Canfield Township.
- B. Prior to soil disturbing activities authorized under this regulation, the applicant shall provide Canfield Township with at least fifteen (15) working days written notice prior to starting such soil disturbing activities.
- C. Any time evidence is brought to the attention of Canfield Township that Uses or Structures are occurring that may reasonably be expected to violate the provisions of this regulation.

## **575.13 – Penalty**

- A. Any person who shall violate any section of this regulation shall be guilty of a minor misdemeanor and upon conviction thereof, shall be subject to punishment as provided in Section 519.99 of the Ohio Revised Code and shall be required to restore the riparian Setback through a restoration plan approved by the Board of Zoning Appeals.
- B. The imposition of any other penalties provided herein shall not preclude Canfield Township from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Canfield Township Zoning Inspector.

## Section 580 - Sexually Oriented Business

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the township and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding Residential areas adjacent to them, causing increased crime and the downgrading of property values.

The Board of Township Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry.

### 580.01 - Definitions

- A. **A sexually oriented business** is one which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, Adult Motel, adult motion picture theatre, or adult theatre, or massage business.
- B. **Adult Arcade** means any place to which the public is permitted or invited wherein coin operated, slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- C. **Adult Bookstore or Adult Video Store** means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following.
  1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe specified "sexual activities" or "specified anatomical areas" **or**
  2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- D. **Adult Cabaret** means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
  1. Persons who appear in a state of nudity, **or**
  2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" **or**
  3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- E. **Adult Motel** means a Hotel, Motel or similar commercial establishment which:
  1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public Right-Of-Way which advertises the availability of this adult type of photographic reproduction **or**
  2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours **or**
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- F. **Adult Motion Picture Theatre** means a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- G. **Adult Theatre** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- H. **Massage** means the manipulation of body muscle or tissue by rubbings, stroking, kneading or tapping by hand or mechanical device.
- I. **Massage Business** means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlor which is characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein.
- J. **Nudity or a State of Nudity** means the appearance of a human bare buttocks, anus, male genitals, female genitals, or female breast.
 

***NOTE: Additional legislation on Massage Businesses was passed by the Canfield Township Trustees and became effective November 1, 1996. This is a separate instrument which should be considered as additional requirements for Massage Businesses in Canfield Township but is not part of this Zoning Resolution.***
- K. **Person** means an individual, proprietorship, partnership, corporation, association or other legal entity.
- L. **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region and aureole of the female breast as well as portions of the body covered by supporting straps or devices.
- M. **Specified Anatomical Areas** means and includes any of the following:
  1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
  3. Masturbation, actual or simulated **or**
  4. Excretory functions as part of or in connection with any of the activities set forth in **1** through **3** above.

- N. **Sexually Oriented Devices** means, without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any conceptual device.

## 580.02

The Board of Zoning Appeals may issue a Conditional Use permit for a sexually oriented business only in a Business District in each particular instance and only on the following conditions.

- A. No adult entertainment facility shall be established within one thousand (1,000) feet of any area zoned for Residential Use.
- B. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons less than eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons less than eighteen (18) years of age.
- D. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
- E. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any established church, synagogue, or established place of religious services which is attended by persons less than eighteen (18) years of age.
- F. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- G. All Building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the Building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- I. Off-street parking shall be provided in accordance with the standards for permitted Uses within Business Districts for similar uses.
- J. All viewing booths and viewing areas in an Adult Arcade, Adult Book Store, Adult Video Store, Adult Motion Picture Theater, or Adult Theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure.
- K. No sexually oriented activities or materials may be sold, furnished, or displayed to any person under the age of eighteen (18) years.

## 580.03

- A. The fee for a Conditional Use Permit issued under Section 580.02 shall correspond to the fee schedule as currently adopted by the Canfield Township Trustees and made available by the Office of the Zoning Inspector.

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