

# BRACEVILLE TOWNSHIP TRUMBULL COUNTY, OHIO



## ZONING RESOLUTION

• UPDATED MAY 2013 •



# **BRACEVILLE TOWNSHIP ZONING RESOLUTION**

## **BRACEVILLE TOWNSHIP TRUSTEES**

**TODD E. BREWSTER - DENNIS C. KUCHTA - AARON C. YOUNG**

---

**ALBERT MORAR, ZONING INSPECTOR**

## **BRACEVILLE TOWNSHIP ZONING COMMISSION**

**GEORGE GORDON - REBECCA ROOD - STANLEY ELKINS**

**TIM ONDER - CHRISTOPHER WHITEHEAD**

Amendments or supplements to this Resolution shall supersede and nullify all prior provisions which they specifically amend or replace, or any provision with which they are in conflict; but they do not affect any zoning permits issued prior to their effective date.

## TABLE OF CONTENTS

Table of Contents.....	5
ZONING RESOLUTION.....	6
SECTION 1: PURPOSES.....	7
SECTION 2: DISTRICTS.....	8
SECTION 3: AGRICULTURE.....	9
SECTION 4: CLASSIFICATION OF USES.....	10
"R" District (Residential):.....	10
"RA" District (Residential Apartment/ Condominiums).....	14
"MH" Districts (Mobile homes and/or Manufactured home parks and accessory uses).....	17
"CR" District (Commercial Restricted).....	21
"C" District (Commercial).....	24
"I" DISTRICT (Industrial and Manufacturing).....	26
SECTION 5: PROHIBITED USES.....	28
SECTION 6: NON-CONFORMING USES.....	30
SECTION 7: OUTDOOR ADVERTISING.....	31
SECTION 8: MINIMUM LOT AREA PER FAMILY.....	36
SECTION 9: MINIMUM LOT WIDTH.....	37
SECTION 10: MINIMUM DWELLING SIZE.....	38
SECTION 11: COMPOSITION OF BUILDINGS.....	39
SECTION 12: SET BACK BUILDING LINES.....	40
SECTION 13: SIDE YARDS.....	41
SECTION 14: CORNER LOTS.....	42
SECTION 15: REAR YARDS.....	43
SECTION 16: PARKING FACILITIES.....	44
SECTION 17: BOARD OF ZONING APPEALS.....	47
SECTION 18: ZONING CERTIFICATE.....	49
SECTION 19: CONDITIONAL USE PERMITS.....	52
SECTION 20: AMENDMENTS.....	53
SECTION 21: ENFORCEMENT.....	56
SECTION 22: INTERPRETATION.....	60
SECTION 23: VALIDITY.....	61
SECTION 24: SWIMMING POOLS AND PONDS.....	62
SECTION 25: SEXUALLY ORIENTED BUSINESSES.....	63
SECTION 26: EROSION AND SEDIMENT CONTROL.....	67
SECTION 27: PUBLIC UTILITIES / RAILROADS / WIRELESS COMMUNICATION TOWERS.....	70
SECTION 28: OIL & GAS DRILLING REGULATIONS AND BRINE DISPOSAL.....	75
SECTION 29: DEFINITIONS.....	82
Description of Zoned Areas In Braceville Township.....	89
Zoning and Land Use Map.....	90

## **ZONING RESOLUTION**

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

WHEREAS, the Board of Trustees of Braceville Township deems it necessary in the interest of the public health, safety, morals, comfort and general welfare of said Township and its residents to establish a general plan of zoning for the area of said Township.

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

## **SECTION 1: PURPOSES**

For the purpose of promoting health, safety, morals, comfort and general welfare; to conserve and protect property; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, the Board of Trustees of Braceville Township finds it necessary and advisable to regulate the location and size of building and other structures, including tents, cabins, and mobile homes, percentages of lot areas which may be occupied, set back building lines, size of yards, courts and other open spaces, the use of buildings and other structures, including tents, cabins and mobile homes and the use of land for trade, industry, residence, recreation, or other purposes and for such purpose divides the area of the township into districts or zones. No land use or operation in any District shall be permitted that adversely affects the environment, soil, waterways, property, safety, health, welfare, or creates a nuisance.

## **SECTION 2: DISTRICTS**

For the purpose of carrying out the provisions of this resolution, the area of the Township is hereby divided into the following districts.

- (1) Residential, which shall be known as "R" Districts.
- (2) Residential Apartments, which shall be known as "RA" Districts.
- (3) Mobile Home Parks, which shall be known as "MH" Districts.
- (4) Commercial Restricted, which shall be known as "CR" Districts.
- (5) Commercial, which shall be known as "C" Districts.
- (6) Industrial and Manufacturing, which shall be known as "I" Districts.



### **SECTION 3: AGRICULTURE**

Land in any district may be used for agriculture purposes, except in platted subdivisions and lots as designated in Section 519.21 (B), Ohio Revised Code, and amendments thereto, in which case the provisions, conditions, and restrictions contained herein shall fully apply to the extent permitted in Section 519.21 (B), Ohio Revised Code, and amendments thereto.

As used in this resolution, “agriculture” includes: farming; ranching; aquaculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

A zoning certificate with declaration of Agricultural Use Exemption shall be required and obtained prior to the location, construction, or erection of any structure or building. If the Zoning Inspector determines that the use of the structure is for agricultural use, a zoning certificate will be issued with no fee or charge to the application. Any change of use of the structure or building to a non-agricultural use, subsequent to the issuance of the original agricultural use certificate will require the applicant to reapply for a new zoning certificate for the structure or building as a permitted use in compliance with the terms, conditions and provisions contained herein.

## SECTION 4: CLASSIFICATION OF USES

For the purpose of this resolution, the various uses of buildings and premises shall be classified as follows:

### "R" DISTRICT (RESIDENTIAL):

**The following uses, and no other, shall be deemed class "R" uses and permitted in all "R" Districts:**

- (1) Single and two family dwellings, and buildings accessory thereto. Single and two family dwellings shall not be deemed to include tents, cabins, mobile homes or any structure designed for transit tourist trade.
  - (a) A garage or an accessory building shall not be considered a residence. However, a garage or accessory building may be used as a temporary residence on the lot while said dwelling is being constructed. This temporary use shall not continue for more than one year. Further an application for such use shall be filed with the zoning inspector and a renewal permit for such temporary use issued.
- (2) The taking of boarders or leasing of rooms by a resident family provided the total number of boarders or roomers does not exceed two, in addition to the members of the family, in a dwelling containing one bath room, and a maximum of four boarders or roomers for each additional bathroom in the dwelling.
- (3) Church, school, college, university, public library, public museum, community center, fire station, township hall, publicly owned park, regulation golf course, publicly owned playground or cemetery.
- (4) A home occupation may be maintained in a dwelling house only if it complies with all the following conditions and a use permit is obtained from the Braceville Township Zoning Inspector for such intended home occupation. Use permits for a new home occupation will require a sixty (60) day waiting period during which time all adjacent property owners will be notified.
  - (a) Such home occupations must be carried out only by the person or persons maintaining a dwelling therein, and shall include not more than two (2) non-residing additional persons as employees in the home occupation.
  - (b) The use of the dwelling house for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, shall not constitute more than twenty five per cent (25%) of the above ground floor area of the dwelling house.
  - (c) There shall be no change of the outward appearance of the dwelling house or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign not to exceed three (3) square feet in area.

- (d) No traffic shall be generated by such home occupation in a volume greater than would be normally expected in a residential neighborhood. No parking shall be located in the front yard area of said dwelling house.
  - (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, odors or electric interference off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.
  - (f) There shall be no commodity sold upon the premises.
- (5) Garage Sales
- (a) Garage sales shall be limited to a maximum of five (5) consecutive days for each occurrence and two (2) sales annually per address. Such GARAGE SALES shall require a GARAGE SALE PERMIT from the BRACEVILLE TOWNSHIP ZONING INSPECTOR.
  - (b) Any person operating, maintaining or conducting a garage sale, as defined by this SECTION shall before such sales are held, secure a garage sale permit, for a fee to be set from time to time by the Braceville Board of Trustees, from the Braceville Township Zoning Inspector.
  - (c) Any person conducting a GARAGE SALE for which a permit is required under this SECTION who has failed to secure a permit before such sale has begun shall be required to pay a fee set by the Braceville Board of Trustees for each day of such violation.
- (6) A hospital, institution, residence or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three (3) or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, the Ohio veteran's home, skilled or unskilled nursing facility, provided that such hospital, institution, residence or facility shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than five hundred (500) consecutive feet, and providing that any such hospital, institution, residence or facility catering primarily to patients with contagious diseases also shall have a lot area of not less than one (1) acre per be in addition to the other requirements herein; and further providing that said hospital, institution, residence or facility shall have a minimum side lot clearance on each side of any building in which such patients are housed or not less than one hundred (100) feet.
- (7) Roadside stands consisting of structures used for display and sale of agricultural products provided:
- (a) Such stands are not in the road right-of-way;

- (b) Such stands are at least twenty (20) feet back from the macadam portion of the road;
  - (c) Adequate facilities are maintained for off-the-road parking of customers' vehicles;
  - (d) More than fifty percent (50%) of the products sold on such roadside stand are agricultural products raised on the premises;
  - (e) That such roadside stands be so designed and constructed that it can be removed when not in use, and the same shall be removed from the roadside when not in use for a period of thirty (30) days.
  - (f) The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration; and if adequate facilities for the storage of refuse, waste, junk, and objects to be repaired are provided, the same are screened from view.
- (8) A mobile home under eight hundred (800) sq. ft. may be placed temporarily upon property where there is an existing dwelling which has been damaged by fire or other element. A permit issued by the Braceville Township Zoning Inspector shall be required on or after fourteen (14) days from the date of said temporary placement. This temporary placement shall be for no more than one hundred twenty (120) days in any calendar year. Any mobile home placed on property in accordance with this section for more than one hundred and twenty (120) days in a calendar year shall constitute a violation of the resolution and subject the owner of the property to the penalty sections herein.
- (9) A fence or wall located along a property line shall be considered a barrier, (as defined in this resolution), and shall not exceed a height of four (4) feet from ground level in the area between the set-back building line and the right-of-way side line for road or street. A fence or wall along a property line, from the building set-back line to the rear property line shall not exceed eight (8) feet from the ground level. In the case of a corner lot, this provision also applies to the line for a road or street. No fence, wall, shrubbery, hedge, or any type of vegetation growing along a property line shall be maintained near a street or intersection so as to interfere with traffic visibility.
- (10) Lighting: Each person, firm, corporation, developer or contractor shall incur the installation cost for lighting in all areas developed under Section 4, Classification of Of Uses pursuant to Braceville Township policy for lighting.
- (11) A landscaping business may be permitted in a residential district as a conditional use, upon a conditional use permit granted by the zoning board of appeals when:
- (a) The business is conducted by a property owner or leaseholder residing on the premises in a residential dwelling and the landscaping business is subordinate to the residence;

- (b) The business is conducted on an unplatted of at least 1.5 acres, with a minimum frontage of 150 feet;
- (c) The storage of all landscaping materials, vehicles and equipment are enclosed or screened from view by fencing or landscaping barrier;
- (d) All building(s) used for the business are set back a minimum of fifty (50) feet from the residence building line; and
- (e) Access to the business portion of the premises is by common driveway with the residence; and
- (f) With such other limitations, restrictions and conditions deemed necessary to protect and preserve the health, safety and residential character of the neighborhood, including but not limited t the number of employees; number, location and types of buildings; business hours, and signage; and that the use of said premises for a landscaping business shall not by reason of noise, vibration, dust, odor or other contaminant constitute a nuisance.

## "RA" DISTRICT (RESIDENTIAL APARTMENT/ CONDOMINIUMS)

**The following uses and no other shall be deemed class "RA" uses and permitted in all "RA" Districts.**

- (1) The only dwellings in "RA" shall be apartment houses, condominiums and /or multiple dwellings of all types.
- (2) Height and Bulk requirements.
  - (a) REAR YARDS. There shall be a minimum rear yard of not less than forty (40) feet in depth on every lot. For every building more than twenty (20) feet in height, the depth of each rear yard shall be increased by one (1) foot for each one (1) foot of height of the building over twenty (20) feet from the established grade level.
  - (b) SIDE YARD. There shall be a side yard on each side of every main building. The minimum width of each side yard shall be twenty (20) feet. If any building exceeds twenty (20) feet in height, the width of each side yard shall be increased by one (1) foot for each one (1) foot of height of the building over twenty (20) feet from the established grade level.
  - (c) SET-BACK BUILDING LINES. No part of the ground area of any building or structure or any portion thereof except steps and uncovered porches less than ten (10) feet in width shall be erected within fifty (50) feet of the right-of-way side line of any road or street.
  - (d) HEIGHT. No building shall exceed thirty-five (35) feet above grade level with maximum of two and one half (2 1/2) stories.
  - (e) A ZONING CERTIFICATE, issued by the Braceville Township Zoning Inspector, shall be secured for the land use of each separate apartment building. As a prerequisite to the issuance of a Zoning Certificate, the owner or his representative must submit a plot plan to the Braceville Township Zoning Inspector, which plot plan shall indicate the final location of each apartment building as surveyed. The plot plan shall be designated to clearly indicate the owner's compliance with:
- (3) Height and bulk requirements set forth in a, b, c, and d above.
- (4) The minimum requirement of square footage per family unit. No apartment house shall be erected or building altered into apartments to accommodate more than one family unless the following lot area requirements per family unit are met: RA District— seven thousand five hundred (7500) square feet.
- (5) In order to satisfy the minimum requirement of square footage per family, each apartment building must be constructed on a separate lot, as defined in this resolution, whose

dimensions satisfy the square footage minimum requirement and allowing for height and bulk requirements.

- (6) As a further condition of the issuance of a Zoning Certificate for the land use of apartment buildings, the Braceville Township Zoning Inspector, shall require the owner or his representative to file a proposed plot plan with the Trumbull County Recorder in accordance with the procedure established by law for recording of plot plans.
- (7) Upon discovery of any variation from the plot submitted, which cannot be resolved, the Braceville Township Zoning Inspector shall commence a lawsuit in the appropriate court to enjoin the land use which is in violation of these requirements.
- (8) The owner or his representative, as evidence of his good faith, shall notify the Braceville Township Zoning Inspector when construction commences on each building after the issuance of a Zoning Certificate.
- (9) Other buildings constructed in "RA" Districts shall be subject to the rest of the Braceville Township Zoning Resolution.
- (10) Parking areas:
  - (a) No parking area shall be established within the front set-back area or within the side yard setback area in the case of corner lots.
  - (b) Two (2) parking spaces shall be provided for each family unit.
  - (c) All parking spaces, unless otherwise specified, shall have a minimum width of nine and one half (9 1/2) feet and a minimum length of twenty (20) feet.
- (11) Condominium complexes and developments, not exceeding four (4) condominium dwelling units per building.
- (12) Accessory uses:
  - (a) Detached garages and car port
  - (b) Maintenance buildings
  - (c) Refuse disposal area
  - (d) Separate laundry facilities
  - (e) Recreational buildings and club houses
  - (f) Offices, gate houses and security units

(13) Development Standards

- (a) Height regulations: The total height of the building shall not exceed thirty-five (35) feet from the ground level.
- (b) Side yard: There shall be a side yard on each side of every building, minimum width of each side yard shall be ten (10) feet. There shall be a minimum of twenty (20) feet between each building. Set-back building line: A minimum of forty (40) feet from the ingress and egress access drive.
- (c) No overall dimension of any side of a principal residential structure shall be less than twenty-four (24) feet.
- (d) No condominium shall be erected or building altered for that purpose on less than three thousand five hundred (3,500) square feet of lot area per dwelling unit, with a minimum lot area of twenty-two thousand five hundred (22,500) square feet.

(14) Zoning Certificates

To obtain a zoning certificate, the applicant must complete and file a Zoning Certificate Application Form prescribed and provided by the Zoning Inspector. The completed application must include and be accompanied by the following documents requisite to the issuance of a Zoning Certificate:

- (a) The proposed site plan showing the location of each condominium dwelling unit, accessory structures, roads, common areas, green space, utility and drainage easements, and any public right of ways.
- (b) If the complex development is not serviced by public sewers, a copy of the Septic Permit from the County Board of Health.

(14) Notice of Commencement

The applicant or his representative shall notify the Zoning Inspector of the date of commencement of construction so that the Zoning Inspector may, at his/her option, inspect the construction site to verify compliance with the location, set-backs, and other development standards.



**"MH" DISTRICTS (MOBILE HOMES AND/OR MANUFACTURED HOME PARKS  
AND ACCESSORY USES)**

**The following regulations shall be applicable to all "MH" districts.**

- (1) No "MH" park classification shall be granted to a tract of land having a total area of less than twenty (20) acres.
- (2) The maximum number of Mobile Homes and/or Manufactured Homes permitted on a tract of land classified as "MH" District, (Mobile Home and/or Manufactured Home Parks), shall be four (4) units per acre, exclusive of land area required and used for streets, walks, recreation, common parking, sales displays, resident management, and etc.
- (3) A minimum of eight (8) percent of the total area of the "MH" Park shall be reserved for recreation area for use of the residents within the Parks and generally provided in a central location. No recreation area shall contain less than five thousand (5,000) square feet of area with practical dimensions.
- (4) No "MH" lot shall be less than eight thousand seven hundred fifty (8750) square feet in area; and no Mobile Home and/or Manufactured Home shall be placed on such lot until an appropriate concrete pad is constructed. Tie-downs shall be placed at the corners of each pad and each tie-down shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.
- (5) Each "MH" lot shall have a minimum width, at the set-back line, of forty (40) feet.
- (6) Each manufactured home shall be placed upon the lot so as to provide not less than twenty (20) feet distance between the sides of manufactured homes, fifteen (15) feet distance between the end of any manufactured home and the side of any manufactured home, and a ten (10) foot distance between manufactured homes placed end to end. In computing these distance requirements, lean to's, auxiliary rooms, and similar accessories connected to the manufactured home, but not including temporary porches and canopies which are open on two or more sides, shall be considered as part of the manufactured home.
- (7) No mobile home or accessory building thereto shall be placed closer than five (5) feet to any side or rear lot line.
- (8) No mobile home shall be permitted in the mobile home park if it has less than five hundred (500) square feet of living area.
- (9) At least one (1) paved access-way of not less than thirty six (36) feet in width shall be provided as a means of ingress and egress to the manufactured home park from a public thoroughfare. Manufactured Home Parks shall meet the rules and regulations as stipulated in the Rules of Ohio Department of Health, Public Health Council, Manufactured Home Parks Chapter 3701-27": of the Ohio Administrative Code whichever is more stringent shall apply.

- (10) All mobile homes shall be located at least fifty (50) feet from any public road or street right-of-way, and at least fifteen (15) feet from all other mobile home park boundary lines. A mobile home park located adjacent to industrial or commercial land uses shall provide screening such as fences or natural growth along the mobile home park boundary line.
- (11) All manufactured home parks shall meet the rules and regulations as set forth under "STREETS, WALKWAYS, AUTO PARKING" of the "Rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks Chapter 3701-27-09 Ohio Administrative Code", as amended.
- (12) No parking shall be permitted on road and streets within the mobile home park.
- (13) Parking for visitors, and residents with more than two (2) cars, shall be provided at various convenient locations throughout the mobile home park at a minimum of one space per unit. A minimum of two (2) parking spaces is required at each mobile home unit. Each space is to be ten (10) feet wide and twenty (20) feet long, minimum.
- (14) The following accessory use and building shall be permitted within the mobile home park:
  - (a) A permanent dwelling for one (1) family, office and maintenance facilities for management of the mobile home park.
  - (b) Mobile Homes offered for sale by the operator of the mobile home park; provided no more than three (3) mobile homes are displayed, in a designated sales display area.
  - (c) Not more than two (2) free-standing auxiliary buildings shall be placed on any mobile home lot.
- (15) WATER SUPPLY: The rules and regulations of the "Rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks," as amended, are applicable.
- (16) A common walk system shall be provided and maintained by the "MH" park owner between locations where pedestrian traffic is concentrated. Such common walks shall be paved and have a minimum width of three and one half (3 1/2) feet.
- (17) SEWAGE SYSTEM: The rules and regulations of the "RULES OF THE OHIO DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, MANUFACTURED HOME PARKS," as amended are applicable.
- (18) An adequate method of handling surface and storm water shall be provided in all mobile home parks so as to reasonably eliminate the possibility of flooding.
- (19) Whenever an area is set-aside of any structure to be used for the temporary storage of waste materials, garbage, and etc. that storage area must be enclosed or screened from

view by wall, fence, or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property lines.

- (20) The first ten (10) feet from the front property line, shall be reserved as a green area (except from access of driveways) to be planted and maintained with grass and or vegetation. The area between the road pavement and the property line (right-of-way line) shall also be planted and maintained as a green area. In addition, there shall be a minimum of fifteen (15) per cent of the total land area reserved for green area, and that fifty (50) per cent of the green area shall be located within the front yard area (from the front of the structure to the front property line) When required, the side yard or rear yard "Buffer" shall be included in the fifteen (15) per cent green area.
- (21) The OPERATOR (reference definition of "Operator" in the rules and regulations of the "Rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks Chapter 3701 -27" of the Ohio Administrative Code) to whom a Zoning Permit has been issued under this use classification, shall provide adequate supervision to maintain the manufactured home park, its grounds, facilities, and equipment in good repair and in a clean and sanitary condition. They shall notify all residents in writing of the regulations set forth in these Resolutions together with their duties and responsibilities hereunder.
- (22) The enlargement of any mobile home park, which was in existence as a nonconforming use at the time of the enactment of this supplement to the Braceville Township Zoning Ordinance, shall be subject to the provisions of this use classification wherever applicable
- (23) No OPERATOR (reference definition "Operator" in Chapter 3701-27 Ohio Administrative Code of "Ohio Department Health –Manufactured Home Parks") shall begin construction on, or alteration of, a tract of land classified as "MH" District unless a valid Zoning Permit has been issued by the Braceville Township Zoning Inspector. A Zoning Permit application must contain the following information:
  - (a) Name and address of owner, and legal capacity of person filing the application.
  - (b) Location and legal description of the proposed Manufactured Home Park, or enlargement or alteration of existing park.
  - (c) Complete engineering plans and specifications of the proposed Manufactured Home Park, alteration or enlargement, indicating the following:
    - (1) The area and dimensions of the tract of land.
    - (2) The number, location and size of all manufactured home lots.
    - (3) The location and width of streets and walkways.

- (4) The location and dimensions of recreation area, public parking areas, the resident management area, and the sales display area.
  - (5) Working drawings showing the location of sanitary and surface water sewer lines, water supply lines and risers. An "OCCUPANCY PERMIT" obtained through the Trumbull County Board of Health and LICENSING obtained through the STATE OF OHIO is a required part of this criteria.
  - (6) The plans and specifications of all buildings to be constructed within the manufactured home park.
  - (7) The location and details of lighting and electrical systems.
  - (8) The names of all streets within the park and the proposed methods, if any, of numbering of the manufactured home lots on such streets for location in case of fire or other emergency.
- (24) Transfer of ownership of an individual manufactured home lot from a tract of land zoned as "MH" District (Manufactured Home Parks) shall cause the zoning use classification of the transferred lot to revert to an "R" District (Single-Family Residential), and, thereafter, the transferred lot shall be subject to all regulations of these Resolutions pertaining to "R" District Residential use. The existence of a manufactured home, manufactured home pad, or other facility designed to serve a manufactured home, on such a transferred lot, shall not constitute a non-conforming use for the intent and purposes of this paragraph.

## "CR" DISTRICT (COMMERCIAL RESTRICTED)

- (1) The following uses shall be permitted in "CR"
  - (a) Uses which are not engaged in business specifically covered by "C" Commercial or "I" Industrial Zone District use.
  - (b) Uses which are not engaged in activities which result in noxious, dangerous, or offensive fumes, odors, dust, flames, vibration, or noise.
  - (c) *Uses which are not engaged in activities involving the out-of-doors storage of any material, chemicals, waste, junk, or objects to be repaired which pose a danger to adjacent property or create offensive views or which pose an accessible hazard to persons.*
  - (d) Uses for which the building area does not exceed a building area to land area ratio of one (1) to three (3), (one square foot of the building area to three (3) square feet of land area), and that an individual business unit shall not exceed ten thousand (10,000) square feet of floor area. No principal structure shall have less than one thousand two hundred (1,200) square feet of useable floor space.
  - (e) Uses for which any individual use is not engaged in a business that is characterized by sub-units under the same ownership, such as a Department Store, Super Market Store, etc.
  - (f) Uses for which any business or permitted use shall be limited to the hours of operation to the public from 7:00 AM to 12:00 AM.
  - (g) The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way) shall also be planted and maintained as a green area. In addition, there shall be a minimum of fifteen (15) per cent of the total land area reserved for green area, exclusive of parking, driveways or building area, and that fifty (50) per cent of the green area shall be located within the front yard area. When required, the side yard or rear yard "Buffer" shall be included in the fifteen (15) per cent green area.
  - (h) Whenever an area is set-aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property line.

- (i) Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street unless the building already exist.
  - (j) Outdoor Advertising shall be modified for the "CR" Office Institutional District in that only one "Free Standing "sign shall be permitted and shall be limited to twenty (20) square feet per side, or forty (40) square feet total surface area. A wall sign shall not exceed twenty five (25) square feet in surface area.
  - (k) The requirement that all buildings or structures be properly connected to public sanitary and water systems constructed in conformity with Ohio State and Trumbull County code.
- (2) Examples of Commercial Restricted establishments are indicated as follows:
- (a) Drug Stores and Gift Shops;
  - (b) Barber Shops and Beauty Salons;
  - (c) Grocery Stores, Dairy Stores, Meat Markets, and Bakeries;
  - (d) Funeral Homes;
  - (e) Dry Cleaners and/or Laundry Establishments (deposit and pick-up only), and Self-Service Laundries;
  - (f) Carpet Cleaning, Upholstery Shops, Interior Decorating;
  - (g) Hardware, Jewelry, Hobby Shops, Shoe Stores, Clothing Stores, Video Stores (sales), and Shoe Repair Shops;
  - (h) Restaurants, provided the entity is located within a permanent building, not a free-standing-structure in that it shall be a unit within a structure containing two (2) or more units, and further provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold and served at noon and evening, as the principal business of the place, and does not include "Drive-Thru" or carry out, and alcoholic beverages shall only be served at a table.
  - (i) Churches and other places of worship.
  - (j) Banks, Savings and Loan, Credit Unions, Finance Companies, Professional and Business Offices.

- (4) A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is, also, required for a change of existing permitted use to another permitted use.
- (5) Whenever a use permitted in the "CR" District is adjacent to any Residential Use including those permitted in "R", "RA", or "MH" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot Buffer shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "CR" use from the residential use. (See Section 29: Definitions for meaning of "Buffer")

## "C" DISTRICT (COMMERCIAL)

**The following uses, and no other, shall be deemed COMMERCIAL:**

- (1) Any use permitted in "CR" Commercial Restricted District shall be permitted in "C" Commercial District.
- (2) Commercial establishments as specified below:
  - (a) Assembly Halls;
  - (b) Bars, lounges, drive-in fast food service, drive-thru beverage centers;
  - (c) Hotels, motels and tourist accommodations;
  - (d) Variety discount stores;
  - (e) Repair garages, gasoline and petroleum sales or storage;
  - (f) Repair shops for furniture, tools, appliances;
  - (g) Automobile, truck and tractor sales (new or used);
  - (h) Indoor theater, bowling alley, dance hall, roller skating rink, recreational parks which do not have power-driven rides accommodating four (4) persons as a part of their recreational facilities, outdoor theaters, arcades and residential type buildings for permanent display purposes;
  - (i) Job printing and newspaper printing plant;
  - (j) Plumbing, electrical or heating supply;
  - (k) Retail or wholesale lumber and building supply company;
  - (l) All other commercial services and mercantile establishments not specifically mentioned above;
  - (m) Administrative Offices
  - (n) Testing Facilities
  - (o) Research Facilities
  - (p) Educational Facilities



- (q) Any use pertaining to the furtherance of education not involving out-of-doors storage, manufacturing of products, retailing of products, repairing of objects, storing or warehousing of products or objects, or the preparation or processing of any products on the property.
- (3) The above use shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration; and adequate facilities for the temporary storage of refuse, waste, junk, objects to be repaired and disposed of are provided and the same screened from view.
- (4) A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is, also, required for a change of existing permitted use to another permitted use.
- (5) No principal structure shall have less than one thousand two hundred (1,200) square feet of useable floor space.
- (6) Wherever a use permitted in the "C" District is adjacent to any Residential Use including those permitted in "R", "RA", or "MH" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "C" use from the residential use. (See Definitions for meaning of "Buffer.")
- (7) Whenever an area is set aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, not closer than ten (10) feet to any adjoining property lines.
- (8) The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way) shall, also, be planted and maintained as a green area. In addition, there shall be a minimum of fifteen (15) per cent of the total land area reserved for green area, exclusive of parking, driveways or building area. Fifty (50) per cent of the green area shall be located within the front yard area (from the front of the structure to the front property line). When required, the side yard or rear yard "Buffer" shall be included in the fifteen (15) per cent green area.
- (9) Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street unless building already exists.

## **"I" DISTRICT (INDUSTRIAL AND MANUFACTURING)**

**The following use and no other shall be deemed "I" use and permitted in all "I" Districts.**

- (1) Any normal Industrial or Manufacturing use, provided such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, flame or vibration except uses specifically prohibited in this resolution.
- (2) The following uses shall be permitted as a conditional use, granted by the Board of Zoning Appeals:
  - (a) Amusement park;
  - (b) Private and commercial aviation field;
  - (c) Bulk petroleum refining, processing or storage facilities;
  - (d) Race tracks, drag strips, Motor Cross – ATV tracks;
  - (e) Brewery; distillation facilities for alcoholic beverages;
  - (f) Manufacturing or storage of explosive materials or fireworks;
  - (g) Junk yards, automobile graveyards or places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, salvage or junk for storage purposes, storing of old tires, except where this use is an integral part in manufacturing process;
  - (h) Dumping, storing, burying, reducing, disposing of or burning garbage, human waste refuse, demolition material, toxic wastes, rubbish, offal, dead animals, medical wastes and/or industrial waste unless such dumping is done at a place approved and provided by the Board of Trustees for specific purposes. (This section shall not apply to agricultural waste generated in the normal care and maintenance of individual lawns and gardens or pursuits incidental to agriculture uses);
  - (i) Commercial zoos or zoological parks;
  - (j) Slaughter houses;
  - (k) Permanent outside toilet facilities; privies; out houses;
  - (l) Raising mink;
  - (m) Mobile home trailers, motor homes, campers, tents, cellar homes and garage dwellings, except when used as temporary dwellings as permitted

herein and in compliance to the appropriate provisions of the Zoning Resolution or a temporary use approved by the Zoning Board of Appeals;

- (n) The parking or storing of an abandoned, dismantled, wrecked, inoperable and/or unlicensed motor vehicle unless parked or stored in a garage, barn or other enclosed structure, and not exposed to public view;
- (o) Solid waste landfills, construction debris landfills, medical waste facility;
- (p) Hospitals or sanitariums for the treatment of the mentally ill;
- (q) Sexually Oriented Businesses (as per Section 25)
- (r) Federal, state, county and private prisons and/or all correctional facilities.

## SECTION 5: PROHIBITED USES

The following uses shall be prohibited in all use classifications, except where permitted as a conditional use as specifically provided within the Zoning Resolutions and granted by the Board of Zoning Appeals:

- (1) Amusement park;
- (2) Private and commercial aviation field;
- (3) Bulk petroleum refining, processing or storage facilities;
- (4) Race tracks, drag strips, Motor Cross – ATV tracks;
- (5) Brewery; distillation facilities for alcoholic beverages;
- (6) Manufacturing or storage of explosive materials or fireworks;
- (7) Junk yards, automobile graveyards or places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, salvage or junk for storage purposes, storing of old tires, except where this use is an integral part in manufacturing process;
- (8) Dumping, storing, burying, reducing, disposing of or burning garbage, human waste refuge, demolition material, toxic wastes, rubbish, offal, dead animals, medical wastes and/or industrial waste unless such dumping is done at a place approved and provided by the Board of Trustees for specific purposes. (This section shall not apply to agricultural waste generated in the normal care and maintenance of individual lawns and gardens or pursuits incidental to agriculture uses);
- (9) Commercial zoos or zoological parks;
- (10) Slaughter houses;
- (11) Permanent outside toilet facilities, privies, out house;
- (12) Raising mink;
- (13) Mobile home trailers, motor homes, campers, tents, cellar homes detached garages, and accessory dwellings used as a dwelling except when used as temporary dwellings as permitted herein and in compliance to the appropriate provisions of the Zoning Resolution or a temporary use approved by the Zoning Board of Appeals.
- (14) The parking or storing of an abandoned, dismantled, wrecked, inoperable and/or junk farm machinery or equipment, or any accumulation or combination thereof, and/or unlicensed motor vehicle unless parked or stored in a garage, barn or other enclosed structure, and not exposed to public view;

- (15) Solid waste landfills, construction debris landfills, medical waste facility;
- (16) Hospitals or sanitariums for the treatment of the mentally ill;
- (17) Any use of property which constitutes a nuisance;
- (18) The keeping and raising of horses, dog kennels, dairying, animal poultry husbandry, other than household pets, is prohibited in Residential Districts in platted subdivisions and lots as designated in Section 519.21 (B) and amendments thereto; on lots of one acre or less; and lots greater than one acre, but less than five acres, when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one building structure or improvement that is subject to real property taxation, or that is subject to the tax on manufactured homes under Section 4503.06, Ohio Revised Code.
- (19) Sawmills on a particular site for more than six (6) months;
- (20) Sexually oriented businesses.

## SECTION 6: NON-CONFORMING USES

- (1) A non-conforming use existing at the time these Resolutions are effective may be continued, except that, if it is voluntarily discontinued for two (2) year or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such districts.
- (2) Any building or structure, existing as a non-conforming use at the time these Resolutions took effect which is destroyed by fire or other elements may be reconstructed and restored, providing the same is done within one (1) years from the date of said destruction unless approved by Braceville township Zoning Inspector.
- (3) A building or structure devoted to a non-conforming use at the time these Resolutions took effect may not be altered or enlarged so as to expand said non-conforming use more than twenty-five (25) per cent in area.
- (4) Manufactured Home Parks which are a non-conforming use hereunder shall be treated as follows: Existing manufactured home parks which have no separate concrete pads and separate sanitary facilities for each manufactured home shall not permit a vacated manufactured home spot to be filled until such facilities are installed.
- (5) When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.
- (6) When a non-conforming house trailer or mobile home use has been removed from a parcel of land or lot where it was stationed, no other house trailer or mobile home shall be permitted to be stationed upon said land or lot, unless there is a replacement and continued use of such house trailer or mobile home space upon the same land or lot by the same owner of said land and house trailer or mobile home, and then only if such new trailer or mobile home is of equal or more value than the replaced house trailer or mobile home. In any area where house trailers are permitted, there shall be no more than one (1) house trailer situated on any one lot. All house trailers and other movable enclosures must conform to building setback line. This section shall not apply to manufactured home park.
- (7) For any renewal, reconstruction, enlargement or other change of any non-conforming use, the owner of the premises must make an application to the Braceville Township Zoning Inspector for a Zoning Certificate.

## SECTION 7: OUTDOOR ADVERTISING

Government Signs Excluded: For the purpose of these Resolutions, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

General Requirements for all Signs and Districts: The regulations contained in this section shall apply to all “signs,” and is intended to promote and protect the public health, welfare, and safety, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projection over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

- (1) An outdoor advertising sign or billboard shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced but must conform to specifications as listed below:  
Outdoor Advertising shall be modified for the CR District in that only one "Free Standing" sign shall be permitted and shall be limited to twenty (20) square feet per side, or forty (40) square feet total surface area. A wall sign shall not exceed twenty five (25) square feet in surface area.
- (2) All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
- (3) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the sign shall upon receipt of written notice from the Braceville Township Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
- (4) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control directional signs. Signs directing and guiding parking on private property, but bearing no advertising matter, shall be permitted on any property.
- (5) Illumination

Any illuminated sign or lighting device shall employ only a light of constant intensity and no light shall be illuminated by or contain flashing, rotating, whirling, spinning or otherwise makes use of motion to attract attention. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause a glare or reflection that may constitute a traffic hazard or nuisance. The resolution set forth in this paragraph shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar service. All wiring, fittings, and materials used in the construction,

connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.

(6) Temporary Signs

- (a) Temporary signs announcing special, public or institutional events may be erected for a period of sixty (60) days and temporary signs announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period and shall not exceed fifty (50) square feet in area. Such temporary signs shall conform to all general sign requirements as set forth herein.
- (b) Garage sale signs will be permitted, no more than three (3) days prior to the sale, but must be removed within twenty-four (24) hours of the last day of the sale. No fee shall be charged for signs in this paragraph.
- (c) All other temporary signs not otherwise provided for herein may be placed on the premises and shall not exceed twenty-five (25) square feet in size and shall not be in place more than thirty (30) consecutive days per calendar year.

(7) Free-standing signs

Free-standing signs/on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

(8) Wall Signs Pertaining to Non-Conforming Uses

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve (12) square feet.

(9) Political Signs

In a residential district, no political signage shall exceed four (4) foot width by four (4) foot length. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall be posted on a utility pole or tree. No political sign shall be posted more than forty-five (45) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.



(10) Area and Dimension Requirements

- (a) Measurement of Sign Area. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members, not being advertising matter shall not be included in computation of surface area.
- (b) Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trades names, products sold and/or the business of activity conducted on the premises where such sign is located.
- (c) Sign Set-Back Requirements  
Except as modified in numbers 12 and 13 below, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required set-back line for the appropriate zoning district

(11) Signs Not Requiring a Permit

- (a) Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- (b) Professional name plates not to exceed four (4) square feet in area.
- (c) Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
- (d) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such organization; there will be no charge for such permit.
- (e) Political Candidate or Ballot Issue Signs will be exempt from the permit.
- (f) Garage sale signs

(12) Set-Back Requirements

(a) For every square foot by which any on-premises sign exceeds fifty (50) square feet, the set-back shall be increased by one-half (1/2) foot but not exceed one hundred (100) feet.

(b) Set-Back for Off-Premises Signs

If a set-back line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

(c) Set-Backs for Public and Quasi-public Signs

Real Estate signs and bulletin boards for church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

(13) Special Yard Provisions

On-Premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

(14) Limitation

For the purposes of these Resolutions, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall comply with the regulations of the Ohio Department of Transportation.

(15) Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of these Resolutions, the Braceville Township Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with these Resolutions. Failure to comply with any of the provisions of these Resolutions shall be deemed a violation and shall be punishable under Section 21 (Enforcement) of these resolutions.

(16) Prohibited Uses

(a) No projecting sign shall be erected or maintained from front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.

- (b) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- (c) No temporary sign shall be placed on the front or face of a building or on any premises, except as provided in (16a) herein.
- (d) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices when not part of the sign. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign
- (e) No permanent sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) per cent of the window surface
- (f) No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape
- (g) No sign may contain statements, words or pictures of obscene, pornographic, immoral character or contain advertising that is false.
- (h) No sign may be erected that imitates or resembles an official traffic sign.
- (i) No sign may be posted on trees or utility poles.

## **SECTION 8: MINIMUM LOT AREA PER FAMILY**

- (1) Regulations Governing Individual Sewage Disposal and/or Treatment Systems:
  - (a) State and County Building Code to be followed. No Zoning Certificate for structures which require a Sanitary Permit from Trumbull County Health Department may be issued until proof is presented to the Braceville Township Zoning Inspector that the applicant has obtained from the Trumbull County Health Department a Sanitary permit.
- (2) For dwellings or building served by sewers connected with approved sewage disposal plant:
  - (a) No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twelve thousand (12,000) square feet of lot area, unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.
  - (b) In a residential district no two family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than sixteen thousand (16,000) square feet in lot area.
  - (c) In computing lot areas, property within the road or street right-of-way may not be included, in spite of the fact that lot owner holds title to the same.

## **SECTION 9: MINIMUM LOT WIDTH**

No dwelling shall be erected in any District on a lot having a frontage of less than 125 feet, said frontage being defined as continuous on a single highway, unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement.

1. In all instances covered in this section wherein a septic tank is installed, county and state health codes regarding land area requirements must be met.

## **SECTION 10: MINIMUM DWELLING SIZE**

- (1) No one story dwelling shall have less than twelve hundred (1,200) square feet of living area per family unit.
- (2) No story and a half or a two story house shall have less than one thousand two hundred (1,200) square feet of living area per family unit.
- (3) No two story house designed for one family unit per floor shall have floor space designed and used for living quarters of less than twelve hundred (1200) square feet per family unit.
- (4) All areas in paragraphs 1, 2 and 3 of this section shall be exclusive of full basements, porches, garages and breezeways.
- (5) No dwelling shall be less than twenty (20) ft. in width.

## **SECTION 11: COMPOSITION OF BUILDINGS**

- (1) All structures shall be constructed in accordance with the Ohio State Building Code and/or the Trumbull County Building Code requirements for the structure and evidence of State or County approval of plans must be submitted with the request for a Zoning Certificate (permit). A building or structure moved upon a parcel of land in Braceville Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in this Resolution before said building or structure is occupied or used.
  - (a) All dwellings not having a basement shall have a continuous, fully enclosed concrete footer and foundation wall connecting the footer with the structure; no dwelling shall be erected on piers, pilings or other type of non-continuous foundations.
  - (b) No Zoning Certificate for structures which require a Sanitary Permit from Trumbull County Health Department may be issued until proof is presented to the Braceville Township Zoning Inspector that the Applicant has obtained from the Trumbull County Health Department a Sanitary permit.

## **SECTION 12: SET BACK BUILDING LINES**

- (1) No part of the ground area of any building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width shall be erected within fifty (50) feet of the right-of-way side line of any road or street. If there is not an established right-of-way side line for a road or street; the building setback line shall be fifty (50) feet from the centerline of the road or street.
- (2) In areas where there is now existing a building line scheme of a different dimension than that mentioned in Paragraph 1, the property owner will be required to conform to said existing building line scheme.
- (3) Set back building lines along all State highways within Braceville Township shall be a minimum of sixty (60) ft. from the front pins.



### SECTION 13: SIDE YARDS

- (1) For every building, except accessory buildings, erected in an "R" District, and for any dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than twenty (20) feet, which space shall remain open and unoccupied by any building or structure. Attached garages and accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.
- (2) Provided, however, that an accessory building or garage located twenty (20) or more feet to the rear of the main building may be erected not less than ten (10) feet from a side lot line, provided it will not be less than twenty (20) feet distant from any existing residence or adjacent property. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.
- (3) No side yard clearance shall be required for commercial or industrial buildings in "I" Districts; provided, however, that buildings in "I" Districts abutting residential districts or residential dwellings shall maintain side yard clearances as set forth above in paragraphs 1 and 2 and/or section 4.
- (4) The aggregate total square footage of all accessory buildings located on any one lot shall not exceed two and one half percent (2.5%) of the total square footage area of the lot size, provided, however, that an accessory building of at least 768 square feet shall be permitted on each lot regardless of the lot size. An accessory building shall not exceed the height and square footage area of the primary building, structure, or dwelling unless the lot is over five (5) acres; in which case, an accessory building may be no taller than thirty-five (35) feet.

#### **SECTION 14: CORNER LOTS**

- (1) The set-back building line scheme on a corner lot shall be in accordance with Section 12, Paragraph 1 of this resolution.
- (2) The side yard clearance on the side street shall be at least fifty (50) percent of the front set-back line as provided in Section 12, Paragraph 1 of this resolution.
- (3) Accessory buildings shall not be located on corner lots so as to cause a nuisance to adjoining property owner's lot, and the wall or structure line of an accessory structure may not be closer to the side road or street than the wall of the main building.

## **SECTION 15: REAR YARDS**

- (1) For every accessory building erected in any district there shall be a minimum rear lot clearance at the rear of said building of a least ten (10) feet which space shall remain open and unoccupied by any building or structure.

**SECTION 16: PARKING FACILITIES**

- (1) All single family or two-family dwellings classification of "R" uses shall provide off-street parking facilities with means of ingress and egress. Each parking space shall be a minimum of nine feet (9) feet in width and a minimum of eighteen feet (18) feet in length, unless where a Zoning Certificate for a Customary Home Occupation has been granted, there shall be one (1) space for every two hundred (200) square feet of the Customary Home Occupation floor area.
- (2) All "RA", "I", "CR" and "C" District uses shall provide off-street parking facilities outside the public right-of-way and not more than three hundred (300) feet distance from the entrance to said establishment of an area for parking motor vehicles as provided in the following schedule:
- (3) **PARKING SCHEDULE:**

Theaters, auditoriums, churches, stadiums and other places of assembly	One (1) parking space for each four (4) seats or persons to be accommodated.
Dance halls, lodge halls, skating rinks, swimming pools, and other recreational areas	One (1) parking space for each one hundred (100) square feet of area used for such activity.
Bowling Alley	Five (5) parking spaces for each bowling lane.
Medical Buildings for physicians, dentists, and optometrists	One (1) parking space for each two hundred fifty (250) square feet of office space.
Hospitals	Two (2) parking spaces for each patient bed.
Retail stores, banks service establishments, and other office institutional buildings	One (1) parking space for each one hundred fifty (150) square feet of floor area.
Restaurants	One (1) parking space for each one hundred (100) square feet of floor area, or for each two (2) seats, whichever results in the greater number.
Hotels or motels	One (1) parking space for each room or living unit.

- (4) For any business or service conducted on the same property in conjunction with a primary use, the foregoing schedule and other provisions of this Section shall be applicable to determine additional parking requirements.
- (5) Whenever the application of the foregoing schedule relates parking space requirements to the area of the building, the number of parking spaces shall be calculated on the basis of sixty percent (60) of the interior area of the building, including hallways, storage rooms, closets, toilet facilities, etc.
- (6) All parking spaces shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet exclusive of area for maneuverability and ingress and egress.

- (7) For a specific use or building, not scheduled above, the Zoning Inspector shall apply the unit measurement from the above deemed most similar to the proposed use or building.
- (8) **Parking Requirements for Apartments and Condominiums Districts.**  
All structures, as described in Section 4 "RA" District (Residential Apartment) shall provide off-street parking, outside the public right-of-way, parking facilities on the lot allocated to that particular building based on the following schedule:
- (9) **"RA" PARKING SCHEDULE:**
- (a) One (1) parking space for each single bedroom, and efficiency living unit.
  - (b) One and one-half (1-1/2) parking spaces for each living unit of over one bedroom in size.
  - (c) One (1) parking space shall be provided for each four (4) living units of all sizes for visitor parking.
- (10) In all districts, minimum requirements of off-street parking applicable to any use or building, shall continue unchanged in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of parking spaces is provided for said use in another approved location. All parking spaces shall have a minimum width of nine (9) feet and minimum length of eighteen (18) feet, unless exclusive of area for maneuverability and ingress and egress.
- (11) **TO PARKING AREA:** The location and width of entrance and exit driveways to parking areas shall be planned as to not interfere with the use of adjoining or nearby property and with pedestrian and vehicular traffic on the adjacent streets.
- (12) **OFF-STREET LOADING AND UNLOADING AREAS:**
- (a) Loading and unloading off-street facilities and standing space are required for all business and commercial enterprises hereafter erected or altered for such use. The entire area of such facility shall be located to the rear of the set-back building line scheme that is applicable or has been established for the street or road on which it is located. Said facility shall be of such size as to accommodate any truck or vehicle of a size generally serving said business or enterprise.
  - (b) At least one (1) off-street loading and unloading facility is required for each use or building devoted to any business or commercial enterprise having a building floor space or use space of fifteen thousand (15,000) to twenty five thousand (25,000) square feet. One (1) additional facility shall be added for each additional twenty thousand (20,000) square feet of building floor space or use space or fraction thereof; said off-street loading and unloading facilities shall be maintained as long as the building or use is maintained.

- (c) Detailed plot plans of off-street parking and/or loading and unloading facilities shall be submitted for approval by the Braceville Township Zoning Inspector before an application for a zoning permit is approved. Such plot plans shall show number of parking spaces and/or loading and unloading facilities and locations, dimensions, and description set forth in the several sections of these Zoning Resolutions.
- (13) No person shall stop, stand or park any motor vehicle at special parking locations provided for handicapped persons under this section or at special, clearly marked, parking locations provided for handicapped persons in or on privately owned parking lots, parking garages or other parking areas, unless the motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (a) When a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.
  - (b) As used in this section, "handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.
  - (c) "Special handicapped license plates" and "parking card" mean any license plates or parking card issued under Ohio R.C. 4503.44, and also means any substantially similar license plates or parking card issued by a state, district, country or sovereignty with which the Ohio Director of Highway Safety has entered into a reciprocity agreement as authorized by Ohio R.C. 5502.03, during the time the agreement is in effect.
- (14) Parking is prohibited on all Braceville Township roads between the hours of 2:00 a.m. to 6:00 a.m. Parking in fire lanes is prohibited at all times.
- (15) Penalties: Parking Violations Fees shall be assessed for parking in the following: Handicap Parking, No Parking Zone, Fire Lane, Parking on Roadway. Copies of the Ohio Revised Code Parking Violations may be obtained by contacting the Braceville Township Police Chief.

## **SECTION 17: BOARD OF ZONING APPEALS**

There is hereby created a Braceville Township Board of Zoning Appeals of five members, plus the secretary, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Braceville Board of Township Trustees and shall be for the respective unexpired term. The members may be allowed their expenses, or compensation for services, or both, as the board of township trustees may approve and provide. The board of zoning appeals may within the limits of the monies appropriated by the board of township trustees for such purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

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

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

In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm wholly or partly, or may modify the order, requirements, decisions or determination appealed from, and may make such order, requirement or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

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

Appeals to the Braceville Township Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative

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

The Braceville Township Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days notice to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township, and decide the same within thirty (30) days after submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Braceville Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

The filing of an appeal from any decision of the Braceville Township Zoning Inspector with the Braceville Township Board of Zoning Appeals shall suspend any action by the Zoning Inspector or other authority in a court of competent jurisdiction to enforce the provisions put in question by said appeal, except that the Braceville Township Zoning Inspector may bring on action in injunction to enjoin the appellant from further construction or use during the pendency of his appeal.

Any appeal which has been resolved by the Braceville Township Board of Zoning Appeals may not be refiled nor will said Board entertain the same within six months from the time of the resolving of the last previous appeal. This shall also pertain to actions taken by the Braceville Township Zoning Commission and the Braceville Township Board of Trustees.

Any further changes of the Ohio Revised Code will automatically apply to the procedure written herein and supersede the same.

Any person or persons shall pay a fee upon the filing of a proposed variance. The fee shall be set from time to time by the Braceville Township Trustees.



## **SECTION 18: ZONING CERTIFICATE**

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

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

In the event of an emergency, including fire, windstorm, flood, or other act destroying all or part of a dwelling house, building, or structure, making the same uninhabitable, the Zoning Regulations herein may be temporarily suspended insofar as they may apply, at the discretion of the Braceville Township Zoning Inspector, by permitting a temporary structure to be used in the place of such destroyed building while the destroyed building is being repaired or replaced. Under said conditions the Braceville Township Zoning Inspector may permit the use of trailers under eight hundred (800) sq. ft. or other building for a six month period.

A Zoning Certificate when obtained by an applicant shall not be transferred to another person or to another property and the fee paid therefore shall be non-refundable.

A Zoning Certificate shall expire at the end of ninety (90) days from the date of issuance, and unless construction, location, change of use of, or alteration of any building or premises is not commenced within said ninety (90) days period, a new application for another Zoning Certificate must be made with the Braceville Township Zoning Inspector. For any renewal, reconstruction, enlargement or other change of any non-conforming use, the owner of the premises must make an application to the Braceville Township Zoning Inspector for a Zoning Certificate.

It shall be the sole responsibility of the recorded owner of the real estate to secure any permit required in the Braceville Township Zoning Resolution, regardless of any private contract, lease or agreement to the contrary. Enforcement of this Zoning Resolution shall be against the record owner of the real estate, and/or any other interested party. No Zoning Certificate shall be issued for new construction on unpaved roads or streets.

### **(1) ZONING CERTIFICATE FEES**

- (a) Fees for the purpose of defraying the cost of inspection, certification and maintenance of records shall be established by majority vote of the Braceville Township Trustees at its annual organization meeting and shall remain constant until changed or continued at each successive annual organizational meeting.
  - (b) Fees shall be paid prior to issuance of a Zoning Certificate.
  - (c) Fees shall be paid on all new construction, additions or alterations to existing construction, mobile home, temporary placements, swimming pools and outdoor advertising.
  - (d) Industrial fees shall be established in same manner as paragraph (a).
  - (e) Paragraph (b) and (c) shall apply to industrial building.
  - (f) No charge for new siding and roofing.
- (2) The cost of new construction or additions set forth above shall be computed on a square foot basis. The Braceville Township Zoning Inspector shall apply the going rate as established by the Braceville Township Trustees and charge accordingly. The rate shall be on file at the Office of the Braceville Township Zoning Inspector at all times and open to public inspection.

No fee shall be required for the construction or alteration of a church or synagogue, public or private schools, and political sub-divisions of the state of Ohio and agencies thereof. However, a building permit shall be applied for and issued at no charge.

Builders shall obtain a Zoning Certificate before new construction, additions or alterations have been started. Builders shall properly display Zoning Certificate card in a manner which is clearly visible from the street. The above fees for Zoning Certificate shall be doubled when issued after construction, additions, or alterations have been started by the builder.

Zoning Inspector shall turn all said monies over to the Braceville Township Fiscal Officer for proper disbursement according to law.

Amendments or supplements to this resolution shall supersede and nullify all prior provisions which they specifically amend or replace, or any provisions with which they are in conflict; but they do not affect any zoning permits issued prior to their effective date.

Any future changes of the Ohio Revised Code or Amendments thereto will automatically apply to the procedure written herein and supersede the same.

- (a) The Braceville Township Zoning Inspector shall not issue a Zoning permit for multiple family dwellings or residential sub-division developments until a comprehensive drainage plan for said proposed improvement is submitted indicating endorsement and approval by the Trumbull County Engineer.
  - (b) All construction sites must have access to a sanitary facility. If they do not have access to sanitary facilities, then they must have portable restroom facilities.
  - (c) No Zoning permit shall be issued for new construction on unpaved roads.
- (3) No Zoning Certificate for structures which require a Sanitary Permit from the Trumbull County Health Department may be issued until proof is presented to the Braceville Township Zoning Inspector that the Applicant has obtained from the Trumbull County Health Department a Sanitary permit. Compliance shall be in the form of a "Sewage System Permit," a letter of "Conceptual Approval," or equivalent documentation from the Trumbull County Health Department authorizing the same.

A letter of "Conceptual Approval" or equivalent documentation from the Health Department would identify the location, suitability of the land and a generalized type of individual sewage treatment system that is appropriate for the intended use. The issuance of a "Zoning Certificate" upon receiving "Conceptual Approval" permits the homeowner to begin construction while the sewage treatment system components are being designed by the homeowner's engineer and reviewed by the Health Department for compliance with the Trumbull County General Health District "Household Sewage Treatment System" rules. The applicant will be reminded that any disturbance of the area on which the sewage treatment system is to be located may be detrimental to the approval of a "Sewage System Permit."

## SECTION 19: CONDITIONAL USE PERMITS

The Zoning Board of Appeals shall issue a conditional use permit when a conditional use permit is provided within a zone use classification upon the terms, conditions, and limitations contained therein and in determining whether to grant a conditional use permit and the restrictions, limitations and conditions which shall be imposed. The Zoning Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that the use in the proposed location:

- (1) Is in fact a conditional use as established under the provisions of the Zoning Resolution.
- (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Comprehensive Plan and/or the Zoning Resolution.
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (7) 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, or odors.
- (8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

## SECTION 20: AMENDMENTS

All applications for a zoning classification amendment or supplement, except those initiated by the Braceville Township Zoning Commission or Braceville Township Board of Trustees, when filed shall be accompanied by an approved fee in the form of cash, bank check, money order, or certified check. The failure of an applicant to pay the fee at the time of filing will result in the rejection of the application by the Braceville Township Zoning Commission.

- (1) Amendments or supplements to the Braceville Township Zoning Resolution may be initiated by motion of the Braceville Township Zoning Commission, by the passage of a resolution therefore by the Braceville Township Board of Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Braceville Township Zoning Commission. The Board of Braceville Township Trustees shall upon the passage of such resolution certify it to the Braceville Township Zoning Commission.
  - (a) Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Braceville 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 Braceville Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.
  - (b) If the proposed amendment or supplement intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Braceville Township Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within the contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list or lists that may be specified by the board of county commissioners. 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, and a statement that after the conclusion of such hearing the matter will be referred for further determinations to the county or regional planning commission and to the Braceville Township Board of Trustees as the case may be.
  - (c) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Braceville Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto the Trumbull County or regional planning commission, if there is such a commission.

- (d) The county or regional planning commission may 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 Braceville Township Zoning Commission. Such recommendation may be considered at the public hearing held by the Braceville Township Zoning Commission on such proposed amendment or supplement.
- (e) The Braceville 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 or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Braceville Township Board of Trustees.
- (f) The Braceville Township Board of Trustees shall, upon receipt of such proposed amendment or supplement, shall conduct a public hearing which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Braceville Township Zoning Commission. Notice of such public hearing shall be given by the Braceville Township Board of Trustees by one publication in one or more newspapers of general circulation in Braceville Township, at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.
- (g) Within twenty (20) days after such public hearing the Braceville Township Board of Trustees shall either adopt or deny the recommendations of the Braceville Township Zoning Commission or adopt some modification thereof. In the event the Braceville Township Board of Trustees denies or modifies the recommendation of the Braceville Township Zoning Commission the unanimous vote of the Braceville Township Board of Trustees shall be required.
- (h) Such amendment or supplement adopted by the board 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 Braceville 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 Braceville Township Board of Trustees to submit the amendment or supplement to the electors of Braceville Township for approval or rejection at the next primary or general election.
- (i) No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast, by the Braceville Township voters, on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved, by the Braceville Township voters, it shall take immediate effect. Any future changes of the Ohio

Revised Code will automatically apply to the procedures written herein and supersede the same.

- (j) Any petition for a change of Zoning Classification resolved by the Braceville Township Zoning Commission or the Braceville Township Trustees may not be refiled nor will the said Boards entertain the same within six months from the time of the resolution of the original petition.
- (k) The Braceville Township Zoning Commission shall convene a minimum of four (4) quarterly meetings each year. Meetings shall be scheduled in January, April, July and October.

## SECTION 21: ENFORCEMENT

- (1) It shall be unlawful to construct, reconstruct, enlarge, change, maintain, engage in a prohibited use, as defined in Section 5, or to use any building or to use any land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be fined a fee set forth by the Braceville Township Trustees for each and every day during which such illegal erection, construction, reconstruction, change, maintenance or use continues may be deemed a separate offense.
- (2) In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is, or is proposed to be, used in violation of the law or of this resolution or any amendment thereto, the Braceville Township Board of Trustees, the prosecuting attorney of Trumbull County, the Braceville Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- (3) Any and all violations of the Braceville Township Zoning Resolutions, as set forth in this book, are subject to prosecution under Chapter 519 of the Ohio Revised Code.
- (4) Opinion no. 73-116: Pursuant to R. C. 519.16, a township zoning inspector may, for the purpose of investigating an alleged zoning violation, enter the site in question, despite objection by the owner or occupant, provided he does so at a reasonable hour, presents proper identification, and conducts his inspection in a reasonable manner. If the owner or occupant objects to the zoning inspector entering the property, it is recommended that the zoning inspector see the prosecuting attorney for a search warrant.
- (5) The township zoning inspector may revoke any permit or approval issued under the provisions of this ordinance or may stop the work for any of the following reasons:
  - (a) Wherever there is a violation of any of the provisions of this ordinance or any statute of the state of Ohio relating to the same subject matter
  - (b) Whenever the continuance of any work becomes dangerous to life or property.
  - (c) Whenever there is a violation of any condition on which issuance of the permit or approval was based.
  - (d) Whenever any false attainment or misrepresentation has been made in application, plans or specifications on which the issuance of the permit or approval was based.
- (6) The notice of revocation of the permit shall in every instance, be in writing and shall be



served upon the owner, or his agent or the person having charge of the work. A revocation notice shall also be posted upon the building in question by the zoning inspector. After the notice is received and posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

(7) **PENALTIES**

Whoever violates any Braceville Township Zoning Resolution is guilty of a misdemeanor, each day any violation occurs, or continues to occur, shall constitute a separate offense. (This does not apply to penalties that appear separately in this Section).

(a) **GARAGE SALES**

Any person conducting a garage sale for which a permit is required, under this section, who has failed to secure a permit before such sale has begun, shall be required to pay a fee set from time to time by the Braceville Township Trustees for each day of such violation.

(b) **PARKING FACILITIES**

Parking violation fees: Handicap Parking, No Parking Zone, Fire lane, Parking on roadway.

(c) **MASS GATHERING**

Violation of off-site noise level, for attendance of one thousand (1,000) or less, fee to shall be set from time to time by the Braceville Township Trustees for an attendance of one thousand (1,000) to two thousand (2,000), to fee to shall be set from time to time by the Braceville Township Trustees, for an attendance of two thousand (2,000) or more, fee to shall be set from time to time by the Braceville Township Trustees. Violations for other than noise level shall result in a penalty set from time to time by the Braceville Township Trustees and the immediate revocation of the permit.

(d) **OFF ROAD ACTIVITIES**

Penalty for any violation in this section shall be minimum of one hundred (\$100) dollars but not more than one thousand (\$1000) dollars for each offense.

(e) **OUTDOOR ADVERTISING**

Violations pertaining to Political Signs shall be penalized a fee set from time to time by the Braceville Township Trustees for each day of occurrence. All other violations in this section shall be penalized a fee to shall be set from time to time by the Braceville Township Trustees for each offense; each day violation occurs shall be considered a separate offense.

(f) **TRANSIENT VENDER REGULATION**

Section 1: transient vendor regulations

As used in this legislation, “transient vendor” means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township either sells or offers for sale goods, merchandise and or wares.

“Transient Vendor” does not include any person who represents any Entity exempted from taxation under section 5709.04 of the Ohio Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for the future delivery of goods, and does not include an auction or an auctioneer company licensed in chapter 4707 of the Ohio Revised Code, nor does it include any vendor invited to the residence, in advance, by the resident for the purpose of procuring such goods, and or services, such as when a resident responds to a sales call or their advertisement by scheduling an appointment with the vendor.

Entities exempt from taxation under Ohio Revised Code section 5709.04 are corporations, trusts, associations, funds, foundations or community chests, organized and operated exclusively for religious, charitable, scientific, literary, health, hospital, educational, or public purposes, exclusively for the prevention of cruelty to children or animals, exclusively for a home for the aged, or exclusively for contributing financial support to any such purposes, no part of the net earnings of which insures to the benefit of any private shareholder member or other individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

“Transient Vendors” are required to apply for a transient vendors’ permit with the Braceville Township Zoning Inspector. The phone number can be found at 586 Braceville Robinson Road, Newton falls, Ohio 44444, located on the board in front of the town hall building. And also at 780 Braceville Robinson Road, Newton Falls, Ohio 44444, located on the board in front of the township road garage. Transient vendor must pay a fee set from time to time by the Braceville Township Trustees and must show proof of a vendor’s license for the retail sale of tangible personal property issued by the Department of Taxation, State of Ohio, and sales tax division.

A transient vendor permit is valid for a period of ninety (90) days after the date of issuance and may be renewed in advance of expiration.

A transient vendor’s permit is required for each individual who, at a temporary place of business, or while on the streets, or while traveling about the township, sells, offers for sale, or solicits orders for sale of goods, merchandise and or wares.

The transient vendor’s permit and or an identification badge must be displayed by each individual, a temporary place of business, or while on the street or while

traveling about the township, during their efforts to sell, offer for sale, or solicit orders for sale of goods, merchandise and or wares.

When operating from a fixed location on private property, written permission of the property owner is required.

An entity exempted from taxation under section 5709.04 who provided notice to the board of trustees that its representatives are present in the township in accordance with the requirements of paragraph I of this legislation shall complete a form to file with the township. However, said entities are not subject to any of the regulations set forth in this legislation except those requirements set forth in paragraph 1 of this legislation necessary for said exempt entity to be excepted from the definition of ‘transient vendor.’”

No transient vendor shall operate within the unincorporated area of Braceville Township outside the hours of 9:00 am to 4:00 pm, Monday through Friday. Transient vendors are prohibited on Saturday and Sunday.

## **SECTION 22: INTERPRETATION**

- (1) In interpretation and application, the provisions of these resolutions are held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.
- (2) Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
- (3) These Resolutions impose a greater restriction upon the use of buildings or premises or upon the height of buildings or premises or upon the height of buildings or required larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreement. The provisions of these Resolutions shall control, but nothing herein shall interfere with, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by these resolutions.

## **SECTION 23: VALIDITY**

- (1) Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not effect nor render invalid the resolution or amendment thereto as a whole or any part thereof except the particular part so declared to be invalid.
- (2) Any part of this section which is superseded by any section of the Ohio Revised Code or any rules or regulations promulgated there under, shall not affect the validity of any other portion of this resolution, further, any inconsistency with state law shall be automatically conformed to state law and shall not affect the validity of the resolution.

## **SECTION 24: SWIMMING POOLS AND PONDS**

- (1) For the purpose of this resolution outdoor swimming pool is defined as any artificial water pool constructed of steel, masonry, concrete, aluminum, plastic or any other manufactured material, located out of doors, which has a foot surface area of three hundred (300) square feet or more or a depth at any part of more than two (2) feet.
- (2) That no outdoor swimming pool which is not enclosed in a permanent building or like structure shall be constructed or maintained in the township unless and until the requirements and conditions of this resolution are complied with.
- (3) No portion of any outdoor swimming pool shall be located at a distance less than ten (10) feet from any side line or ten (10) feet from a rear property line. Pumps, filters, and pool water disinfection installations shall be located at a distance not less than ten (10) feet from any side or rear property line. Pools located within a building shall conform to all provisions of this code.
- (4) That every outdoor swimming pool hereafter constructed shall have erected around it a barrier or fence which shall be of rigid construction and which shall be not less than four (4) feet in height, shall extend to within four (4) inches of the ground and shall contain except for gates, no opening larger than six (6) inches square. Gates shall be securely locked when such pool is not in use by the owner thereof, or anyone using the same with the owner's permission. Pools shall require a Zoning Certificate prior to construction.
- (5) Ponds shall be permitted on lots with a minimum of five (5) acres and not less than twenty (20) feet from adjacent property lines. A zoning permit shall be required from the Braceville Township Zoning Inspector.

## SECTION 25: SEXUALLY ORIENTED BUSINESSES

- (1) The purpose of this section is to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Braceville Township and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within Braceville Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented material protected by the first Amendment to deny access by the distributors and exhibitors of sexually oriented business. Sexually oriented businesses, because of their nature have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them causing increased crime and the downgrading of property values. The Braceville Board of Trustees desires to minimize and control these adverse effects and hereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blithe, protect the citizens from increased crime, preserve the quality of life, and protect the health safety and welfare of the citizenry.
- (2) 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 exclusively defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, or adult theater, or massage business.
- (3) ADULT ARCADE means any place to which the public is permitted or invited wherein coin operated or 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 or fewer persons per machine at any one time and where images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specific anatomical areas."
- (4) ADULT BOOK STORE or adult video store means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one of more of the following:
  - (a) Books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes or video representations which depict or describe "specified sexual activities" or "specified anatomical areas"
  - (b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"
- (5) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (a) Persons who appear in a state of nudity;

- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
  - (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description or "specified sexual activities," or "specified anatomical areas."
- (6) ADULT MOTEL means a hotel, motel or similar commercial establishment which:
- (a) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
  - (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (c) Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.
- (7) ADULT MOTION PICTURE THEATER means a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (8) ADULT THEATER 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."
- (9) MASSAGE means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device. All masseurs must have and maintain a current license, issued by the state of Ohio for such occupation.
- (10) 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 parlors, which is characterized by emphasis on matters and activities relating to specified sexual activities or specified anatomical areas as defined herein.
- (11) NUDITY or STATE OF NUDITY means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.



- (12) PERSONS means an individual, proprietorship, partnership, corporation or other legal entity.
- (13) SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.
- (14) SPECIFIED ANATOMICAL AREAS means and includes any of the following:
- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
  - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy,
  - (c) Masturbation, actual or simulated; or
  - (d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
- (15) SEXUALLY ORIENTED DEVICES means without limitation and artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
- (16) The Board of Zoning Appeals may issue a special use permit for a sexually oriented business only in a Commercial District in each particular instance only on the following conditions:
- (a) The proposed business is located more than one thousand (1000) feet from a church, a public or private school, boundary of a residential district as established by the Board of Township Trustees, the lot line of a lot devoted to residential uses, public park or playground; an already existing sexually oriented business or one that has received a special use permit, any social services facility or neighborhood center, any boundary of a residential district in a local government abutting Braceville Township, or any structure that contains a residence.
  - (b) 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.
  - (c) No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.
- (17) REVOCATION OF CONDITIONAL USE PERMIT:

The Zoning Inspector shall revoke the special use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals.

(18) PROCEDURE REVOCATION:

- (a) The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this section applicable health, safety, building and fire prevention codes, and criminal codes. Within fifteen (15) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the special use permit should be revoked. Notice of this hearing shall be served on the adult entertainment business at least ten (10) days before hearing and, if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within thirty (30) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant, within ten (10) days after such decision.
- (b) Fee for conditional use permit for a sexually oriented business shall be set by the Braceville Township Trustees and must be renewed on an annual basis. At no time shall there be more than two (2) permits to operate a sexually oriented business issued in force and effect in Braceville Township.

## SECTION 26: EROSION AND SEDIMENT CONTROL

- (1) The purpose of these regulations 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.
- (2) These regulation are intended to:
  - (a). Allow development while minimizing increases in downstream flooding, erosion and sedimentation.
  - (b). Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- (3) These regulation apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this Zoning Resolution, except as otherwise provided herein.
- (4) For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Trumbull County Erosion and Sediment Control Rules. Said terms are adopted and made a part of these regulations as though fully rewritten herein.
- (5) Requirements and Application Procedures
  - (a). Contents of the plans must be in compliance with Storm water Pollution Prevention Plans and Erosion and Sediment Control Plans as reviewed and approved by the Trumbull County Soil and Water Conservation District and proof of approval shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.
  - (b). ESC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations there to disturbing less than one (1) acre of land area.
  - (c). If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
  - (d). The Zoning Inspector shall review the ESC Plans submitted under this resolution and approve the compliance or return for revisions with comments and

recommendations for revisions within thirty (30) working days after receipt of the Plan. The Zoning Inspector shall advise applicants that the ESC Plan may be forwarded to the Trumbull SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Trumbull County Erosion and Sediment Control Rules. At the time the Zoning Inspector receives a revised Plan, another thirty (30) day review period shall begin.

- (e). Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued with a ESC Plan approved by the Zoning Inspector in accordance with these regulations.
- (f). Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the Zoning Inspector may consult with the Trumbull SWCD. The Zoning Inspector shall determine if any addition of alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

(6) Compliance with State and Federal Regulations

- (a). Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals for federal, state and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.
- (b). Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the lot owner. These permits may include, but are not limited to, the following:
  - (1) Ohio EPA NPDES Permits authorizing storm water discharges associated with the construction activity or the most current version thereof: Proof of compliances with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
  - (2) Section 410 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the Zoning Inspector. Wetland, and other water of the United States, shall be delineated by protocols accepted by the Ohio EPA and US Army Corps of Engineers at the time of application of this regulation.

(7) ESC & Permit Requirements for Lot Splits and Minor Subdivisions

(a). Minor Subdivision Conditions

- (1) The proposed division of a parcel of land as shown on the last preceding tax duplicate involves no more than five (5) lots after the original tract has been completely subdivided (inclusive of the remaining parcel).
- (2) The proposed division is along an existing public street and involves no opening, widening or extension of any street, road or public utility.
- (3) The proposed division is not contrary to any applicable platting, subdivision, zoning or other regulations.

(b). Permit Requirements

- (1) An Ohio EPA NPDES Permit is required if the proposed lot split or minor subdivision will or is anticipated to result in the disturbance of one (1) or more acres of land.
- (2) The proposed lot split or minor subdivision may be subject to local erosion and sediment control zoning requirements for one (1) to five (5) acre land disturbances. Thee subdivider must file an erosion and sediment control plan and any other required permits including NPDES, 401 or 404 permits to the administrator of said zoning requirement.
- (3) If the proposed lot split or minor subdivision will result in the disturbance of five (5) or more acres of land, the subdivider must file an erosion and sediment control plan (ESC) and any other required permits including NPDES, 401 or 404 permits with the Trumbull Soil and Water Conservation District prior to any soil disturbing activities.

(c). Performance Standards

All soil disturbing activities, including those not subject to plan requirements, are subject to the provisions and performance standards of the Trumbull County Erosion and Sediment Control Rules or the Ohio EPA Construction General Permit. In areas where the rules conflict, the most restrictive requirements shall prevail.

## **SECTION 27: PUBLIC UTILITIES / RAILROADS / WIRELESS COMMUNICATION TOWERS**

This resolution shall not apply to public utilities and railroads, except that the provisions of this zoning resolution shall fully apply to the location, erection and maintenance of all wireless communications towers to the extent permitted in Section 519.211 Ohio revised Code or any amendment thereto or successor statute permitting regulation of said wireless communications towers, structures and/or devices.

### **1. INTRODUCTION:**

Increasing technological advances in the telecommunications Industry has created a demand for Personal Communication services such as cellular telephone, facsimiles, computer e-mail and other wireless data applications. The recent passage of the Telecommunications Act of 1996, designed to promote competition, spur private investment and advance affordable telecommunication services, has resulted in the need for the construction of additional services facilities, towers and antennas. These new facilities may be regulated by local zoning to protect the health, safety and welfare of the general public as well as maintain an objective or community aesthetics. While the act preserves local zoning authority to regulate the number, placement, construction and modification of wireless/cellular telecommunications towers and facilities, it also places certain conditions for the approval or denial of a permit. These conditions provide that the zoning regulations may not unreasonably discriminate among providers of similar services; requests for facility placement must be within a reasonable period of time similar to the review process of other comparable applications; any decision to deny a request to place, construct or modify a wireless telecommunications facility shall be in writing and supported by substantial evidence contained in a written record; and, since the Federal Communications Commission is the only entity permitted to regulate radio frequency emission levels, zoning regulations therefore cannot deny a request based on concerns associated with these emissions and any health risks posed by them.

### **2. PURPOSE:**

The purpose of this Section is to establish regulations and standards for the location and erection of telecommunications towers to protect the health and safety of the general public in pursuant to Section 519.211 of the Ohio Revised Code and any amendments thereto.

### **3. NOTIFICATION REQUIREMENTS:**

Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall comply with the notice provisions of Section 519.211 (B) (3) and any amendments thereto.

If the property owner or member of the Board of Trustees who receives notice as prescribed above gives notice pursuant to section 519.211 (4) (a) of their objection to the proposed location of the telecommunications within 15 days after the mailing of the

notice of intent to locate a telecommunications tower sent under section 519.211 (B) (3) (b) ORC, the board shall request that the clerk of the township send the person proposing to construct the tower, written notice that the tower is subject to township zoning and requires the application for and issuance of a zoning certificate. The notice shall be sent no later than five (5) days after the earlier of the date the Board first receives such a notice from the property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice sections 519.02 to 519.25 shall apply to the tower.

If no notice or objection by a property owner or board member is timely received, the location of the tower will be exempt from these provisions pursuant to Section 519.211(A) as required therein.

#### 4. PERMITTED USES:

- A. Wireless telecommunications towers and facilities are permitted uses in all non-residential zoning districts and on property with a non-residential use that is a permitted use within a residential district, including but not limited to a church, hospital, school, municipal or government building and property with an agricultural or utility use subject to the requirements of this section.
- B. Wireless telecommunications towers and facilities are not permitted uses in any residential district except as noted above, but may be permitted as a conditional use where it is not technically feasible to be located in a more appropriate nonresidential zoning district, subject to the Conditional Use permitting process.
- C. Collocation of antennas on existing towers, antennas attached to existing structures and buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Conditional Use permitting process.
- D. Wireless Telecommunications Towers and Facilities may be permitted as a sole use on a lot, combined on a property with an existing use and/or combined with an existing non-residential building or structure subject to the requirements of this section.

#### 5. GENERAL REQUIREMENTS:

The following requirements apply to all telecommunications towers and facilities regardless of the zoning district in which they are to be located:

- A. When a proposed wireless telecommunications facility is to include a new tower, a layout plan at a scale of not less than one inch equal to 100 feet shall be submitted. This layout plan shall indicate all land and building uses within 300 feet of the proposed telecommunications facility.
- B. New or modified towers shall be certified by an engineer according to the structural standards for antennas as developed by the Electronic Industries Association and/or

the Telecommunication Industry Association.

- C. An applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction. (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation)

Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service with a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days.

The applicant's letter(s) as well as response(s) shall be presented to the Zoning Commission as a means of demonstrating the needs for a new tower.

- E. All providers utilizing towers shall present a report to the Zoning Commission notifying them of any tower facility located in the Township whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Zoning Commission may declare the facility abandoned. The facility's owner/operator will receive written notice from the Zoning Commission and instructed to either reactivate the facility's use with 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Township will remove or will contract to have the facility removed and assess the owner/operator the costs.

## 6. DEVELOPMENT STANDARDS:

The following requirements apply to all Telecommunications Towers and Facilities:

General:

- A. Security fencing eight feet in height shall completely surround the tower, equipment shelter and guy wires. Final design of the security fencing shall be approved by the Zoning Inspector.
- B. Landscape plantings shall be located along the perimeter of the security fencing and along all property lines. A formal landscape plan, prepared by a Landscape Architect registered in the State of Ohio, shall be submitted to the Zoning Inspector for review and approval. Minimum height of all proposed landscape plantings shall be no less than six feet.
- C. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- D. No tower less than 150 feet tall shall be artificially lighted except to assure safety or as required by the FAA. Any tower greater than 150 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted as deemed appropriate by the Zoning Inspector.
- E. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- F. The primary building material shall be split face block, brick or wood, and



shall have an equal level of finish on all sides. Exposed concrete block shall be prohibited on any part of the building. Color of the building shall be so as to fit into the surroundings of the area and as deemed appropriate by the Zoning Inspector.

- G. Landscape plantings and grass seeding shall be provided and maintained within the area of the security fencing. The area outside of the security fence to the property line shall be maintained in a well-kept condition.

Sole Use on Lot:

<u>Lot Requirements</u>	<u>with Tower</u>	<u>without Tower</u>
Minimum Lot Area	1 Acre	12,000 sq. ft.
Minimum Lot Width @ Bldg Line	200 ft	80 ft
Minimum Front Yard Depth		40 ft
Minimum Side Yard Depth	25 ft	
Minimum Rear Yard Depth		40 ft

\* Equals 1.5 times the tower height

<u>Facility Requirements</u>	<u>Tower</u>	<u>Building</u>
Maximum Height	200 ft including antenna	20 ft
Maximum Bldg Area		750 sq. ft.
Minimum Distance to Residential Property Line	300 ft	300 ft

Combined with Another Use:

- A. The Wireless Telecommunications Tower and Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- B. The development standards shall be the same as if the facility were a sole use on a lot.

Combined with An Existing Structure:

- A. Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:
  1. Maximum height: 20 feet or 20% of the building height above the existing building or structure, whichever is greater.

Conditional Use Certificate

- A. The Wireless Telecommunications Towers and Facility shall be located on a separate lot and shall not be combined with any other use.
- B. The development standards shall be the same as a sole use on lot facility.
- C. The applicant shall present a landscape plan prepared by landscape architect registered in the State of Ohio that indicates how the wireless telecommunications tower and facility shall be screened from adjoining uses.

## 7. DEFINITIONS:

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

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

Wireless Telecommunications Antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

Wireless Telecommunications Tower: A structure intended to support equipment used to transmit and/or received telecommunications signals including monopoles, guyed, and lattice construction steel structures.

## **SECTION 28: OIL & GAS DRILLING REGULATIONS AND BRINE DISPOSAL**

It is the Intent of this section to provide for the regulation of drilling and operation of wells for oil gas or other hydrocarbon in gaseous or liquid form (or brine disposal) within the boundaries of Braceville Township, Trumbull County, Ohio and to protect the public's health, safety and welfare from such drilling operations.

No person, firm or corporation shall engage in the drilling, operation, production, plugging, or abandonment of a gas or oil well without obtaining a permit from the Zoning Inspector.

### **A. Registration Requirements**

1. Not less that fifteen (15) days prior to the proposed start-up of a well site the application shall file with the Zoning Inspector.
  - a. An application for a Zoning Permit.
  - b. Road and performance bond In the amount of \$25,000 for Township road
  - c. Plat plan drawn to scale, of the Township lot showing the location of.
    1. Well site
    2. Ingress and egress roads
    3. All known water wells within 1500 feet of the well
    4. Storage tanks
    5. Separation Units
    6. Power shut-offs
    7. Transmission lines with 1000 feet of the well
    8. Oil flow shut-offs
    9. Permanent and temporary dikes
    10. All dikes and swales for erosion control and spill prevention
    11. All structures with 500 feet of the well
  - d. Copies of the following:

1. Drilling permit issued by ODNR.
2. State approved filing of the spill prevention and control plan.
3. State approved brine and waste disposal plan.
4. Proof of Road Bond issued to the Trumbull County Engineer for County roads
5. Certified test results from a State Certified testing laboratory of private water supplies of landowners within 1000 feet of the drilling site before drilling begins.  
  
If the landowner refuses testing of their water well, the driller may be granted a waiver of water testing after verification by the Zoning Inspector
6. List of emergency telephone numbers for all parties responsible for any work on the tract.
7. Schedule of proposed starting and completion date of drilling operation
8. Proof of one million dollars (\$1,000,000) liability insurance for all operations related to drilling, production, storage and transmission of all products, by-products and wastes.
9. List of all landowners under lease agreement entered into with the drilling company site/ plat map. Such list shall include name, address, and phone number

B. Road/Highways (includes access roads-and public highways):

1. Storage tanks, separators, well heads or other apparatus shall be located not less than eighty (80) feet from the edge of the right-of-way of any-public highway.
2. Access roads during the drilling and permanent roads to tank batteries shall be a minimum of twelve (12) feet wide and sufficient turnaround-area shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather.
3. All Township roads used as ingress and egress for the proposed well shall be jointly inspected by the Braceville Township Road Superintendent and the drilling company. After said inspection, the drilling company shall provide a \$25,000 road and performance bond with the township.

4. Any dirt and/or mud or debris that accumulates on any public highway shall be cleaned off said highway at once by the drilling company.
5. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the driveway.
6. At no time shall an operator move drilling or any equipment in excess of ten (10) tons onto a Township road without prior approval of the Township Road Superintendent, and issuance of proper permits and bonds.

#### C. Gates and Fences:

1. Storage tanks, separators, well heads or other apparatus shall be enclosed by a six (6) foot high fence. The fence shall be located a minimum of five (5) feet outside of all tanks, pumps, separators and any other miscellaneous apparatus. Sites larger than three hundred (300) square feet shall have two (2) exits remote from each other and all existing gates shall have a minimum opening of four (4) feet. All gates shall be made up of two sections, each being one half of the exit opening size to facilitate orderly and safe fire fighting operations. All fences and gates installations shall be inspected by the authorized inspector before the production commences. All gates, including the drive entrance gate, shall be locked and keyed the same and a key shall be given to the Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators and pump equipment are removed.
2. Access roads shall be adequately fenced and have a gate with a locking device and keyed the same and a key shall be given to the Fire Department. The gate shall be installed at or near the public road entrance to prevent unauthorized entry from the public road. Fences shall be a minimum of twenty-four (24) feet wide with the anchor posts being set in concrete. Exceptions to the location of the gate shall be only in the instance when the well access road and the property owners drive are the same.

In this instance, the gate shall be located where the driveway and the access road no longer are one and the same. No access road to the drilling site shall be nearer than two-hundred (200) feet to the intersection of two streets. This gate shall be installed within seventy-two (72) hours maximum after access road/driveway is initially opened.

Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the driveway.

#### D. Signs

1. Before the start of drilling operations and through the life of the well, a metal sign shall be posted at the access road entrance and on the well site.

The sign shall have the following information:

- a. Owner of well (company, etc.)
  - b. Address
  - c. Phone Number
  - d. Emergency phone numbers – 24 hours
  - e. Permit number of well
  - f. State Inspector phone number
  - g. Street number – which would be given by the Zoning Inspector (allows Police and Fire Department to find area when necessary)
2. The company shall continually update the information on the sign. The company shall provide the Zoning Inspector with the name, address, telephone numbers of all persons or legal entities responsible for the maintenance and operation of each oil and/or gas well site and shall notify the Township-immediately of any changes in the information. The Zoning inspector shall forward this information to the Fire and Police Departments.

#### E. Restrictions of Above Ground Equipment:

1. There shall be no above ground equipment erected for or maintained for the drilling, production, transmission or storage or disposal of gas, oil, waste, natural or artificial brines, oil field waters, sewage, or any liquid used in or resulting from any drilling or production of any oil or gas well within fifty (50) feet of any side yard or within-two-hundred (200) feet of an occupied structure or dwelling or within five hundred (500) feet of a portable water well supply.

The two hundred (200) feet requirement from any occupied structure or dwelling may only be waived by the property owner on which the well is located and the waiver on pertains to occupied structures or dwelling on the well site parcel of ground. A copy of the signed waiver shall be submitted to the Township Zoning Inspector.

2. The five hundred (500) foot restriction may be waived of the potable well owner within five hundred (500) feet of the well head signs a waiver of agreement with the drilling company. Copy of said agreement shall be filed with the Township Zoning Inspector. All potable wells within one thousand (1000) feet of the proposed well head shall be tested with the potable well owner's permission by the drilling company and at the drilling

company's expense prior to any on-site drilling. A copy of certified test results from a State Certified testing laboratory of private water supply shall be filed with the Zoning Inspector. Test to include but not limited to presence of barium, calcium, chloride, iron, magnesium, manganese, nitrogen (total), potassium, sodium, strontium, sulfates, and total dissolved solids.

The drilling company shall locate on the submitted drawings all potable well supplies within one thousand five-hundred (1500) feet of the well head.

3. When a pump-jack is required, the company shall install an electric motor in lieu of a gas motor.

F. Blow-out preventer:

During a drilling of a well, the applicant shall install a blow-out preventer with a remote manual preventer control for in shutting down the system. The blow-out preventer must be in good working condition and of sufficient size and rating to control such hydrostatic pressure as would be expected for the deepest pool to be penetrated. Such blow-out preventer must be installed on the surface casing prior to drilling below surface casing.

G. Spill Prevention - Dikes – Pits:

1. Any applicant for gas and/or oil well or a brine disposal well whose proposed well shall be within two thousand (2000) feet of any lake or pond, whether natural or man-made, river, stream, creek or other such bodies or surface water within Braceville Township, shall indicate the same on such form as the Zoning Inspector may require. It shall be the responsibility of the applicant to assure that any said body of water shall not be exposed during drilling, fracturing, production, and operation of the well to any damage or erosion, siltation, pollution, contamination, or alteration.

Contingency plans shall be made to avoid contamination of the above waters in the event that any oil, gas, brine, waste, toxic material or other such contaminant spills during the drilling, production or abandonment of any oil and/or gas well, whenever any well site is proposed to be located within two thousand (2000) feet of the above, the applicant shall submit with the application a proposed procedure to control spills and reduce the risk of contamination.

2. Whenever pits are required, prior to drilling the well, the drilling company shall install a pit liner, being a minimum of one ten (10) mil thickness. The

liners shall be installed in all pits used to confine drilling fluids from the well and at no time shall the holding pit contain more than two-thirds (2/3) of the amount of fluid the pit is capable of holding. When the pit obtains a fluid level of two-thirds (2/3) capacity, the fluid shall be removed and dispensed of in the designed matter.

3. For the health and safety of Township residents, a system of dikes shall be installed around all tank sites and separators. The size and design of such dikes shall be sufficient to contain at least one hundred thirty-three percent (133%) of the material stored in the tanks and separators within the dike. Before production begins, the Zoning Inspector and Fire Chief must approve the installation of the completed dike system.

#### H. Transmission Lines:

All buried transmission lines crossing or intersecting any public road shall be bored and shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the Township Road Superintendent. The minimum depth of such lines below perennial or intermittent streams and ditches shall be established by the Township Road Superintendent and Zoning Inspector prior to excavation to install such lines. The applicant shall also coordinate the laying of transmission lines with all public utilities servicing the Township. Transmission lines under roadways shall be a minimum of thirty-six (36) inches below the surface and shall be at least fifteen (15) feet from any property lines and shall require a standard Township road bore permit.

#### I. Completion of Well:

After conclusion of the drilling stage, and upon the date when notice is required to be given to the Township of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at well site.

#### J. Landscaping of Well Site:

1. All wells shall have a buffer, as defined in Section 4 of the Township Zoning Resolutions, around the entire fenced in area except where gate openings are required as defined in Section 4 of the Township Zoning Resolutions. A buffer shall not be required in "I" Industrial and Manufacturing, except when abutting residential use.
2. All disturbed areas are to be fine-graded, seeded and mulched upon completion of drilling and fracturing operation. Between November 1 and March 1, fine mulch only. Temporary mulch is to be removed in areas dressed, seeded and mulched after March 1. Weather permitting, all



grading required herein shall be completed within fourteen (14) days after completion of drilling, and all landscaping required herein shall be completed within ninety (90) days after completion of drilling.

3. In no event shall grading and landscaping required in this section be completed in excess of one hundred eighty (180) days after completion of drilling.

K. Abandoned/Plugged Wells:

1. All storage tanks, apparatus, and other equipment located above ground at a well site shall be removed and abandonment completed within one hundred eighty (180) days after a well stops production commercially and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said one hundred eighty (180) days period.
2. The applicant shall provide the Zoning Inspector with a copy of plug/abandonment permit.

L. Shut-In Wells:

In the event an applicant at any time determines to shut-in a production well, the applicant shall notify the Zoning Inspector of the length of time said well is expected to be shut-in and shall further notify the Zoning Inspector when the well again will be productive.

M. Maintenance of Producing Well:

The applicant shall at all times maintain, repair, repaint, and replace any storage tank on the drilling unit and shall adequately maintain, repair, and replace all fences required under the Zoning Resolution. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike, or any other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the same shall be a violation of this Zoning Resolution and the Zoning Inspector may order the applicant to shut down and cap any producing well or seek any remedies otherwise available to the Township.

N. Severability:

Any part of this section which is superseded by any section of the Ohio Revised Code or any rule or regulation promulgated there under, shall not affect the validity of any other portion of this chapter.

## SECTION 29: DEFINITIONS

Words used in this resolution in the present tense shall be interpreted to include the future tense, words used in the singular number shall include the plural number, and the plural number shall include the singular number. The word "shall" as used in the resolution is mandatory and not directory. The word "structure" shall include the word "building." The masculine gender as used in this resolution shall include the feminine and neuter gender and vice versa.

**AGRICULTURE** shall mean farming; ranching; aquaculture; apiculture; horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but not secondary to, such husbandry or production.

**AFFECTED AREA** The area affected as referred to in ORC. 519. 12, Amendments, shall mean an area having a radius of one half (1/2) mile from the proposed change, unless the reason for the proposed change, is of such magnitude as to reasonably affect the whole Township, then said Township shall be the affected area.

**ALLEY** for the purpose of this resolution is defined as a narrow public way, located, designed and dedicated for the public use and usually abutting on the rear of lot lines.

**AN ACCESSORY USE** or "ACCESSORY BUILDING" or "STRUCTURE" for the purpose of these resolutions is a use, building or structure with one or more enclosed sides or roof located on the same lot and of a nature customarily incidental and subordinate to the primary use, structure, building, or dwelling located on the lot.

**APARTMENT** whenever mentioned in this resolution is a room or suite e of rooms in an apartment house, which room or suite is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of a single family, individual, or group of individuals.

**APARTMENT HOUSE** whenever mentioned in this resolution is a complete permanent building arranged, designed, intended, ended, and constructed or reconstructed to be occupied by more than two families living independently of each other and doing their own cooking upon the premises, or by more than two living independently, but having a common heating system or a general dining room.

**APPROVED SEWAGE DISPOSAL PLANT** a plant approved by state and county sanitary officers giving primary and secondary treatment to sewage and operated and maintained by

assessments against the property served; said assessment being collected by the county of Trumbull.

BARRIER enclosing fence or boundary wall.

BATHROOM wherever mentioned in these Resolutions is a room within the structure containing at least a wash basin and water basin and water closet and a permanently Installed tub or shower bath.

BOARDER whenever mentioned in this Resolution is a person furnished with lodging or food at another's house at a stated charge; one who rents a room or lodging.

BUFFER wherever mentioned in these Resolutions means a strip of land reserved for the purpose of blocking the view from a use of the abutting commercial or industrial use by landscaping material (trees, shrubs, etc.) or a fence to a height of at least six (6) feet. If a fence is utilized, it must be of a material or design sufficient to obscure a view of the abutting commercial or industrial use, and the side facing the residential use must be finished so as to provide a good cosmetic appearance. Such a fence must also conform to all regulations in this Resolution for fences. The landscaping material or fence must be located along the inside edge of the buffer strip and not on the property line. The buffer strip shall be clear of any structures or driveways, and no parking or other uses related to the commercial or industrial use shall be permitted within the strip. The regulation for fences within the set back area is modified to allow for a four (4) foot minimum fence, but it shall not be located any closer than fifty (50) feet from the right-of-way of the street along the front property line.

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

CONSTRUCTION whenever mentioned in this resolution shall not mean the actual commencement of the erection or alteration of a building, structure or other object, and shall be deemed to have begun only when either of the following have occurred.

- (a) A footer is completed.
- (b) Raw materials are affixed to the real property so as to become a permanent part of the building, structure or other object to be erected. CONSTRUCTION shall not include mere preparatory work or activity such as planning and design, demolition of existing structures, grading, preliminary excavation work, or the removal of debris.

A CORNER LOT for the purpose of this resolution is a lot, two sides of which are bounded by margins of intersecting dedicated public highways.

CUSTOMARY HOME OCCUPATION wherever mentioned in these resolutions shall be considered an occupation which involves primarily rendering a service and may involve the incidental sale of tangible goods related to that service.

DANGEROUS PETS refers to any animal, reptile, bird, fish or insect, which is trained, restrained, confined and cared for in a way which demonstrates ownership and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

DRIVEWAY refers to that area of a lot reserved for ingress and egress to the main structure and consisting of a hard surface of gravel, asphalt, concrete, brick or stone.

DUPLEX DWELLING a duplex family dwelling is a dwelling entirely detached and independent from any other principle structure, arranged, intended, designed and constructed or reconstructed to be occupied by two families.

EFFECTIVE DATE wherever mentioned in these Resolutions-means; the date at which time these Braceville Township Zoning Resolutions were initially adopted. Effective date for Braceville Township is Nov. 2, 1954 and any dates of Amendments thereto, as adopted by the Braceville Township Trustees.

EXCAVATE unearth.

FAMILY wherever mentioned in this resolution is any number of individuals related by blood, marriage, or adoption, living and cooking together on the premises as a single housekeeping unit and including domestic employees.

FARM MARKET AND/OR ROADSIDE STAND whenever mentioned in these Resolutions is a structure used for the display and sale of agricultural products, subject to the limitations as set forth under "FARM MARKETS AND/OR ROADSIDE STANDS" in Section 4; Classification of Uses, paragraph 7. in the Braceville Township Zoning Resolution.

FENCE is a man made barrier of vegetation, stone, wood, chain link, iron or vinyl. Fences shall be installed with equal or best side toward the neighbor and shall be installed so they can be maintained without leaving the owners property.

FRONTAGE: The distance as measured along the designated front property line of a lot or parcel abutting an accepted street or road, uninterrupted by any other lot, parcel, or public right of way.

FRONT LOT LINE or "front property line" or "property frontage" for the purpose of this resolution shall be construed to be coincident with the principle road line of the lot. If there is no established right-of-way side line for road or street, said line shall be deemed to be thirty (30) feet from the center of the road.

GARAGE for the purpose of this Resolution is a building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

GARAGE SALE means a sale held by a property owner or renter of a property in a garage, on a driveway, parking lot, porch, attic, basement or lawn but not in the living area of any property.

**GREEN AREAS** whenever mentioned in these Resolutions means an area of the parcel or lot that shall be set aside for grass or vegetation to be maintained, exclusive of driveways, parking areas and structures. Whenever parking areas, as required by these Resolutions, create a large area, it is requested that they be broken up with small planter areas, including trees. These planter areas will be included in the mandated green area.

A **HIGHER USE** wherever mentioned in this resolution is a more restricted use and "lower" is a less restricted use.

**INTERSECTION** for the purpose of these resolutions shall be a junction of any two or more dedicated and accepted public streets in Braceville Township.

**LANDFILL DISPOSAL** of construction materials and/or demolition materials must meet all environmental Zoning restrictions.

**LANDSCAPING BUSINESS:** A Landscaping Business is the manufacturing, processing, locating or storage of aggregate landscaping materials including but not limited to top soil, dirt, sand, mulch; landscaping stones, bricks, pavers, or rocks of any material; fencing or decorative lawn ornaments, trees, shrubs, bushes and plants of any kind, not grown and harvested on the premises, for wholesale or retail sales; the locating, storage or operation of landscaping equipment and vehicles on the property; and the locating or storage of vehicles, equipment, machinery, mowers, and chemicals for off-premises lawn and yard maintenance, tree removal, yard and plant weed and pest control and fertilizer. The operation and maintenance of a Landscaping Business in a Residential District may be permitted as a "conditional use" by the board of zoning appeals upon such reasonable conditions, limitations and restrictions as the board in their discretion deems necessary to preserve the health, safety and residential character of the neighborhood and to avoid any adverse effect on or detriment to the adjoining and neighborhood properties, including but not limited to, the scope, size and manner of operation, times of operation, number of employees, number and location of buildings, types, amounts and location of landscaping materials stored on the premises, types and numbers of vehicles and equipment used or stored on the premises, fencing, screening and signage and that the use of said premises for a landscaping business shall not by reason of noise, vibration, dust, odor or other contaminant constitute a nuisance.

**AN OVERALL LENGTH LINE OF A PRINCIPLE RESIDENTIAL STRUCTURE** no overall dimension of any side of a principle residential structure shall be less than twenty (20) feet.

A **LINE OF A BUILDING** or "building line" wherever mentioned in this resolution is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walks, whichever is nearer the lot line in question.

**LOGGING AND/OR TIMBER CUTTING** to cut into logs, slabs or other by products, to cut down trees, to gather timber.

**LOT** as used in this resolution shall be a parcel of land occupied by, or legally capable of being occupied by a principle building and the accessory building or buildings or uses, customarily incident to it and to include such open yard areas as are required by this resolution and such

further open areas that are herein permitted to be arranged and designed to be used in connection with such building.

**MANUFACTURED AND/OR MOBILE HOME** for the purpose of this resolution is any vehicle originally built, manufactured, assembled, constructed, or reconstructed to have one or more wheels and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals. Furthermore manufactured and/or mobile home means a manufactured, relocatable, single-family dwelling unit, suitable for year-round occupancy, containing a water supply, waste disposal and heating system, and electrical conveniences.

**MANUFACTURED AND/OR MOBILE HOME PARK** is a tract of land not less than twenty (20) acres which has been zoned, planned, improved and developed for the placement of manufactured mobile homes.

A **NON-CONFORMING USE** for the purpose of this resolution, is one that does not comply with the regulations established for the particular use district or zone in which it is situated.

**POND** a man made artificially enclosed body of water.

**PORCH** wherever mentioned in this resolution is a roofed open structure projecting from the front, side or rear wall of the building.

**PROFESSIONAL** as referred to in Section 4: Classification of Uses; includes a doctor of medicine, doctor of osteopathy, optometrist, dental, surgeon, oral surgeon, orthodontist, periodontist, doctor of veterinary medicine, chiropractor, podiatrist, audiologist, speech pathologist, psychologist, attorney, architect, accountant, professional engineer, and such other persons who can, upon proper appeal to the Braceville Board of Zoning Appeals, clearly establish that they practice a profession as opposed to an occupation which is predominately commercial or mechanical in nature.

**PROPERTY OWNER** the owner of recorded real estate.

**REAR LOT LINE** or **REAR PROPERTY LINE** for the purposes of these Resolutions shall be the property line opposite the front lot line as defined in these Resolutions. If a lot is not in the form of a rectangle, but is irregular in shape, there shall be no rear lot line unless the principle building on said lot faces an angle, thereof, the one side of said angle shall be the front lot line and the line opposite said angle shall be the rear lot line.

A **REAR YARD** or "back yard" or "rear area" or "back area" for the purpose of this resolution is a space unoccupied by buildings or any structure of any type between the rear lot line and the building line nearest thereto on said lot.

**REPAIR GARAGE** for the purpose of these Resolutions is a building or space for the storage of motor vehicles at which repairs on any kind of motor vehicle is permitted or at which the sale of accessories and filling service is permitted.

REST HOME wherever mentioned in this resolution is a structure operated for a profit for the care of aged or infirm persons.

A SET-BACK LINE wherever mentioned in these resolutions is the distance between the front lot line in question and the nearest principal building line.

SIDE LOT LINE for the purpose of this resolution shall be any lot line, which is not a rear. Lot line or a front lot line.

A SIDE YARD or "side area" for the purpose of this resolution is a space unoccupied by building between a side lot line and the building line nearest thereto on said lot.

A SIGN BOARD or BILLBOARD including both permanently installed or portable for the purpose of these resolutions is any structure, or part thereof, on which lettered or pictorial matter is displayed for publicity or advertising purposes.

A SINGLE FAMILY DWELLING is a dwelling entirely detached and independent from any other principle structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family. A family wherever mentioned in these resolutions is any number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single-housekeeping unit and including domestic employment.

STRUCTURE or "BUILDING" for the purpose of this Resolution is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills or support, whether such foundation, posts, piles, blocks, skids, sills or other support is or is not permanently located in, or attached to, the soil.

A STRUCTURAL CHANGE wherever mentioned in these resolutions means any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.

STREET, ROAD, HIGHWAY, OR LANE are for the purpose of this Resolution considered to be synonymous and each is defined as a public way located, assigned and dedicated for public use.

SWIMMING POOL, either "commercial or outdoor residential", for the purpose of this zoning ordinance, is defined as a water pool constructed of steel, masonry, concrete, aluminum, plastic or any other material and located out of doors, which has a square foot surface of three hundred (300) square feet or more, a depth at any point of more than two (2) feet, or both.

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

TENT wherever mentioned in this Resolution is a temporary structure of canvas or other similar material for adult occupancy and is not intended to include a child's play tent.

TRANSIENT VENDOR AND/OR SOLICITOR, Transitory, passing through, staying only for a brief period. Examples of transient vending/ soliciting but not entirely inclusive: door to door vending and/or solicitation i.e. magazine and book sales, curb painters, home improvement businesses, outside location sales of merchandise i.e. furniture, flowers, plants, produce, etc. -

VEHICLE for the purpose of these Resolutions shall mean any auto, truck, bus, van, trailer, camper, boat secured to a trailer and that which is mobile and has wheels, tracks, etc., for mobility.

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

WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

WIRELESS TELECOMMUNICATION TOWER: A structure intended to support equipment used to transmit and/ or receive telecommunications signals including monopoles, guided and lattice construction steel structure.



## DESCRIPTION OF ZONED AREAS IN BRACEVILLE TOWNSHIP

### Residential Zone

The residential zone referred to as "r" shall be the entire township with the exception of those areas otherwise zoned as listed below.

### Commercial Zone

Bound on the north by north boundary of Werner property of Werner property line to Route 534, and on across 534 following north boundary of Carl Heyn property and east boundary of Robert Jewell property and across Route 82 following east boundary of Ola Bell property. Bound on the south by south boundary of Ola Bell property and turnpike. Bound on the west by turnpike to Route 303 and across Route 82 following west bounds of Werner property. Also the property now known as Ridge Ranch.

The area one hundred (100) feet on east side of Route 5 from Warren Township on north to Center South Road on south.

The Wojnarski property and the Callahan property on Garrard-Shihola Road as recorded in 1968 zone change.

J. and B. Sports 3980 State Route 82 (one half acres).

Trumbull County Dry Kilns 1490 Shanks Downs Road, approximately 37 38 acres with one hundred twenty five (125) feet frontage Lacy Norman. Doll Lumber Company 1363 State Route 534.

### Industrial zone number 1

Industrial zone number 1 shall be in section fifteen (15) of the township and shall be that area bounded by the township line on the east, and by Leavittsburg Benedict Road and Route 82 and 5 on the other side.

### Industrial Zone Number 2.

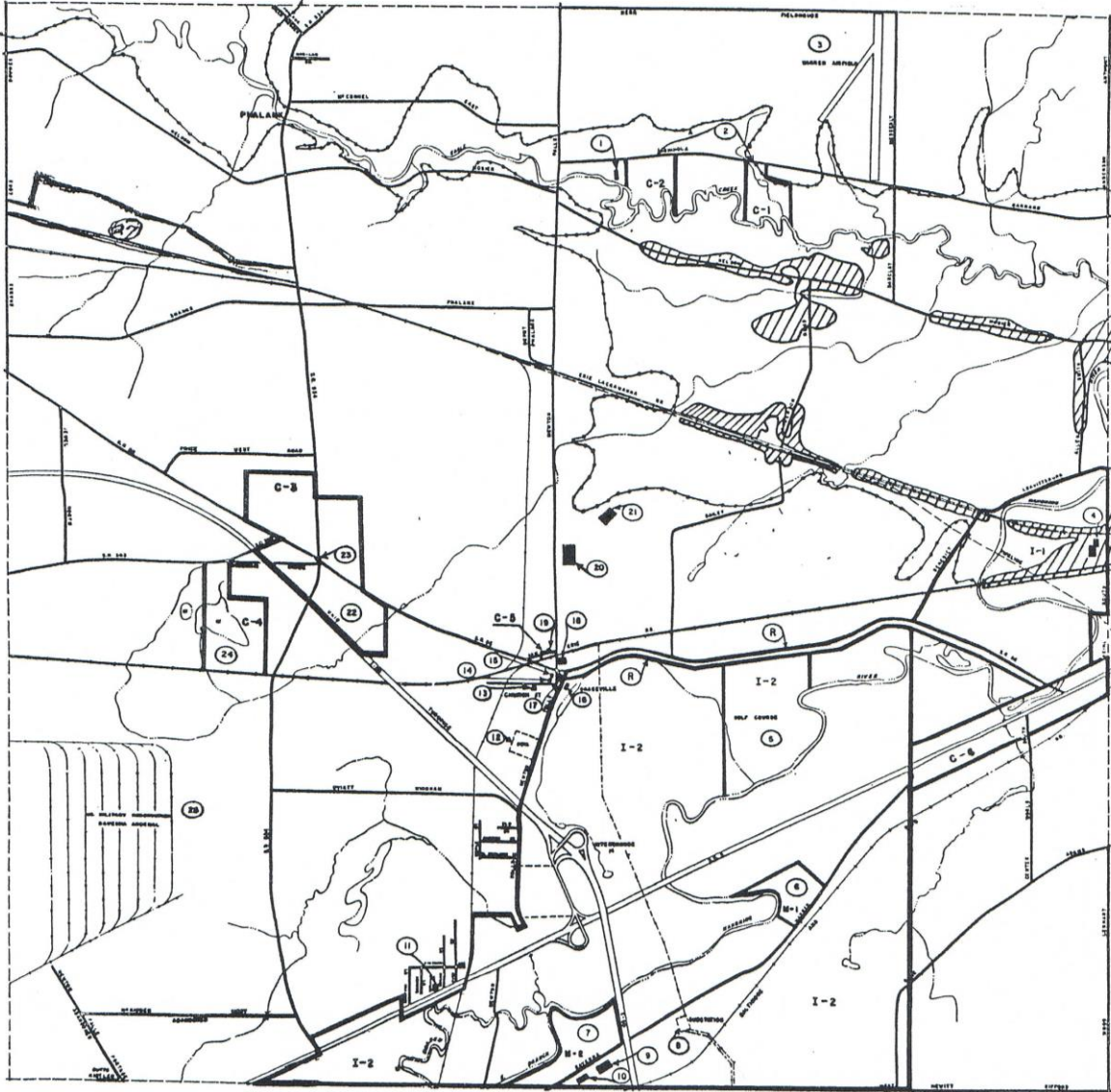
Bounded on the north by a line four hundred (400) feet south of State Route 82 to west boundary line of the J. W. Gardhill and Mary E. Zimmerman following south a line approximately three hundred (300) feet east of Braceville-Newton Falls Road to a line four hundred (400) feet north of State Route 5. Across Newton Falls-Braceville Road to the north boundary of Hanson property and following this line to the L. E. A. and A. Railroad and the south to Route 5, four hundred (400) feet north of Route 5 on west boundary of steel industrial allotment to the Braceville Township line. Then following this boundary south to the south boundary of the township, thence east to the eastern boundary of parcel 17 and 24 to four hundred (400) feet south of Route 82.

### Manufactured home park area

Number 1 Arhaven trailer park on Old Route 5

Number 2 Hanson property on Old Route 5

# ZONING AND LAND USE MAP



- 1. SHRINE CLUB
- 2A. CAMPING AREA
- 2B. CAMPING AREA
- 3. WARREN AIRFIELD
- 4. DENMAN TIRE & RUBBER
- 5. RIVERVIEW GOLF COURSE
- 6. MOBILE HOME PARK 1
- 7. MOBILE HOME PARK 2
- 8. SUB STATION

SCALE 1" = 1000'

- 10. HANSON DRUG
- 11. BAPTIST CHURCH
- 12. CEMETERY
- 13. CHRISTIAN CHURCH
- 14. TOWNSHIP HALL
- 15. FIRE STATION/GARAGE
- 16. METHODIST CHURCH
- 17. TOWNSHIP PARK
- 18. 1<sup>ST</sup>. ASSEMBLY OF PENTECOST

- 20 MIDDLE SCHOOL
- 21. VAUGHN SCHOOL
- 22. SOAP BOX DERBY
- 23. FOUR WAY STOP
- 24. RIDGE RANCH PARK
- 25. RAVENNA ARSENAL
- 26. J. & B. GUN SHOP
- 27. DULL LUMBER

- R. RESIDENTIAL
- RA. RESIDENTIAL APARTMENT
- M. MOBILE HOME PARK
- I. INDUSTRIAL
- C. COMMERCIAL

--- FLOOD PLAIN  
 ///// ISLAND IN FLOOD PLAIN