

## **INTRODUCTION**

A resolution providing for the zoning of Vienna Township by regulating the location, size and use of building 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 Vienna 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, to regulate therein the use, size, location of buildings and other structures; the location of yards and other open spaces in relation to buildings and structures; and the use of lands; the following districts and uses are hereby created to accomplish this purpose.

### **SECTION 1: AGRICULTURE**

Land in any district may be used for agriculture purposes, except in platted subdivisions as designated in Section 519.21(B), O.R.C. and amendments thereto; in which case the provisions, conditions and restrictions contained herein shall fully apply to the extent permitted by Section 519.21(B) O.R.C. and amendments thereto. For the purpose of this resolution, "Agriculture" shall include but not be limited to: agriculture farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

No zoning certificate is required for the construction of buildings used for or incidental to agriculture purposes. If the use of the building is incidental to agriculture, a written statement must be filed with the Township Zoning Inspector by the Owner(s) before construction may begin.

However, a zoning certificate is required for the construction of building(s) on agriculture parcels where the intended use of the building(s) is not incidental to agriculture purposes.

Fencing for agricultural purposes is exempt from restrictions noted in Section 40 of this Resolution.

Seasonal agricultural signs, designed as informational or directional are permitted on a temporary basis. Such signs shall pertain to agricultural products only. One (1) on site seasonal agricultural sign and up to five (5) off site seasonal agricultural signs are allowed. The on site sign may be up to Sixteen (16) square feet per side and the off site signs may be up to three (3) square feet per side for each sign. All seasonal agricultural signs placed off sight shall have the permission of the owner of the property on which the

sign is to be placed. No signs shall be allowed on trees or telephone poles. All seasonal agricultural signs must be adhered to it's own free standing frame. Seasonal agricultural signs must be neat and legible and clearly identify the location of the sale. Seasonal agricultural signs shall comply with all applicable federal and state regulations including Sections 5516.06 and 5516.061 of the Ohio Revised Code.

A seasonal agricultural sign permit must be obtained from the zoning inspector at no cost. Property owner permission must be registered with the zoning inspector for off site seasonal agricultural signs in order to obtain the permit. The zoning permit will be issued for a period of sixty (60) days, with an option for a thirty (30) day extension. The permit will specify the sign removal date. If the signs are not removed or if a permit is not obtained for the seasonal agricultural signs a fine as determined by the Vienna Township Board of Trustees will be charged.

History: Original enactment: 11-5-57, Amended: 3-8-77, Amended 7-23-09, Amended 7-23-15.

## **SECTION 2: DISTRICTS**

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

- A. Residential, which shall be designated as “R” Districts
- B. Residential Apartments/Condominiums, which shall be designated as “RA/C” District
- C. Commercial 1, which shall be designated as “C-1”
- D. Commercial 2, which shall be designated as “C-2”
- E. Commercial 3, which shall be designated as “C-3”
- F. Industrial and manufacturing, which shall be designated as “I” Districts
- G. Planned Unit Development, which shall be designated as “PUD” Districts
- H. Manufactured Home Park, which shall be designated as “MHP” Districts

The boundaries of these districts and classes of districts are hereby established on a map entitled “Zoning Map of Vienna Township”, which map accompanies and is hereby declared to be part of this resolution along with a description of these areas zoned as “R” Districts, “RA/C” Districts, “C-1” Districts, “C-2” Districts, “C-3” Districts, “I” Districts, “PUD” Districts, and “MHP” Districts.

No buildings or premises shall be used, and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

History: Original enactment: 11-5-57, Amended 10-5-68, Amended 1-30-84, Amended 3-28-11.

### **SECTION 3: CLASSIFICATIONS OF USES**

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

#### **“R” DISTRICTS (RESIDENTIAL)**

The following uses, and no other, shall be deemed Class “R” uses and permitted in all “R” Districts.

- 3.1 Churches and places of worship, schools, colleges, universities, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playground, single and two-family dwellings and buildings accessory thereto.

Single and two-family dwellings shall not be deemed to include tents and cabins designed for transient tourist trade, trailer coaches, and mobile homes.

The taking of boarders or leasing of rooms by a resident family is permitted, provided the total number of boarders or roomers does not exceed two, in addition to the members of the family.

Amended: 12-4-2013.

- 3.2 A professional building may be located in an “R” District (residential) providing a conditional zoning certificate is obtained through a public hearing before the Vienna Township Board of Zoning Appeals. Any office in a professional building in an “R” District (residential) shall be occupied only by persons who are professionals as defined in Section 36 of this resolution.

- 3.2.1 The following restrictions apply to Section 3-2:

- A. Building must be compatible to residential area
- B. Parking in rear and/or side only
- C. Square footage of building not to exceed two thousand (2,000) excluding basement.

- 3.3 A Home Occupation may be maintained in a dwelling house used as a private residence, providing such use does not involve an extension or modification of such dwelling and lot upon which the dwelling is located which will alter the outward appearance of the lot and dwelling; and providing such use does not involve any

outward evidence of such use (including, but not limited to, equipment similar to and including heavy construction equipment, semi-tractors, and trailers used for freight purposes; materials, junk and debris) other than a sign authorized in the definition of this Resolution: (See Section 36) and further providing that proper facilities are provided for off-the-street parking for patron's vehicles, and further providing that such Home Occupation does not necessitate the employment of more than one employee in addition to the proprietor's family; and said Home Occupation occupies no more than 25 percent of the total usable floor area of the total usable floor area of the dwelling unit – determined by its interior dimensions exclusive of cellar, attic, garage or porch areas. (See Section 36 – Definitions, "Home Occupation"). Each Home Occupation shall be required to register and secure an Occupancy Permit prior to commencement of said Home Occupation. It shall be the responsibility of the person conducting the Home Occupation to register such use and to secure Occupancy Permit. Said registration shall be valid until such use is discontinued or changed.

Amended: 8-3-77

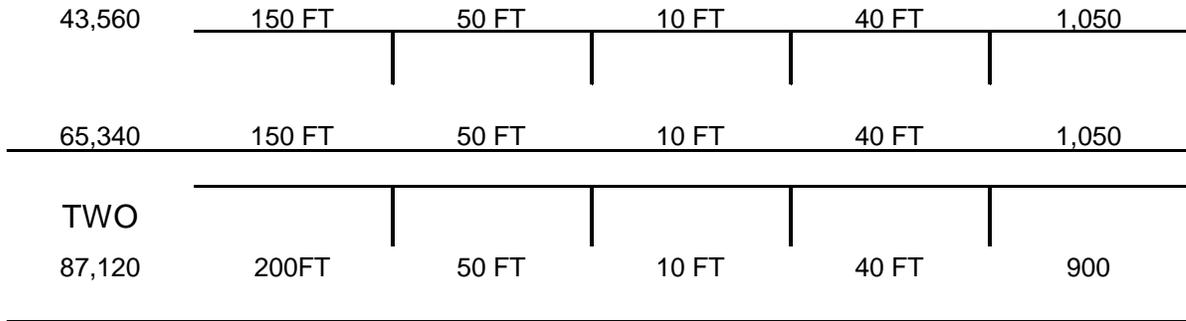
- 3.4 A basement wholly or partially below the grade of the lot on which it is located, or garages, for dwelling purposes shall be permitted for a period not to exceed two years; provided, however, plans showing the completed structure shall be filed with the application for a zoning certificate.
- 3.5 Hospital or sanitarium shall have a lot area of not less than five acres and a frontage on a public thoroughfare of not less than five hundred (500) feet, and further providing that said hospital or sanitarium shall have a minimum side lot clearance on each side of said building of not less than fifty (50) feet.
- 3.6 Rest homes and nursing homes for the care of the infirm or aged provided the same shall meet the standard required in Chapter 3721 of the Ohio Revised Code.
- 3.7 Roadside stands consisting of structures used for display and sale of agricultural products, provided:
  1. Such stands are not in the road right of way;
  2. Adequate facilities are maintained for off-the-road parking of customer's vehicles;
  3. More than fifty (50) percent of the products sold on such roadside stands are agricultural products raised on the premises;
  4. That such roadside stands be so designed and constructed that it can be removed from the roadside when not in use for a period of thirty (30) days.
- 3.8 Golf courses. For the purposes of this resolution, golf courses in "R" Districts (Residential) shall be described as follows:

1. A golf course is a parcel of land used for playing golf only.
2. The number of holes prescribed shall be nine (9) or any multiple of (9).
3. The sale of equipment and supplies shall be limited to those incidentals to the playing of golf.
4. The playing of golf shall be confined to daylight hours.
5. Structures erected shall be those required for the playing of golf such as clubhouse, locker rooms, maintenance buildings, etc.
6. The sale of food shall be limited to light lunches and beverages which would normally be consumed by patrons of golf courses.
7. Jukeboxes and other amplified sound systems are prohibited.
8. A golf driving range is a permitted use under this subsection, but such use must be granted by the issuance of a conditional zoning certificate as provided in ORC 519.14(c), and the following standards must be met before such a request can be considered by the Zoning Board of Appeals:
  - a. The parcel must contain at least six (6) acres of bare land.
  - b. Adequate sanitary facilities, concealed from the road and adjacent properties by fencing or landscaping
  - c. Use confined to daylight hours and no outside lighting.
  - d. Sale of food shall be limited to light lunches and beverages normally served and consumed by golf course patrons.
  - e. Jukebox and sound systems prohibited.
  - f. Structures erected should be limited to those normally required for a golf driving range.
  - g. Sale of personal property shall be limited to golf supplies.
  - h. A plan (in scale) shall be provided by the applicant displaying the layout of the golf driving range, dimensions, and the location of each structure.

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 adequate facilities for the storage of refuse, waste, junk, objects to be repaired, and disposed of are provided, and the same are screened from view.

### 3.9 Minimum Residential Lot Restrictions

SINGLE					
Minimum Lot Area Sq. Ft.	Minimum Lot Width	Minimum Front Yard Depth	Minimum Each Side Yard Width	Minimum Rear Yard Depth	Minimum living Area per Dwelling



Amended: 6-28-07

**“RA/C” DISTRICTS (RESIDENTIAL APARTMENT/CONDOMINIUMS)**

The following uses and no other shall be deemed Class “RA/C” uses and permitted in all “RA/C” Districts:

- A. Any use permitted in an “R” District shall be permitted in an “RA/C” Condominium District.
- B. Apartment houses and/or multiple dwellings of all types
- C. Condominiums
- D. Accessory Uses:
  - 1. Detached garages and carports.
  - 2. Maintenance buildings
  - 3. Refuse disposal areas
  - 4. Separate laundry facilities
  - 5. Recreational buildings and clubhouses.
  - 6. Offices, gatehouses, and security units.

E. Development Standards;

- 1. Height Regulations. A building cannot exceed the greater of three (3) stories or forty (40) feet from the grade level.
- 2. Side Yard. There shall be a side yard on each side of every main building. The minimum distance between each building on the same lot shall be thirty (30) feet. The minimum width of each side yard shall be thirty (30) feet. If any building exceeds twenty (20) in height, the width of each side yard and distance between buildings shall be increased by one (1) foot for each one (1) foot of height of building over twenty (20) feet from the established grade level.

If the property abuts R, RA/C, or MHP, twenty (20) feet of the required side yard shall be considered a buffer zone. This “buffer” shall block the view of “RA/C”

use from the residential use.

3. Rear Yards. Wherever a use permitted in the “RA/C” District is adjacent to any Residential Use including those permitted in “RA/C”, “MHP” or “PUD”, a sixty (60) foot rear yard set back with a thirty (30) foot buffer shall be required along the rear so abutting any use as defined in the above zone districts. This “buffer” shall provide a screen or mask or otherwise block the view of the “RA/C” use from the residential use.  
  
If “RA/C” abuts “C-1”, “C-2”, “C-3”, or “T”, then forty (40) foot rear yard setback shall be required.
4. Setback Building Line. A minimum of forty (40) feet from the public right of way.
5. No RA/C structure shall have an area of less than seven hundred fifty (750) square feet.
6. All structures or buildings having an overall first floor area of greater than one hundred (100) square feet shall have an approved foundation according to the rules and regulations of the Trumbull County Building Code or State of Ohio Building Code.
7. Whenever an area is set aside outside of any structure to be used for the temporary storage of waste material, garbage, etc., that storage area must be enclosed or screened from the view by a wall, fence, or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property lines.
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%) percent of the total land area reserved for green area, exclusive of parking, driveways, or building area, and that fifty (50%) percent of the green area shall be located within the front yard area (from the front of the structure to the front property line). When requested, the side yard or rear yard “buffer” shall be included in the fifteen (15%) percent green area.
9. No apartment, house, or condominium shall be erected or building altered for that purpose on less than 5,000 square feet of lot area per family, with a minimum lot area of 25,000 square feet. See Section 8: sub-paragraph C in conjunction with the minimum lot area requirement.

Amended: 6-28-07, Amended 3-28-11.

## **“C-1” Districts (Commercial 1)**

The purpose of the “C-1” District is to encourage the establishment of professional, administrative, clerical and similar uses; and also to encourage the establishment of those businesses which have no retail trade on the premise. It is recognized that this district can be effectively used as a transitional buffer between more intense business districts and residential districts.

The intended geographic location of “C-1” Districts within the Township shall be as indicated on the Zoning Map of Vienna Township.

Closing times no later than 9:00 P.M. are to be encouraged because of the close proximity to residential areas.

The following uses shall be deemed Class “C-1” uses and permitted in all “C-1” districts:

A: Any use permitted in an “R” or “RA/C” district shall be permitted in a “C-1” district provided the requirements of the “R” or “RA/C” district are met.

B: Commercial establishments as specified below or similar businesses:

Doctor	Dentist
Attorney	Accountant
Finance Companies	Veterinarian
Bed and Breakfasts (4 bedrooms max.)	
Architect	Photography Studios
Professional Engineer	

C: “C-1” districts are intended to include those uses:

1. Which are not engaged in businesses specifically included in “C-2” or “C-3” district uses;
2. Which are not engaged in activities which result in noxious, dangerous, or offensive fumes, odors, dusts, flames, vibrations, or noise;
3. Which are not engaged in activities involving the storage of materials, chemicals, waste, junk, or objects to be repaired which pose a danger to adjacent property or create offensive views or an accessible hazard to persons;
4. Where building area does not exceed four thousand (4,000) square feet, any individual establishment or combination thereof exceeding this floor space must be in an area zoned “C-2” (Commercial 2).

- D: 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.
- E: For the purpose of this resolution, golf courses in “C-1” districts shall be described the same as in “R” (Residential) districts.
- F: Proposed uses in this district (and other commercial districts) shall adhere to the following standards and show adequate evidence that such use at the proposed location:
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
  2. Will 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 school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
  3. 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;
  4. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
  5. Will have vehicular approaches to the property which shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
  6. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
  7. SIGNS - In the C-1 District only one (1) free standing, two sided sign, with forty (40) square feet per side, per business is permitted. The square footage of such sign will be included as part of the one hundred (100) square feet of sign area permitted per business as stated in section 6-12 of the Vienna Township Zoning Resolution. The minimum sign height is five (5) feet and the maximum height is eight (8) feet. All signs must also adhere to the requirements referred to in section 6 of the Vienna Township Zoning Resolution.
  8. Drive-thru business in the “C-1” (Commercial 1) District is prohibited.

History: Original enactment 7-23-09, Amended 5-22-13, Amended 12-5-15.

## **“C-2” Districts (Commercial 2)**

The purpose of the “C-2” District is to encourage the establishment of small convenience businesses which are intended to meet the daily or regular needs of the residents of the community. Excessive strip development within this district shall be prohibited by maximum size and the locational limitations as indicated on the Zoning Map of Vienna Township. It is intended to encourage use by the pedestrian as well as the motoring resident. Closing times of no later than 12:00 midnight are recommended.

The following uses shall be deemed Class “C-2” uses and permitted in all “C-2” districts:

A: Any use permitted in an “R”, “RA/C”, or “C-1” district shall be permitted in a “C-2” district provided the requirements of the “R”, “RA/C”, and “C-1” districts are met.

B: Commercial establishments as specified below or similar businesses:

Barber Shops	Video Stores
Beauty Salons	Shoe Repair
Banks	Grocery Stores
Antique Shops	Meat Markets
Gift Shops	Bakeries
Craft Shops	Ice Cream Parlors
Florist Shops	Drug Stores
Dance Studios	Dry Cleaning
Martial Arts Studios	Laundries
Human Care Facilities	Credit Unions
Carpet Cleaning	Travel Agencies
Upholstery Shops	Day School
Interior Decorating	Nursery School
Hardware Stores	Private School
Jewelry Stores	Pet Grooming Facility
Hobby Shops	Funeral Homes
Savings and Loan Companies	Shoe Stores
Restaurants	
Clothing Stores	Dairy Stores

C: A “Class C” animal farm as defined and licensed by the United States Department of Agriculture, with a conditional zoning certificate as prescribed by Section 22 of the Zoning Resolution.

D: “C-2” districts are intended to include those uses:

1. Which are not engaged in businesses specifically included in “C-3” district uses;
2. Which are not engaged in activities that result in noxious, dangerous, or offensive fumes, odors, dusts, flames, vibrations, or noise; excluding noise associated with a drive-thru speaker system.
3. Which are not engaged in activities involving the storage of materials, chemicals, waste, junk, or objects to be repaired which pose a danger to adjacent property or create offensive views or an accessible hazard to persons;
4. Where building area does not exceed twelve thousand (12,000) square feet, any individual establishment or combination thereof exceeding this floor space must be in an area zoned “C-3” (Commercial 3).

E: 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.

F: For the purpose of this resolution, golf courses in “C-2” districts shall be described the same as in “R” (Residential) districts.

G: Proposed uses in this district (and other commercial districts) shall adhere to the following standards and show adequate evidence that such use at the proposed location:

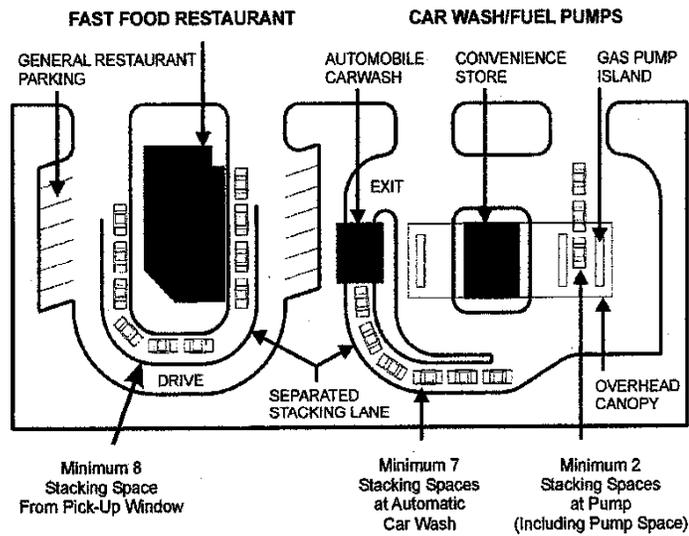
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
3. 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;
4. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor; excluding odor subsequent to the production of food products for immediate consumption.

5. Will have vehicular approaches to the property that shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
6. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
7. SIGNS - In the C-2 district only one (1) free standing, two sided sign, with forty (40) square feet per side, per business is permitted. The square footage of such sign will be included as part of the one hundred (100) square feet of sign area permitted per business as stated in section 6-12 of the Vienna Township Zoning Resolution. The minimum sign height is five (5) feet and maximum height is ten (10) feet. All signs must also adhere to the requirements referred to in section 6 of the Vienna township Zoning Resolution.
8. GREEN SPACE - Must have a minimum nine feet (9 ft) of green space between the road and parking lot, with three feet (3 ft) from the right of way being unobstructed.
9. PARKING - One (1) parking space two hundred (200) square feet, exclusive of access and driveways, shall be provided for each three hundred (300) square feet of floor.
10. LOT SIZE - The minimum lot area shall be 1 acre for properties with sewers and 1.5 acres for properties without sewers.
11. LIGHTING - There may be free standing lights in the parking area up to twenty five (25) feet in height. Building mounted lights may be up to the height of the eave. Lighting of the business parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. The focus of all lighting shall be downward, directed towards the business parcel. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
12. PAVING - All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a hard surface, durable and dust free.
13. DRAINAGE - All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be in accordance with the "Trumbull County Drainage, Erosion and Sediment Control Manual" and referenced in the District Standards.
14. A business may provide a drive-thru service only in such instances that the drive-thru is ancillary to the functioning of the business, and not a mainstay that could lead to traffic congestion.
15. STACKING SPACE REQUIREMENTS - Vehicle stacking spaces for drive-thru facilities shall be provided according to the following table:

## Stacking Space Requirements

<u>Activity</u>	<u>Minimum Stacking Spaces (per lane)</u>	<u>Measured From:</u>
<b>Financial Institution or Automated Teller Machine (ATM)</b>	<b>4</b>	<b>Teller or Window</b>
<b>Restaurant</b>	<b>8</b>	<b>Pick-up Window</b>
<b>Full Service Automotive Wash</b>	<b>7</b>	<b>Washing Bay</b>
<b>Self-Service Automotive Wash</b>	<b>2</b>	<b>Washing Bay</b>
<b>Fuel or Gasoline Pump Island</b>	<b>2</b>	<b>Pump Island</b>

## Stacking Space Location Examples



16. MENU SIGNS / SPEAKER BOARD- Shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall not require a separate permit under the sign ordinance. Shall be physically shielded from any public street and residential properties by landscaping or other means.

History: Original Enactment 7-23-09, Amended 6-6-12, Amended 5-22-13, Amended 7-23-14, Amended 7-23-15, Amended 12-5-15.

### **“C-3” Districts (Commercial 3)**

The purpose of the “C-3” District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space uses with limited and controlled access to the adjacent street.

The intended geographic location of “C-3” Districts within the Township shall be as indicated on the Zoning Map of Vienna Township.

The following uses shall be deemed Class “C-3”:

A: Any use permitted in “R”, “R A/C”, “C-1”, or “C-2” district shall be permitted in a “C-3” district provided the requirements of the “R”, “R A/C”, “C-1”, or “C-2” districts are met.

B: Commercial establishments as specified below or similar businesses:

Assembly Halls	Plumbing Supply
Bars	Electrical Supply
Lounges	Heating Supply
Drive-Thru Fast Food	Retail/Whsl Lumber Cos.
Drive-Thru Beverage	Building Supply Cos.
Dept. Stores	Animal Kennels
Dry Cleaning Plants	Animal Shelters
Laundry Plants	Storage Rental Units
Repair Garages	Shrub & Tree Nurseries
Furniture Repair Shops	Landscaping Nurseries
Tool Repair Shops	Commercial School
Appliance Repair Shops	Car Washes
Auto Sales	Gas Stations
Truck Sales	Hotels
Tractor Sales	Motels
Indoor Theater	Inns
Bowling Alley	Parks
Dance Hall	Playgrounds
Roller Skating Rink	Athletic Fields/Arenas
Job Printing Plant	Game Rooms/Casinos
Newspaper Printing Plant	Liquid Propane Refilling

C: “C-3” districts are intended to include those uses:

1. Which are not engaged in activities that result in noxious, dangerous, or offensive fumes, odors, dusts, flames, vibrations, or noise;
2. Which are not engaged in activities involving the storage of materials,

chemicals, waste, junk, or objects to be repaired which pose a danger to adjacent property or create offensive views or an accessible hazard to persons;

- D: 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.
- E: Proposed uses in this district (and other commercial districts) shall adhere to the following standards and show adequate evidence that such use at the proposed location:
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
  2. Will 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 school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
  3. 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;
  4. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
  5. Will have vehicular approaches to the property that shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
  6. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
  7. GREEN SPACE - Must have a minimum eighteen feet (18 ft) of green space between the road and parking lot, with three feet (3ft) from the right of way being unobstructed.
  8. PARKING - One (1) parking space (200 square feet,) exclusive of access and driveways, shall be provided for each three hundred (300) square feet of floor.
  9. LOT SIZE - The minimum lot area shall be three (3) acres and the maximum lot area shall be ten (10) acres.
  10. LIGHTING - There may be free standing lights in the parking area up to twenty five (25) feet in height. Building mounted lights may be up to the height of the eave. Lighting of the business parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. The focus of all lighting shall be downward, directed towards the business parcel. Any lights used to illuminate a loading area shall be so arranged as to reflect

the light away from adjoining property.

11. PAVING - All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a hard surface, durable and dust free.
12. DRAINAGE - All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be in accordance with the “ Trumbull County Drainage, Erosion and Sediment Control Manual” and referenced in the District Standards.
14. SIGNS - Any signs permitted in the C-1 and C-2 Commercial Districts are allowed in the C-3 Commercial District. In the C-3 district only one (1) free standing, two sided sign, with fifty (50) square feet per side, per business is permitted. For multi-business buildings the free standing sign may be used to list all businesses located in that building. Name plates may be located at the entrance of each business in a multi-business building with the maximum size of each plate being two (2) square feet. All signs must also adhere to the requirements referred to in section 6 of the Vienna Township Zoning Resolution.

History: Original Enactment 7-22-09, Amended 6-6-12, Amended 5-22-13, Amended 5-21-14, Amended 12-5-15.

### **“T” DISTRICTS (INDUSTRIAL AND MANUFACTURING)**

The following uses, and no other, shall be deemed Class “T” uses and permitted in all “T” Districts;

- A. Any use permitted in “R”, “RA/C”, “C-1”, “C-2”, or “C-3” District shall be permitted in an “T” District.
- B. Any normal industrial or manufacturing use provided such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration, except uses specifically prohibited in this resolution.
- C. Refer to section 6 of the Vienna township Zoning Resolution for sign and billboard restrictions.

Amended 3-28-11, Amended 5-22-13.

### **“PUD” DISTRICTS (PLANNED UNIT DEVELOPMENT)**

The following uses, and no other, shall be deemed Class “PUD” uses and permitted in all “PUD” Districts:

1. Any uses permitted in an “R” District and “RA/C” District shall not be permitted in Class “PUD” District.
2. Selected commercial uses shall be permitted in Class “PUD” District. This could include but not be limited to golf courses, clubhouse, pro shop, restaurant(s), and convention center.
3. Planned Unit Development shall be permitted in accordance with the following requirements:
  - a. A Planned Unit Development shall cover an area of not less than one hundred (100) contiguous acres which shall not be subdivided by (1) Any limited access highways; (2) Any area of land not included in the proposed development; or (3) Any railroad right of way.
  - b. Central or public sanitary sewerage facilities and central or public water facilities shall be required.
  - c. Thirty percent (30%) of the total area excluding streets must be devoted to open space dedicated for the exclusive use of residents of the Planned Unit Development. Lakes and waterways also are to be included as open space areas. No single park or open space area in a Planned Unit Development shall contain less than three (3) acres of contiguous area.
  - d. A PUD may consist of single-family and two-family units. The ratio of single-family to two-family units will be one single-family for each two units of two-family dwellings.
  - e. No single-family lot shall be less than 6,000 square feet provided that the lot connects to open space on at least one side. Any single-family lot not abutting open space shall not be less than 9,000 square feet. No two-family lot shall be less than 9,000 square feet provided that the lot abuts to open space on at least one side. Any two-family lot not abutting to open space shall not be less than 12,000 square feet. No lot shall have less than 35 feet of frontage on a public or private street or width of less than 60 feet at the building line. Any deviation from the original lot sizes or design as shown on the overall preliminary plan shall require approval from the Vienna Township Zoning Commission and Vienna Township Trustees. Any variances from the Vienna Township Zoning Resolution must be approved by the Vienna Township Board of Zoning Appeals.
  - f. The front yard for single-family homes in a PUD may be varied to allow an average of 30 feet from the road right of way throughout said

development provided the following requirements are met:

f-1 The minimum front yard allowed will be 25 feet.

f-2 Upon approval of the flexible front yard, said lines will be placed on the final development plan.

f-3 At the time of filing, the approved flexible front yard lines will become the minimum required for each lot as they appear on the final subdivision.

- g. Side yard for single-family homes shall be a minimum of five feet on each side except for corner lots where the corner side will be 15 feet.
- h. Rear yards for single-family homes shall be a minimum of 20 feet, except that rear yards, which abut on open space, may be reduced to 10 feet. Accessory buildings to single-family homes shall be a minimum of five feet from any side or rear lot line.
- i. For each unit of two-family use within a PUD, a minimum of 9,000 square feet of lot area shall be required. Up to one-half of the area required for the total number of two-family units planned for the entire development may be designated as open space in addition to the 30 percent open space are requirement in order to permit preservation of large open space areas, water retention ponds, and related recreation facilities.
- j. Height of buildings and parking requirements for two-family buildings in a PUD shall be 35 feet or 2-1/2 stories in height and 2 parking spaces per unit, except that the required dimension for any yard, which abuts a designated open space area, may be reduced by 50 percent.
- k. Commercial Uses: A PUD may consist on certain selected commercial uses, which would complement open space buffers, such as golf courses. This could include, but not limited to the following commercial uses: club house, pro shop, restaurant(s), and convention center. These commercial uses would be determined at the time of approving the overall PUD plan concept.
- l. At the time a PUD is established, a copy of the overall preliminary plan for the development will be submitted to the County Engineer, Sanitary Engineer, and Trumbull County Planning Commission for review and approval. After receiving approval from the Trumbull County Planning Commission, a copy of the overall preliminary plan shall be filed by the owner of the land with the Vienna Township Zoning Inspector. For purposes of this section, the term "owner(s)" shall include the owner(s) of

record, or a party which has secured an option to purchase the site, or a similar agreement from the owner(s) of record and presented evidence thereof for approval. The overall preliminary plan, which may be set forth on one or more maps or in one or more instruments, shall have been signed by the owner(s) of property within the entire area to be developed, shall have been drawn to scale, and shall show the following:

- 1-1 The boundaries of the entire PUD
  - 1-2 The acreage of the entire PUD
  - 1-3 The proposed street system for the PUD.
  - 1-4 The areas of the district to be used for single-family dwellings, the areas for the two-family dwellings, the areas for condominiums and the areas for commercial uses.
  - 1-5 The number of dwelling units by type.
  - 1-6 The density of dwelling units per acre, but not to exceed eight dwelling units per acre of the total land area exclusive of the required open space (30 percent of the total PUD area)
  - 1-7 The area(s) of the district proposed as open space, which shall not be less than 30 percent of the total acreage of the development, excluding streets. No single open space area shall be less than three contiguous acres.
  - 1-8 A statement as to the methods to be employed to preserve and maintain the open space and recreational facilities.
  - 1-9 A description and general location of proposed water and sewer facilities and the feasibility of extension into the development.
  - 1-10 Two-foot contour line interval
  - 1-11 Vicinity map.
  - 1-12 Road cross section
  - 1-13 Floodplain
- m. Development of a PUD shall not commence prior to filing of final development plans with the Trumbull County Planning Commission and

Vienna Township Zoning Inspector, and the Vienna Township Zoning Inspector has found the final development plans are in substantial conformance with the overall preliminary plans and does not violate any provisions of this amendment. Modifications to the approved overall preliminary plan may only be made by approval of the Vienna Township Zoning Inspector or the granting of a variance by the Vienna Township Board of Zoning Appeals after review and approval by the Trumbull County Planning Commission.

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

- m-1 The area to be developed and the area to be devoted to open space and recreational areas for the use of all residents of the area with accurate acreage, courses and distances, as determined by a licensed surveyor who shall sign such plan and certify the accuracy thereof.
  - m-2 A plan and legal description of the land which has been set aside for open space showing the use of the land for recreational areas and open space, either through dedication of the land to the township, county, or other public use or by designating the land for the exclusive use of development residents and granting owners and residents of the area to be developed a right and easement of use in such open space and recreational areas and designating the responsibilities connected with such right and easement.
  - m-3 The location of all single-family lots and two-family lots and buildings and condominiums, descriptive data of the type of buildings and the number of dwelling units in each separate type.
- n. After approval of an overall preliminary plan for a Planned Unit Development with a PUD District, no development or construction may proceed, nor shall any final development plan of any stage be approved unless such development, construction, or final development plan is in conformance with the approved overall plan.

- o. The developer of a PUD in Vienna Township, Ohio, must submit plans of the total or entire development of the PUD showing residential, commercial, recreational, and open space uses and any other uses proposed for PUD development. A schedule of development indicating the relationship and timing of the improvement and construction of open space and recreational areas with the construction of the residential units must be submitted also. The developer must show which recreational areas and recreational facilities will be constructed proportionally to residential construction in each stage of the scheduled development.

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

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

- p. If any provision or requirement of this Section is in conflict with any other section of the Vienna Township Zoning Resolution, the provisions of this Section shall apply within and PUD (Planned Unit Development) District established within the township.

History: Original enactment 11-5-57, Amended 1-10-62, Amended 10-5-68,  
Amended 1-30-84, Amended 6-28-07

#### **“MHP” DISTRICTS (MANUFACTURED HOME PARKS)**

The following uses and no other uses shall be deemed “MHP” District uses and shall be permitted in all “MHP” Districts. Manufactured Home Parks shall comply with all Rules and Regulations of the **OHIO REVISED CODE CHAPTER 3701.27, OHIO DEPARTMENT OF HEALTH, TRUMBULL COUNTY DEPARTMENT OF HEALTH AND VIENNA TOWNSHIP ZONING**, which ever is more restrictive.

- A. No operator (as defined in Chapter 3701.27 of Ohio Revised Code; Ohio Department of Health – Manufactured Home Parks) shall begin construction on, or alteration of a tract of land classified as “MHP” District unless a valid Zoning Permit has been issued by the Vienna Township Zoning Inspector. A Zoning Permit Application must contain the following information:
1. Name and address of owner and legal capacity of person filing the application.
  2. Location and legal description of the proposed Manufactured Home Park, or alteration or enlargement of existing park.
  3. Complete engineering plans and specification of the proposed Manufactured Home Park, enlargement or alteration of existing park, which shall include:
    - a. The area and dimension of the tract;
    - b. The number, location, and size of all manufactured home lots;
    - c. The location and width of all streets and walkways;
    - d. The location and dimensions of all recreation areas, public parking areas, residential management area, and sales display area;
    - e. Working drawings showing the location of sanitary and surface water sewer lines, and water supply lines;
    - f. The plans and specifications of all buildings to be constructed within the manufactured home park;
    - g. The location and dimensions of lighting and electrical systems;
    - h. The names of all streets within the park and proposed method of numbering the manufactured home lots on such streets for location in case of fire or other emergency.
- B. Manufactured Home Parks and accessory uses are subject to the following regulations:
1. All Manufactured Home Parks shall have a tract of land of not less than twenty (20) acres.
  2. The maximum number of Manufactured Homes permitted on a tract of land classified as “MHP” District (Manufactured Home Parks) shall be six (6) units per acre, exclusive of land required and used for streets, walks, recreation, common

- parking, sales, displays, resident management, etc.
3. A minimum of eight percent (8%) of the total area of the Manufactured Home Park shall be reserved for a recreation area for use of the residents within the park, generally provided in a central location. The main recreation area shall consist of no less than ten thousand (10,000) square feet of area with a length-to-width ratio of three (3) to one (1).
  4. No individual lot within a Manufactured Home Park shall be less than five thousand (5,000) square feet in area, and all Manufactured Homes shall be placed on a concrete pad foundation. Tie-downs shall be placed at the corners of each pad and shall be able to sustain a minimum load capacity of four thousand eight hundred (4,800) pounds.
  5. Each Manufactured Home 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 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, shall be considered as part of the manufactured home.
  7. No Manufactured Home or accessory building shall be placed closer than five (5) feet to any lot line.
  8. No manufacture home shall be permitted in the manufactured home park if it has less than five hundred (500) square feet of living space.
  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.
  10. All manufactured homes within a manufactured home park shall be located at least fifty (50) feet from any public road, street, or right of way, and at least fifteen (15) feet from all other manufactured home park boundary lines. A manufactured home park located adjacent to industrial or commercial land uses shall provide a barrier, such as fencing, or landscaping along the manufactured park boundary.
  11. The following accessory uses and buildings shall be permitted within the manufactured home park:

- a. A permanent dwelling for one family, office and maintenance facilities for management of the park;
  - b. Manufactured homes offered for sale by the operator of the park, provided that no more than three (3) manufactured homes are displayed, in a designated area;
  - c. Not more than two (2) free standing auxiliary buildings shall be placed on any manufactured home lot.
12. An adequate method of draining surface water and storm water shall be provided in all manufactured home districts, so as to reasonably eliminate the possibility of flooding.
13. Any outside storage area or structure used for temporary storage of waste materials, debris, or garbage, shall 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 within ten feet of any adjoining property line.
- C. Transfer of ownership of any individual manufactured home park lot from a tract land zoned as “MHP” District (Manufactured Home Park) shall cause the zoning use classification of the transferred lot to revert to an “R” District (Residential), and all use of the transferred lot thereafter shall be subject to all regulations pertaining to “R” Districts herein. The existence of a manufactured home, manufactured home pad, or other facility designed to serve a manufactured home, on such transferred lot, shall not constitute a non-conforming use.

History: Amended 11-5-08.

#### **SECTION 4: PROHIBITED USES**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any “R”, “RA/C”, “C-1”, “C-2”, “C-3”, or “I” District.

- 4.1 Bulk petroleum station with above ground tanks, and plants used in the distilling and refining of petroleum products.
- 4.2 Distilling of bones, fat, or glue, glue or gelatin manufacturing
- 4.3 Manufacturing or storage of explosive gun powder or fire works.
- 4.4 Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, junk, debris, offal or dead animals, unless such dumping is done at a place provided or approved by the Township Trustees for specific

purposes.

- 4.5 Junk yards, automobile grave yards or places for the collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, except where this use is an integral part of the industrial use; an automobile grave yard shall be defined, for the purposes of this section, as any plot of ground upon which there are two or more motor vehicles not in running condition or traveling condition. Where running condition is defined as when vehicle is able to be driven upon the public roadways under the power of a properly functioning motor, and traveling condition is defined as when vehicle is currently registered and is duly license plated in both front and rear in conformance with Ohio State Law.
- 4.6 Sanitary Land fills, including but not limited to Captive Land Fills, Solid Waster Land Fills, and Construction Debris Land Fills.
- 4.7 The occupancy of Recreational vehicles for living, sleeping or housekeeping purposes except to provide temporary housing for visitor and guests not to exceed one week.
- 4.8 Permanent structures including, but not limited to, fences, posts, decorative walls, and lamp posts shall not be constructed or placed within the road right-of-way, expecting however, mail boxes and mail receptacles approved by the United States Postal Services.
- 4.9 The keeping and raising of horses, dairying, animal husbandry, other than household pets, is prohibited in Residential “R”, Residential Apartment/Condominiums “RA/C”, and Commercial 1 “C-1” Districts in platted subdivisions and lots as designated in Ohio Revised Code 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 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.
- 4.10 The keeping, storing, parking, maintenance or locating of commercial tractor-trailers, tractors and trailers, is prohibited in Residential “R”, Residential Apartment/Condominiums “RA/C” and Commercial 1 “C-1” Districts.
- 4.11 Existence of holes, breaks, loose or rotting materials on exterior walls or roofs of structures.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 1-30-84, Amended 5-4-98, Amended 6-28-07, Amended 3-28-11, Amended 12-5-15, Amended 7-19-19.

## **SECTION 5: NON-CONFORMING USES**

- 5.1 A non-conforming use of any dwelling, building, structure, or land use existing and lawful at the time this zoning resolution or amendments take effect may be continued except if it is voluntarily discontinued for two years or more or has been changed to a conforming use; it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district. A non-conforming use may not be changed to another non-conforming use disallowed by this ordinance in a district in which the original non-conforming use would be permitted.
- 5.2 Any dwelling, building, or structure existing as a non-conforming use at the time this resolution takes effect which is destroyed by fire or the elements may be reconstructed and restored provided the same is completed within two years from the date of said destruction.
- 5.3 A dwelling, building, or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend the cubicle area of said non-conforming dwelling, building, or structure more than twenty-five percent (25%), or if the use is conducted on or partly in the open, said use may not be extended or enlarged more than twenty-five percent (25%) of the existing service capacity of the use.

Original enactment 11-5-57, Amended 10-5-68, Amended 8-5-70, Amended 11-1-17.

## **SECTION 6: SIGNS, INCLUDING OUTDOOR ADVERTISING, AND COMMERCIAL AWNINGS**

- 6.1 (A) Signs not larger than ten (10) square feet in area shall be permitted in any district except as otherwise provided or limited herein and provided they are not located within the road right of way.
- (B) Commercial Advertising signs are permitted in Commercial Districts C-1, C-2, C-3, and Industrial Districts. Commercial Advertising signs are prohibited in Residential Districts, except that a sign not exceeding six (6) square feet in area shall be permitted in conjunction with a home occupation as defined in Section 3, Paragraph 3, provided that such sign shall be posted or located at the building line or at the fifty (50) foot set-back line, whichever is closer to the property right-of-way. Rent, sale or lease signs may not exceed six (6) square feet.
- 6.2 A sign, including portable and temporary signs other than those mentioned in

paragraph 6-1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed, or replaced by a sign of different dimensions. For such certificate, a fee shall be established by the Vienna Township Board of Trustees and on file with the zoning inspector.

6.3 A sign shall be so located, constructed and, if necessary, elevated so that it will not obstruct vision from motor vehicles traveling upon, entering, or leaving the road or street or in any manner create a hazard to traffic safety.

6.4 Any sign shall not be so located as to constitute a nuisance to the adjacent property owners, shall be set back a minimum of fifty (50) feet from residential district boundary and shall not project into dedicated right of way.

6.5 No permanent sign shall be erected within the road right of way.

6.6 Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to any neighbors.

6.7 All signs erected within one hundred (100) feet on any intersection must be erected so as not to obstruct view or cause a traffic hazard,

6.8 (A) Signs must be lit internally or by spotlights, but not both. There shall be no running, scrolling, or flashing messages or lights, colored lights, or changing colors. In residential areas, signs shall not have internal lights, only spot lights. All lighting shall consist of constant illumination, which is uniform in intensity.

(B) Electronic Message Center (EMC) Signs are signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

1. EMC signs may be permitted subject to all the requirements provided herein Section 6 of the Vienna Township Zoning Resolution. The size of an Electronic Message Center (EMC) Sign shall adhere to the standards designated in section 6-1 of the Vienna Township Zoning Resolution. Height requirements for EMC Signs will adhere to standards designated in section 6-15 of the Vienna Township Zoning Resolution.

2. Each message on an EMC Sign must be a static display with no observable transition between messages.

3. No audio or pyrotechnic display, no animated graphics. Animated graphics include simple moving pictures as well as TV screen like animation.

4. Must not blink, move or scroll or include effects of movement, automation or

similar effects.

5. No colored lights or changing colors.
  6. An EMC Sign message may be changed at reasonable intervals by remote control or automatic means. Each message on an EMC Sign must be displayed for a minimum of 120 (one hundred twenty) seconds. The off-time between EMC Sign messages must be a minimum of 60 (sixty) seconds. With the exception of the displaying of time.
  7. Only one (1) EMC Sign per commercial structure. In the case of multi business structures the EMC Sign would be in lieu of a multiple tenant sign.
  8. EMC Signs must be programmed so that changes of image or message be instantaneous as seen by the human eye and shall not use blinking, fading, rolling, shading or similar effects as part of the change.
  9. EMC Signage requires a permit of which will be renewable every two (2) years with the accompanying fee being set by the Vienna Township Trustees.
  10. All messages on an EMC Sign must consist of a dark background and white images or messages.
  11. EMC Signs must contain a default design that will freeze the screen in one position if a malfunction occurs.
- 6.9 Temporary signs or banners advertising a social or civic events open to the public may be posted fourteen (14) days prior to the event in any district. For such signs, registration with the zoning inspector is required and no fee shall be required, provided such signs are removed within five (5) days after the event for which signs are posted. Should any signs remain after this period, the Township may remove such signs and charge the expenses for such removal to the owner.

Political signs do not require registration with the zoning inspector although it shall still be provided that such signs are removed within five (5) days after the election for local, Vienna Township, elections and removal after ten (10) days for other elections.

- 6.10 No permanent sign shall be located on a vacant lot unless used for the purpose of advertising the lot for sale or lease.
- 6.11 A maximum total of one hundred (100) square feet of sign area shall be permitted per business, and in no case shall any individual sign contain more than forty (40) square feet per sign side. The total sign area permitted per establishment shall not

exceed two (2) square feet of sign area per lineal foot of width of the building occupied by the establishment and shall not cover more than five (5) percent of the square footage of the front of the building, with a maximum of thirty (30) square feet. Width shall be measured along the building face, which is nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum permitted sign area. A wall sign advertising a product or service shall be permitted only on the building where such product or service is sold or available. The maximum size for such sign shall be twelve (12) square feet per sign, and shall not be lit internally. This type of sign cannot be used for additional advertising for the business at that site. Therefore, business name, phone number and web address are not permitted. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer providing such sales or services on the premises. This includes any hardware associated with the sign including; sign face, poles and subparts. Removal shall not take longer than thirty (30) days. Advertising upon another nonadjacent building shall not be permitted.

- 6.12 Only one free standing sign, as defined in section 6.23(5), is permitted per business.
- 6.13 No protruding signs or swinging signs on the face of a building shall be permitted. No signs shall be higher than the height of the building. Any commercial awnings shall be no lower than eight (8) feet above ground level and project no more than six (6) feet out from the building.
- 6.14 Per lot, the maximum height of any free standing sign above the average grade elevation of the nearest public way or within a twenty (20) foot radius of the sign shall not exceed the following:
- (a) In a C-1 district, eight (8) feet where the sign face does not exceed forty (40) square feet;  
or
  - (b) In a C-2 district, ten (10) feet where the sign face exceeds forty (40) square feet;  
or
  - (c) In a C-3 district, sixteen (16) feet where the sign face is fifty (50) square feet per side.
- 6.15 Portable or temporary signs shall be a maximum total of sixteen (16) square feet and have a time limit of thirty (30) continuous days. Portable or temporary signs must be removed from the property for a period of ninety (90) consecutive days unless a valid permit for a permanent sign is on file.
- (a) Temporary or promotional banners for businesses are allowed four (4)

times per year ten (10) days at a time. This should be only to advertise special sales or promotions. Such banners must meet the Height requirements stated in section 6.15 of the Vienna Zoning Resolution. Inflatables also fall under the requirements stated here in section 6.14 of the Vienna Zoning Resolution. The height requirements stated in 6.14 of the Vienna Zoning Resolution shall restrict the inflatables from being installed on roofs. Registration with the zoning inspector of temporary or promotional banners and inflatables is required prior to each of the four (4) times which they are permitted per year.

- (b) New businesses will be allowed to display temporary or promotional banners four (4) times consecutively only for the first year. Once all forty (40) days have been used a temporary or promotional banner may not be displayed for that business again until the following year then, complying with all the requirements set forth in section 6.15(a) of the Vienna Township Zoning Resolution.
  - (c) Signs attached to any vehicle or trailer that are parked or located for the primary purpose of displaying such sign is prohibited; however, vehicles with business names are permitted during operating hours only.
- 6.16 (a) Billboards shall not be permitted except in paragraph (b). (b) Outdoor off-premises advertising shall be prohibited in all zoning districts except Industrial Districts, and when located in Industrial Districts, shall not be located closer than two thousand (2000) feet to any other existing off-premises advertising structure. (c) Bill board maximum size may be one-hundred-twenty-five (125) square feet. (d) Maximum pole height is fifteen (15) feet. (e) Billboards must be a minimum of one hundred (100) feet from a residential district boundary.
- 6.17 The following signs are exempt and therefore are not subject to the provisions of these regulations:
- a. Township signs, legal notices, warning or street signs or other similar signs used for traffic control purposes; public service company or temporary emergency signs as may be approved by the Zoning Inspector.
  - b. Emblems, flags, or insignia of any local government.
  - c. Bulletin boards not larger than twenty (20) square feet in size for public, religious, or charitable institutions when located on the premises of such institutions.
  - d. Information or directional signs such as “Parking”, “Exit”, “Service”, “Parts”, “Shipping”, “Receiving”, and the like, provided that they meet the requirements of these sign regulations, and further provided that:
    - (1) The number of information or directional signs used shall be the minimum number necessary to provide information and/or direction as approved and authorized on the sign permit
    - (2) All such signs shall be freestanding which do not exceed three

- (3) feet in height
- (3) The maximum permitted sign area shall be the minimum necessary to provide the information and/or direction, and in no case shall be more than eight (8) square feet per individual sign face.
- (4) All information or directional signs shall be set back a minimum of ten (10) feet from any property line.
- (5) All information or directional signs shall not be located in a manner as to obstruct free and clear vision at an intersection or point of ingress or egress to the establishment or any adjacent property.
- e. Product identification signs identifying the brand name, logo, or type of gasoline sold in approved automobile service station or service station and repair garages shall be permitted on the gasoline pumps. Such signs may be used to indicate the type of gasoline dispensed from each pump located on the premises.

6.18 The administration of these regulations shall be under the jurisdiction of the Township Trustees. Enforcement shall be the responsibility of the Zoning Inspector as designated by the Township Trustees. No person, business, or organization shall erect, alter, or otherwise change an existing sign without first obtaining a Sign Permit from the Zoning Inspector.

However, nothing contained in this section shall require the obtaining of a permit for, or prohibit, the ordinary maintenance of a sign such as repainting a sign to contain the same general content and the same color(s), or the replacing or repairing of removable panels with panels of similar size, color(s) and general content. Such changes or maintenance of a sign, which does not require a permit under this chapter, shall not be approved or considered by the Zoning Inspector. Nothing in this section shall alleviate the requirements imposed by other sections within this chapter.

- 6.19 Application for a Sign Permit shall be made through the Zoning Inspector, on a standard form which shall contain the following information:
- A. The name, address, and telephone number of the applicant.
  - B. Signed authorization of the owner of the property on which the sign is to be located, if the applicant is not the owner
  - C. The location of the sign and/or a scale drawing of the building showing the dimensions of all walls on which a sign is to be placed, including the building and signs in relation to adjacent property.
  - D. A scale drawing of the sign in ink on reproducible base showing the size, height, construction details, type of materials to be used and information to be included on the sign.

- E. The name and address of the person, firm, association, or corporation responsible for the construction, erection and maintenance of the sign.
- F. Written authorization permitting the Zoning Inspector to ensure that the sign will be in full compliance with these regulations.

6.20 It shall be the responsibility of the Zoning Inspector to fully examine the application for a Sign Permit, and upon approval, issue a Sign Permit to the applicant. The Sign Permit shall become void 120 days from the date it is issued if construction has not commenced, unless the time to commence construction is extended to a maximum period of six months for cause as approved by the Zoning Inspector. Any individual who constructs, alters, replaces or relocates a sign without first obtaining the required Sign Permit from the Zoning Inspector, in accordance with this chapter, shall pay two times the amount of the fee as calculated below. A non-refundable fee of ten dollars (\$10.00) for the first twenty square feet of sign plus two dollars (\$2.00) for each additional square foot of sign area shall accompany each application for a Sign Permit, except as stated herein. Temporary signs are exempt from this section.

6.21 Appeals from these Sign Regulations shall be made to the Zoning Board of Appeals.

6.22 Definitions: As used in these Sign Regulations, the following words and phrases shall the meaning ascribed to them herein:

- (1) "Billboard" means any sign situated on private property on which the written or graphic information is not directly related to the principal use of the land on which the sign is located.
- (2) "Political Sign" means a sign, which announces the candidacy of a person, or slate of persons running for elective office, a political party or issue or slate or issues.
- (3) "Portable Sign" means any sign, which is attached to, supported by a part of a structure, which is designed to be moved on wheels, runners, casters, trailers, skids or other similar device; or transports, pushed or pulled by a motor vehicle.
- (4) "Sign" means any arrangement of letters, writing, name identification, description display, flag, symbols, emblem, insignia, graphic representation, or devices which are contained on a structure or part thereof, or attached to or painted on a building or structure; to advertise, direct attention to, or announce an object, place, product, person, activity, organization or business. This definition shall not include any flag, pennant or insignia of any nation, state, city or other political unit, as well as any sign, board or surface used to display or announce official notice of such political units. The word "sign" shall be

interpreted to include the structure of such sign.

- (5) A temporary sign is a sign which is neither permanently anchored to the ground or permanently affixed to a structure, nor mounted on a chassis, and is intended to be removed after a period of thirty (30) days.
- (6) The area of a sign shall be computed as the maximum area of a square or rectangle described by two pairs of parallel lines tangent to the extremities of the sign face and totally enclosing every portion thereof.
- (7) "Sign face" means the surface upon which or through which the word or graphic message of the sign is displayed. Each such surface shall be construed as an individual sign face and the area included as part of that sign face shall be computed into the total permitted sign area.
- (8) "Zoning Inspector" means the Township Zoning Inspector.

History: Original Enactment 11-5-57, Amended 10-3-60, Amended 10-5-68, Amended 8-17-73, Amended 1-30-84, Amended 12-27-99, Amended 6-28-07, Amended 11-5-08, Amended 12-20-10, Amended 10-4-12, Amended 1-27-13, Amended 5-22-13, Amended 12-4-2013, Amended 5-21-14, Amended 7-19-19.

## **SECTION 7: PUBLIC UTILITIES AND RAILROADS**

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.

### **A. 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 service 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 of 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.

**B. Purpose:**

The purpose of this Section is to establish specific procedures and standards for the location and construction of telecommunications towers and facilities to protect the health, safety, and welfare of the general public and to maintain an objective of community aesthetics.

**C. Notification Procedures**

The Township Trustees and the Township Zoning Office shall be notified by certified mail at least 25 days prior to the planned erection of any telecommunications tower in the Township. Such notice shall clearly indicate the location of the property on which the tower is proposed to be located, the dimensions of the tower and the set-backs off all of the property lines, the name of the company proposing to erect such tower, as well as the address, name, and the phone number of the contact person with the telecommunication company.

**D. Permitted Uses:**

1. 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.
2. 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 non-residential zoning district, subject to the requirements of this section.
3. 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.
4. 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.

**E. General Requirements**

1. The following requirements apply to all telecommunications towers and facilities regardless of the zoning district in which they are to be located.
  - a. When the proposed wireless telecommunications facility is to include a

new tower, a plot plan at a scale of not less than one inch equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed 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 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)
- d. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within 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 within 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.

F. Development Standards:

- 1. General: The following requirements apply to all Telecommunications Towers and Facilities:
  - a. Security fencing eight feet in height shall surround the tower, equipment shelter and guy wires either completely or individually as determine by the Zoning Inspector.
  - b. The following buffer plantings shall be located around the perimeter of the security fence and at the property line as deemed appropriate by the Zoning Inspector.
    - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on centers maximum, or a row of evergreen trees five feet on centers maximum.
  - 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.
- 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.
- g. Landscape plantings and grass seeding shall be provided and maintained within the area of the security fencing. Te area outside of the security fence to the property line shall be maintained in a well-kept condition.

2. Sole Use on Lot

a. Lot Requirements	With Tower	Without Tower
Minimum Lot Area	1 Acre	12,000 sq. ft.
Minimum Lot Width @ Bldg. Line	200 feet	80 feet
Minimum Front Yard Depth	*	40 feet
Minimum Side Yard Depth	*	25 feet
Minimum Rear Yard	*	40 feet

\* Minimum Front, Side, and Rear Yard shall be 1.5 times the tower height.

b. Facility Requirements	Tower	Building
Maximum Height	200 feet includes antenna	20 feet
Maximum Building Area		750 sq. ft

\*Minimum distance to any residential use or residential district line shall be 300 feet

3. 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.

4. 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 structures, whichever is greater.

G. 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 landscaping plan that indicates how the wireless telecommunications tower and facility shall be screened from adjoining uses.

H. 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 Telecommunication 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, guyed, and lattice construction steel structures.

History: Original Enactment 11-5-57, Amended 2-5-01

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

### 8.1 For dwelling or buildings:

- A. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than forty-three thousand

five hundred sixty (43,560) square feet of lot area with sewers and sixty-five thousand three hundred forty (65,340) square feet with out sewers, unless such lot was designed on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with this requirement.

- B. No two-family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than forty-three thousand five hundred sixty (43,560) square feet of lot area per family unit.
- C. No apartment house or condominium shall be erected or building altered for that purpose on less than five thousand (5,000) square feet of lot area per family, with a minimum lot area of twenty-five thousand (25,000) square feet.
- D. In all instances covered in subsections A, B, and C of this section wherein no public sewer exists, county and state health codes regarding land area requirements must be met.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 6-28-07

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

9.1 For dwelling units:

- A. No single family dwelling shall be erected on a lot having a frontage of less than one hundred fifty (150) continuous feet and one hundred fifty (150) continuous feet at the building set back line.
- B. No two-family dwelling shall be erected on a lot having a frontage of less than two hundred (200) continuous feet and two hundred (200) feet at the building set back line.

History: Original enactment 11-5-57, amended 3-8-77, amended 1-30-84, Amended 6-28-07, Amended 11-5-08.

### **SECTION 10: MINIMUM FLOOR SPACE**

No one-story, one and one-half story, or two-story single-family house shall have less than one thousand fifty (1,050) square feet of living quarters; no two-story, two-family house shall have less than nine hundred (900) square feet per family unit; exclusive of basement, porches, garages, and breezeways.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 5-20-91

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

All buildings and structures shall be constructed in accordance with the Ohio State Building Code and/or Trumbull County Building Code requirements for the structure, and evidence of State and County approval of plans must be submitted with the request for a zoning certificate. Evidence of approval of the structure by the State Inspector and/or County Inspector shall be submitted to the Zoning Inspector before the structure may be occupied.

No zoning certificate for structures which require a sanitary permit from the Trumbull County Board of Health may be issued until proof is presented to the Zoning Inspector that the applicant has obtained such sanitary permit or letter of application.

All dwellings not having a basement shall be affixed to a permanent foundation. Dwellings erected on piers, pilings or other types of non-continuous foundations shall be enclosed by a continuous skirting.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 3-8-77, Amended 1-30-84

## **SECTION 12: SETBACK BUILDING LINES**

- 12.1 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 a building line not less than fifty (50) feet from the right of way line of any road or street. Provided, however, that in areas where there is now existing a building line of different dimension, the property owner will be required only to conform to said existing building line. It is further provided that in an area where there now exists a varied or staggered building line, the property owner may establish a building line conforming to the continuity of symmetry of the existing building lines, subject to the approval of the Zoning Inspector. Further, setback lines must conform to local, county, and state highway specifications.
- 12.2 No part of the ground area of any building, structure, or any portion thereof used as an automobile laundry or car wash shall be erected within one hundred (100) feet of any highway intersection.
- 12.3 Detached garages and other outbuildings shall be placed no closer to the front property line than the setback of the dwelling. A detached garage or other outbuilding placed within a side yard shall comply with the same side yard requirements as an attached garage.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 12-27-99, Amended 5-21-14

### **SECTION 13: SIDE YARDS**

For every building erected in a residential district, there shall be a minimum side yard clearance on each side of said building of not less than ten (10) feet. This space shall remain open and unoccupied by any building or structure, excluding fences and walls, which meet the requirements of Section 40. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section. This paragraph shall not be deemed to apply to any property upon which there is an existing dwelling or upon which construction has begun at the time of the approval of this resolution and any such property shall be specifically exempt for the side lot provisions contained herein.

Provided, however, that an accessory building or garage located twenty-five (25) feet or more to the rear of the main building may be erected not less than ten (10) feet from side lot line, except on corner lots, provided it will be not 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.

In the event a lot was designated on a recorded plat or separately owned at the time this resolution took effect and the area and lot width required above are deficient and cannot be practically enlarged, then the requirement for the side lot dimensions required shall be reduced in a ratio that the actual lot width bears to the number of feet required in Section 9 hereof.

A side yard clearance shall be required for commercial or industrial buildings in "C-2", "C-3", or "I" Districts, at a minimum of twenty (20) feet.

History; Original enactment: 11-57-57, Amended 1-30-84, Amended 11-5-08, Amended 3-28-11, Amended 1-27-13, Amended 5-21-14.

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

The setback building line on a corner lot shall be in accordance with the provisions of Section 12 of this resolution. The side yard clearance on the side street shall be at least fifty (50) percent of the setback line applicable to said road or street.

History: Original enactment: 11-5-57.

### **SECTION 15: REAR YARDS**

For every building erected in any district, there shall be a minimum rear lot clearance of at least ten (10) feet. For any "C-1", "C-2", "C-3", or "I" district, there shall be a minimum rear yard clearance of at least thirty (30) feet. If in any instance the commercial or industrial property abuts a residential property then, the minimum rear yard clearance shall be forty (40) feet, containing a buffer within said rear yard clearance space.

History: Original enactment: 11-5-57, Amended 5-21-14.

### **SECTION 16: REAR LOTS**

No dwelling can be erected on a rear lot unless it has a minimum frontage of one hundred (100) feet on a sixty (60) foot-right of way on a road constructed to County specifications and dedicated for a public thoroughfare. Said dedication shall be executed in accordance with the requirements provided by law for deeds and filed with the County Recorder. A copy of said dedication certified by the Recorder shall be filed with the zoning inspector before the issuance of a zoning permit.

History: Original enactment: 11-5-57, Amended 8-17-73, Amended 6-30-80.

### **SECTION 17: HEIGHT RESTRICTIONS**

In Districts "R", "RA/C", "C-1", "C-2", "C-3", "MHP", and "PUD" the height of any building shall not exceed the greater of three (3) stories or forty (40) feet.

Amended 3-28-11.

### **SECTION 18: PARKING FACILITIES**

- 18.1 All dwellings and apartment houses shall provide parking spaces with means of ingress and egress thereto for not less than one motor vehicle per dwelling unit apartment. No less than two hundred (200) square feet of parking area shall be deemed necessary for each vehicle, exclusive of sufficient area for proper ingress and egress
- 18.2 All District "RA/C" and "MHP" uses shall provide parking space with means of ingress and egress thereto for not less than two motor vehicles per dwelling unit

apartment, or manufactured home unit. No less than two hundred (200) square feet of parking area shall be deemed necessary for each such vehicle.

- 18.3 All Class “C-1”, “C-2”, and “C-3” uses shall provide parking space off the road or street outside of the public right of way and not more than three hundred (300) feet distance from the entrance to said establishment of an area of not less than a square footage of equal to twenty-five (25) time of lot width. In addition thereto there shall be provided two hundred (200) square feet of parking area for each employee of said Class “C-1”, “C-2”, and “C-3” use and in addition thereto a parking area sufficient to accommodate patronage anticipated in excess of patronage accommodated by the parking area hereinbefore required.
- 18.4 Every church, school, parish, house, college, university, public library, public museum, community center, fire station, township hall, funeral home, medical or professional building, theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road parking space and outside the public right of way not less than two hundred (200) square feet of space suitable for parking automobiles and other vehicles for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use and shall provide adequate means of ingress and egress and shall be available for the use of such patrons.
- 18.5 All Class “RA/C”, “C-1”, “C-2”, “C-3” and “I” uses shall provide adequate parking spaces off the road or street and outside of the public right of way for vehicles delivering to, unloading, or taking away from said user goods, materials, supplies, or waste in connection with said business or use.
- 18.6 Any motor vehicle other than a recreational vehicle which is not parked or stored in a garage, barn, or other closed structure shall be parked on a driveway and not parked on a lawn or dirt surface; and further shall not cause a health or safety hazard.
- 18.7 Recreational vehicles not parked or stored in a garage, barn or other closed structure shall be parked to the rear of the principal building line. Temporary parking of recreational vehicles in a driveway for the purpose of loading and unloading shall not exceed 48 hours.

History: Original enactment 11-5-57, Amended 10-3-60, Amended 10-5-68, Amended 1-30-84, Amended 3-28-11.

## **SECTION 19: BOARD OF ZONING APPEALS**

- 19.1 There is hereby created a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five 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 Board of Township Trustees and shall be for the respective unexpired term.
- 19.2 The Township Board of Zoning Appeals shall have the following powers;
- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.
  - B. To authorize upon appeal in specific cases such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this resolution or any amendments thereto will result in unnecessary hardship and so that the spirit or resolution shall be observed and substantial justice done.
  - C. To grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution since a conditional zoning certificate is not one of hardship but a convenience to the person or persons filing the appeal.
  - D. Revoke an authorized variance or conditional zoning certificate if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke a variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.
- 19.3 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, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the office from whom the appeal is taken.

- 19.4 The Township Board of Zoning Appeals shall organize at an annual meeting held no sooner than January 15<sup>th</sup> and no later than January 31<sup>st</sup> of each year 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 Township Board of Zoning Appeals may compel the attendance of the witness. 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 Board of Township Trustees and shall be a public record.
- 19.5 Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the 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 Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken from.
- 19.6 The Township Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.
- 19.7 Fees for appeals including requests for variances and/or conditional zoning certificates, and appeals alleging error in any order, requirement, decision or determination made by an administrative official in the enforcement of this zoning resolution or any amendments thereto, the amount of which shall be determined by the Board of Trustees by resolution at a regular or special meeting of the Board for the purpose of defraying filing or processing expenses, shall be charged and deposited in the zoning fund of the Township.
- 19.8 Petitioners seeking a variance and/or conditional zoning certificate shall file the petition and the required fee with Zoning Inspector. The Zoning Inspector shall present the Petition to the Secretary of the Board of Zoning Appeals and/or the Chairman of the Board of Zoning Appeals and/or the Vice Chairman of the Board of Zoning Appeals. The chairman and/or Vice Chairman of the Board of Zoning Appeals shall set a date for a public hearing on the Petition.

19.9 The applicant or his attorney shall be in attendance at the public hearing held by the Vienna Township Board of Appeals.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 3-8-77, Amended 1-30-84

### **SECTION 20: RE-APPEALS**

Any Appeal which has been resolved by the Vienna Township Board of Zoning Appeals may not be re-filed nor will said Board entertain the same within six (6) months from the time of the resolution of the original appeal.

History: Amendment 10-3-60.

### **SECTION 21: ZONING CERTIFICATES**

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

Before construction, locating, changing the use of, or altering any buildings, including accessory buildings or changing the use of any premises, application shall be made to the Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, places, 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 (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the proposed construction, alteration, or change of use by the application complies with the requirements of this resolution and the application is accompanied by the proper fee, or shall refuse the same if it does not comply.

The following fees shall be paid prior to the issuance of a zoning certificate. Such fees are for the purpose of defraying the cost of inspection, certification and the maintenance of the necessary records.

#### **NEW CONSTRUCTION, OR ADDITIONS, OR ALTERATIONS**

The above mentioned fees shall be established by the Vienna Township Board of Trustees and on file with the zoning inspector.

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

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

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

The valuation of new construction or additions set forth above shall be computed upon a square foot basis. The inspector shall apply the going rate for square foot construction costs and charge accordingly. The rate used shall be on file at the office of the Zoning Inspector and shall be open to inspection at all times.

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

This section shall not be deemed to apply to costs or repairs or replacements of damaged or worn parts of structures.

No fee shall be charged for any permit having an estimated construction cost of less than \$500.00, but a permit shall be required except for those excluded from zoning regulations by law.

A receipt for all monies paid by the applicant for a zoning certificate shall be issued by the Township Zoning Inspector.

History: Original enactment 11-5-57, Amended 10-3-60, Amended 10-5-68,  
Amended 6-30-88, Amended 3-28-11, Amended 7-23-15.

## SECTION 22: CONDITIONAL ZONING CERTIFICATES

The following permitted uses requires a Conditional Zoning Certificate granted by the Vienna Township Board of Zoning Appeals in accordance with Section 19-2C of this Resolution and are subject to the requirements as defined within this Resolution.

1. A Zoning Certificate, issued by the Zoning Inspector, shall be secured for the land use of each separate apartment or condominium building. As a prerequisite to the issuance of a Zoning Certificate, the owner or his representative must submit a plot plan to the Zoning Inspector, which plot plan shall indicate the final location of each apartment or condominium building as surveyed. The plot plan shall be designed to clearly indicate the owner's compliance with height and bulk requirements set forth in Paragraph E of "RA/C" Districts.

As a further condition of the issuance of a Zoning Certificate for the land use of apartment or condominium buildings, the 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 the recording of plot plans.

2. The owner or his representative, as evidence of his good faith, shall notify the Zoning Inspector when construction commences on each building after the issuance of a Zoning Certificate.
3. Upon discovery of any variation from the plot plan submitted, the Zoning Inspector shall commence a lawsuit in the appropriate Court to enjoin the land use, which is in violation of these requirements.
4. A Class "C" Animal Farm as defined and licensed by the United States Department of Agriculture may be permitted in a "C-3" District upon the following conditions:
  - a. The owner/operator of the animal farm shall provide the Zoning Inspector with a copy of the Class C Animal Farm license issued by the United States Department of Agricultural and shall maintain the license in good standing for the duration of the use of the property as a Class C Animal Farm
  - b. The owner/operator of the animal farm shall install and maintain a secure perimeter fence enclosing the property, of at least ten and one-half (10-1/2) feet in height of material and construction as approved by the Board of Zoning Appeals

- c. The owner/operator of the animal farm shall provide sufficient parking facilities as set forth in Section 18-4 and amendments thereto of this Zoning Resolution of Vienna Township.
  - d. The owner/operator of the animal farm shall operate the animal farm in a manner, which does not constitute a nuisance by the emission of noise, odor, vibrations, smoke, dust, or flame.
  - e. Such other restrictions and conditions deemed appropriate by the Board of Zoning Appeals to preserve the health, safety, and welfare of the public.
5. Sexually Oriented Businesses as defined and regulated by Section 39 of the Vienna Township Zoning Resolution.

History: Amended 4-24-00, Amended 3-28-11, Amended 7-23-15.

### **SECTION 23: OCCUPANCY PERMITS**

No vacant land and no building hereafter erected or altered in Districts “C-1”, “C-2”, “C-3”, or “I” shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or any premises without a Certificate of Occupancy form the Zoning Inspector, stating that the use of the building or premises complies with the provisions of this ordinance.

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

History: Amendment 10-3-60, Amended 3-28-11.

### **SECTION 24: MOVED BUILDINGS**

A building or structure moved upon a parcel of land in Vienna Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in this ordinance before said building or structure is occupied or used.

History: Amendment 10-3-60.

### **SECTION 25: AMENDMENTS**

Amendments to the Zoning Resolution may be initiated by motion of the Vienna

Township Zoning Commission, by the passage of a resolution therefore by the Vienna 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 with the Vienna Township Zoning Commission. The Vienna Township Board of Trustees may require that the owner or lessee of property filing an application to amend the Vienna Township Zoning Resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the Vienna Township Board of Trustees requires such a fee, it shall be required generally for each application. The Vienna Township Board of Trustees shall upon passage of such resolution certify it to the Vienna Township Zoning Commission.

Upon the adoption of such motion or the certification of such resolution or the filing of such application, the Vienna Township Zoning Commission shall set a date for a public hearing thereon, which date shall be not less than twenty (20) days 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. The Vienna Township Zoning Commission shall give notice of such hearing 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.

If the proposed amendment intends to rezone or redistrict ten or less parcels of land as listed on the duplicate, written notice of the hearing shall be mailed by the Vienna Township Zoning Commission by first class mail (at least ten (10) days) before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area to be rezoned or redistricted to the addresses of such owners appearing on the Trumbull County Auditor's current tax list of the Trumbull County Treasurer's mailing list and to other list or lists that may be specified or redistricted by the Trumbull County Board of County Commissioners. The failure of delivery of such notice shall not invalidate any amendment. The published and mailed notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and the Vienna Township Board of Trustees as the case may be.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Vienna Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit each recommendation to the Vienna Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Vienna Township Zoning Commission on such proposed amendment.

The Vienna Township Zoning Commission shall within thirty (30) days after such hearing recommend the approval or denial of the proposed amendment or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the county or regional planning commission thereon to the Vienna Township Board of Trustees.

The Vienna Township Board of Trustees shall upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of receipt of such recommendation from the Vienna Township Zoning Commission. The Board shall give notice of such public hearing 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.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Vienna Township Zoning Commission or adopt some modification thereof. The Board of Trustees may adopt, deny, or modify the proposed amendment with a simple majority vote.

Such amendment 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 a petition signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast of all candidates for governor in each area at the last preceding general election at which a governor was elected, requesting the Vienna Township Board of Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the voters have approved the amendment, it shall take immediate effect.

History: Original enactment 11-5-57, Amended 10-5-68, Amended 5-4-98, Amended 11-5-08, Amended 7-23-09.

## **SECTION 26: DEPOSIT – ZONE CHANGE PETITIONS**

An application for a change of zone classification amendment filed by one or more owners or their authorized agent(s) of property within a proposed area to be changed or affected shall be accompanied by a cash or check deposit, the amount of which shall be set forth by resolution of the Board of Trustees at a regular or special meeting of the Board, which funds shall go into the zoning fund of the Township and shall be used to defray the costs involved in such amendment procedure.

History: Original enactment 10-5-68, Amended 3-8-77.

## **SECTION 27: PRESENCE OF APPLICANT PUBLIC HEARING**

When an application for a change of zone classification is filed by one or more of the owners or lessees of property within the area proposed to be changed or affected, such applicant or his attorney shall be in attendance at the public hearings on such proposed amendment or supplement conducted by the Vienna Township Zoning Commission and the Vienna Township Trustees.

History: Original enactment 10-5-68

## **SECTION 28: MEETINGS AND FILING PETITIONS**

The Vienna Township Zoning Commission shall hold at least four (4) regular meetings per year and the same shall be held as follows: (A) within the first ten days of January of each year, (B) within the first ten days of April of each year, (C) within the first ten days of July of each year, and (D) within the first ten days of October of each year.

Petitioners seeking a zone change or amendment are to go directly to the Zoning Inspector with the petition and fee. The Zoning Inspector will present the Petition to the Zoning Commission Secretary and/or the Zoning Commission Chairman and/or the Zoning Commission Vice Chairman. The Zoning Commission Chairman and/or the Zoning Commission Vice Chairman shall set a date for the hearing on the petition.

History: Amendment 10-3-60, Amended ??-5-68, Amended 3-8-77

## **SECTION 29: RE-PETITIONS**

Any petition for a change of zoning classification resolved by the Vienna Township Zoning Commission or the Vienna Township Trustees may not be re-filed nor will said Boards entertain the same within six months from the time of the resolution of the original petition.

History: Amendment 10-3-60.

### **SECTION 30: ENFORCEMENT**

- 30.1 It shall be unlawful to construct, reconstruct, enlarge, change, maintain, or use any building or to use any land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm, or corporation violating this resolution or any regulation, provision, or amendment thereto shall be fined not more than one hundred (\$100.00) dollars. Each and every day during which illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
- 30.2 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 law or this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any property owner who would be especially damaged by such violation in addition to other remedies provided by law, may initiate injunction, mandamus, abatement, or any other appropriate action, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

History: Amendment 10-3-60.

### **SECTION 31: LIABILITY FOR COMPLIANCE**

It shall be the sole responsibility of the record owner of the real estate to secure any permit required in the Zoning Ordinance, regardless of any private contract, lease, or agreement to the contrary. Enforcement of this Zoning Ordinance shall be against the record owner of the real estate.

History: Amendment 10-3-60

### **SECTION 32: SWIMMING POOLS**

Private swimming pools shall be included as a permitted use in Residential "R" and Residential Apartment "RA/C" zones and Commercial 1, Commercial 2, and Commercial 3 districts subject to the following regulations:

- 32.1 That no outdoor swimming pool regulated by this chapter shall be hereafter constructed or established unless a permit to do so is first obtained from the Vienna Township Zoning Inspector. The fee for which, is to be established by the Vienna Township Board of Trustees and on file with the Zoning Inspector and the following restrictions are met. In the event a swimming pool requiring a permit is

- constructed or is under construction before a zoning certificate is obtained, the fee may be doubled the normal fee.
- 32.2 That every outdoor swimming pool shall be constructed that it can drain into a township storm or sewer or shall have a sump pump located at its deepest part for the purpose of pumping out all of the water into a sewer opening, sump, well, or other adequate drain opening.
- 32.3 That is a floodlight or other artificial light is used to illuminate the outdoor swimming pool at night, the light shall be shielded to direct light only on the pool.
- 32.4 That every outdoor swimming pool shall be equipped with a re-circulating system capable of filtering the entire contents of the pool in twenty-four (24) hours or less.
- 32.5 That all fill lines for water must have a siphon breaker on them and shall be not less than three-quarter (3/4) inch in size.
- 32.6 That no permanent 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 requirement and conditions of this resolution are complied with.
- 32.7 That Every outdoor swimming pool hereafter built must be so located upon the lot or parcel as to allow a safe distance between the pool and property lines so that children of tender age can be readily observed while approaching or in the vicinity of the pool a distance of fifteen (15) feet from each property side line and rear line and ten (10) feet to the rear of main building to which said pool is accessory shall be presumed a minimum safe distance for such purposes.
- 32.8 That every outdoor swimming pool heretofore or 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.

History: Amendment 1-10-62, Amended 10-5-68, Amended 8-5-70, Amended 8-17-73, Amended 11-5-08, Amended 3-28-11.

### **SECTION 33: INTERPRETATION**

In interpretation and application, the provisions of this resolution shall be held to

be the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.

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.

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

History: Original enactment 11-5-57.

#### **SECTION 34: VALIDITY**

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

History: Original enactment 11-5-57.

#### **SECTION 35: CONFLICTS**

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

History: Original enactment 11-5-57

#### **SECTION 36: 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.

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

A SINGLE FAMILY DWELLING is entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

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.

AN ACCESSORY USE or an accessory building for the purpose of this resolution is a use or building customarily incident to and located on the same lot with another use or building.

A HIGH USE wherever mentioned in this resolution is a more restricted use and LOWER USE is a less restricted use.

A STRUCTURAL CHANGE wherever mentioned in this resolution 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.

A SETBACK LINE wherever mentioned in this resolution is the distance between the front lot line in question and the nearest principal building line.

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

A SIGNBOARD or BILLBOARD for the purpose of this resolution is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

The words STREET, ROAD, HIGHWAY, or LANE for the purpose of this resolution considered to be synonymous and each is defined as a public way located, designed and dedicated for public use and usually abutting on the rear lot lines.

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

HOUSE TRAILER according to O.R.C. (Motor Vehicles-Aeronautics-Water Craft) 4501.01 means any self-propelled and non self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

RECREATIONAL VEHICLE – Recreational vehicle, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, watercraft and watercraft trailers, motorcycles, snowmobiles, all terrain vehicles and vehicles designed for similar purposes.

- (a) Travel trailer is a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation and vacation purposes
- (b) Pickup camper or coach is a structure designed primarily to be mounted on a pickup truck chassis with sufficient equipment and furnishings to render it suitable for use as a temporary dwelling for travel, recreation and vacation purposes.
- (c) Motorized home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle, including busses, trucks, or custom built units modified and/or furnished for this purpose.
- (d) Camping trailer and/or tent trailer is a trailer consisting of a fold out or pop-up tent compacted on a low trailer.
- (e) Watercraft is a boat or vessel designed to travel on water.
- (f) Watercraft trailer is a trailer designed to haul or transport any watercraft

LOT as used in this resolution shall be a parcel of land occupied by or legally capable of being occupied by a principal 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.

FRONT LOT LINE or FRONT PROPERTY LINE, or PROPERTY FRONTAGE for the purpose of this resolution shall be construed to be coincident with the principal road line of the lot. If there is no established right-of-way sideline for road or street, said line shall be deemed to be thirty (30) feet from the center of the road.

REAR LOT LINE or REAR PROPERTY LINE for the purpose of this resolution shall be the property line opposite the front lot line as defined in this resolution. 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 principal 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.

LINE OF BUILDING or BUILDING LINE wherever mentioned in the 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.

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

A SIDE LOT LINE for the purpose of this resolution is a lot, two sides of which are bounded by margins of intersecting indicated highways.

A 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.

AN APARTMENT HOUSE wherever mentioned in this resolution is a complete permanent building arranged, designed, intended, constructed or reconstructed to be occupied by more than two families living independently but having a common heating system or a general dining room.

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.

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

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

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 assessments being collected by the County of Trumbull.

HOME OCCUPATION whenever mentioned in this resolution shall mean the functions and processes of the physical service involved; and/or possible incidental sales of said Home Occupation shall be confined entirely within the confines of the dwelling house and the garage if said garage is connected to the dwelling house by a continuous foundation.

For the purpose of this resolution, a Home Occupation sign shall be limited to six (6) square feet and shall be located at the building line or at the fifty (50) foot set-back line, whichever is closer to the property right-of-way line.

PROFESSIONAL as referred to in Section 3: Classification of Uses, includes a doctor of medicine, doctor of osteopathy, dental surgeon, oral surgeon, orthodontist, periodontist, optometrist, 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 Vienna Township Board of Zoning Appeals clearly establish that they practice a profession as opposed to an occupation which is predominately commercial or mechanical in nature.

AWNING any structure made of cloth, metal, plastic, or fiber glass with a frame attached to a building.

BANNER a non rigid cloth, plastic, or canvas sign typically related to a special event or promotion.

BUFFER means a strip of land reserved for the purpose of blocking the view from a residential use of the abutting commercial (or industrial) use by landscaping material (trees, shrubs, etc.) or a fence. Wherever a use permitted in the commercial (industrial) district is adjacent to any residential use including those permitted in "R", "PUD", "RA/C", or "MHP".

DANGEROUS, EXOTIC OR WILD ANIMAL means Predatory: Any animal reptile, or fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts or pry in manners in which could cause serious injury or death to humans. Nuisance: Animals, birds, or reptiles which emit noises or odor of an offensive nature beyond the residential property of the owner. Nature: any non-native animal, bird, or reptile, fish, or insect which, if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions. Refers to any animal, reptile, bird, fish, or insect, which is trained, restrained, confined, and cared for in any way which demonstrates and which poses a threat of physical harm to humans, or which creates a nuisance to the neighborhood.

DANGEROUS ANIMAL means any animal which habitually approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without intentional provocation, on public or private property or any animal owned, harbored, or trained primarily or in part for the purpose of fighting.

DONATION BIN means any container or receptacle held out to the public as a place for people to drop off items as a charitable donation and to store such items until carted away.

PERSON means an individual, partnership, association, firm, company, corporation or organization of any kind.

COMMERCIAL TRACTORS and SEMITRAILERS shall be defined as in Chapter 4501.01 Paragraph D and P of the Ohio Revised Code (ORC.)

SWIMMING POOLS means a receptacle for water having a water surface area of more than one hundred (100) square feet and a depth greater than twenty-four (24) inches shall be considered to be a private swimming pool for the purpose of this zoning resolution.

History: Amended 8-5-70, Amended 3-8-77, Amended 1-30-84, Amended 11-5-08, Amended 1-27-13, Amended 5-21-14, Amended 11-1-17.

### **SECTION 37: TEMPORARY EMERGENCY HOUSING**

In the event of extreme emergency where the residence of a citizen is damaged or completely destroyed by wind storm, fire, flood, explosion or other Act of God, temporary housing may be granted and shall be recorded by the Zoning Inspector, said grant to be for a period of six (6) months. In the event the owner of the residence anticipates usage under this Section, which will exceed six (6) month period, application must be made to the Appeals Board for a variance.

History: Amended 8-17-73, Amended 10-4-82

### **SECTION 38: OIL AND GAS**

It is the intent of this section to provide for the regulation of drilling and operating of wells for gas, oil, or other hydrocarbon in gaseous or liquid form or brine disposal.

Exploration for and drilling of wells for production of oil and gas shall be permitted in any zoning district of the township provided the following:

- A. The owner of the well or drilling site has obtained a valid permit from the State of Ohio Department of Natural Resources, Division of Oil and Gas
- B. Oil and gas wells will be charged \$2,000.00 permit fee per site. A \$2,000.00 per well permit fee will be charged for injection wells used to dispose of waste water brine from the drilling process. There will be a yearly permit renewal fee of \$500.00 which must accompany the brine well state certification papers when the renewal is

submitted to the Vienna Township Zoning Inspector each year.

### **C. REGISTRATION FILING REQUIREMENTS**

Not less than 10 days prior to the proposed start-up of a well site the drilling company shall file with the Zoning Inspector the following:

1. A Plat map drawn to scale, of the drilling site showing the location of:
  - a. The well
  - b. Ingress and egress points
  - c. All known water wells within 1,500 feet of well
  - d. Storage tanks
  - e. Separation tanks
  - f. Power shut-offs
  - g. Transmission lines within 1,000 feet
  - h. Oil flow shut-offs
  - i. Permanent and temporary dikes
  - j. Access roads
  - k. All dikes and swells for erosion control and spill prevention
  - l. Location of all structures within 50 feet off well head
2. A list of emergency telephone numbers for all parties responsible for work and maintenance of well and well site.
3. A copy of a valid permit from the Ohio Department of Natural Resources, Division of Oil and Gas
4. Name and address and telephone number for each landowner for well site.
5. A schedule of proposed starting and completion date of drilling operations.

### **D. ROADS/HIGHWAYS**

1. Access roads to well drilling site and all support structures shall be a minimum of twelve (12) feet wide with sufficient turn around area, and are to be paved with suitable road materials, including slag, stone, asphalt, or concrete or suitable thickness to support and permit access of safety vehicles and to prevent mud deposits on public road
1. The installation of driveway tiles across township ditches shall conform to the type and specifications as approved by the Township Highway Superintendent.
1. Before any drilling equipment moves onto the property, the Zoning Inspector shall make an inspection of the driveway.

1. Any dirt, mud, or debris that accumulates on any public highway shall be immediately cleaned off the highway by the drilling company.
1. At no time shall an operator move drilling equipment 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, nor shall any equipment be moved onto township roads during the months of March and April.

#### **E. GATES AND FENCES**

1. 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. Gate shall be a minimum of twenty-four (24) feet wide with the anchor posts being set in concrete. Exception to location of the gate shall be only in the instance when the well access road and the property owners' driveway are the same.
1. Where the access road and the property owners' driveway are the same, the gate shall be located where the driveway and the access road no longer are one and the same.
1. The gate shall be installed within seventy-two (72) hours maximum after the access road/driveway is initially opened.
1. Before any drilling equipment moved onto the property, the Zoning Inspector shall be notified to make an inspection of the gate.

#### **F. SIGNS**

1. Before the start of any drilling operations and through the life of the well, a metal sign shall be posted at the gate entrance. The sign shall contain the following information:
  - (a) Owner of well (company)
  - (b) Address
  - (c) Phone number
  - (d) Emergency phone number (24 hours)
  - (e) Permit number of well
  - (f) State Inspector phone number
  - (g) Street No. Issue by Zoning Inspector
2. The company shall continually update the information on the sign. The company

shall provide the Zoning Inspector with the name, address, and telephone numbers of all persons and legal entities responsible for maintenance of the well.

#### **G. RESTRICTION OF ABOVE GROUND EQUIPMENT**

1. There shall be no above ground equipment erected or maintained for the drilling, production, transmission, or storage or disposal of gas, oil, waste, natural or artificial brine, oil, field waters, sewage or any other liquid used in or resulting from any drilling or production of any oil and gas well within fifty (50) feet of any side or rear yard or within one hundred (100) feet of an occupied structure or dwelling and within five hundred (500) feet of a potable water well supply.
2. The one hundred (100) 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 only pertains to occupied structures or dwellings on the well site parcel of ground. A copy of the signed waiver shall be submitted to the Township Zoning Inspector.
3. The five hundred (500) feet requirement may be waived if the potable well owner within five hundred (500) feet of the wellhead signs a waiver. A copy of the signed waiver shall be submitted to the Township Zoning Inspector.
4. All potable wells within 1000 feet of the proposed wellhead shall be tested with potable well owner's permission by the drilling company and at the drilling company's expense prior to on-site drilling. A copy of the certified test results from a State licensed testing laboratory of private water supplies shall be filed with the Zoning Inspector. The test shall include but not be limited to testing for the presence of barium, calcium, Chloride, iron, magnesium, manganese, nitrogen (total), potassium, sodium, strontium, sulfates, and total dissolved solids.
5. The drilling company shall locate on the submitted drawings all potable well supplies within 1000 feet of the wellhead.

#### **H. NOISE/TIE OF DRILLING**

1. Noise from the drilling shall not exceed 85 D.B.A. when measured at 200 feet from the wellhead. Necessary mufflers on drilling equipment will be installed to meet this requirement.
2. Hours of drilling shall be limited to 6:00 a.m. to 6:00 p.m. during the period of time required to drill and set the casing when first starting the well.
3. When casing is concreted into place and concrete is cured, 24 hours per day drilling is permitted only Monday through Friday. Saturday and Sunday drilling shall be

limited to 6:00 a.m. to 6:00 p.m.

4. All fracturing of wells shall be done during daylight hours Monday through Friday only.

#### **I. 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 required a standard Township Bore permit.

#### **J. COMPLETION OF WELL**

After conclusion of the drilling stage the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed on the well site as required by Section 1509.072 O.R.C.

#### **K. ABANDONED/PLUGGED WELLS**

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

#### **L. MAINTENANCE OF PRODUCTIVE WELL**

The applicant shall at all times maintain, repair, repaint, and replace any storage tank on the drilling unit and shall adequately maintain and repair all fences required herein. 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 other remedies otherwise unavailable to the

Township.

## **M. SEVERABILITY**

Any provisions of this section, which is superseded, by any section of the Ohio Revised Code or any rule or regulation promulgated there under, shall not effect the validity of any other provision of this section.

Amended 5-22-13.

## **SECTION 39: SEXUALLY ORIENTED BUSINESSES**

1. The purpose of this section is to regulate sexually oriented businesses, through the establishment of a Special Use Permit, to promote the health, safety, moral and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

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

2. (a) A **sexually oriented business** is one which is designed and used to sell, rent or show sexually explicit material distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or massage business.

(b) **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 “specified sexual activities” or “specified anatomical areas.”

(c) **ADULT BOOKSTORE 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, one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or video representation, which depict or describe “specified sexual activities” or “specified anatomical areas”.
- (2) Instruments, devices, or paraphernalia, which are designed for use in connection with “specified sexual activities”.

(d) **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified special activities”; or
- (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(e) **ADULT MOTEL** means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television 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 reproduction; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subject to sublet the rooms for a period of time that is less than ten hours.

- (f) **ADULT MOTION PICTURE THEATER** means a commercial establishment where for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (g) **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in the state of nudity or live performances which are characterized by the expose of “specified anatomical areas” or by “specified sexual activities”.
- (h) **MASSAGE** means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.
- (i) **MASSAGE BUSINESS** means any establishment of business wherein massage is practiced, including establishment commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matter and activities relating to “specified sexual activities” or specified anatomical areas” as defined herein.
- (j) **NUDITY** or a **STATE OF NUDITY** means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts.
- (k) **PERSONS** means an individual, proprietorship, corporation or other legal entity.
- (l) **SEMI-NUDE** means a state of dress in which clothing covers no more than the genitals, pubic region, and areoles of the female breasts, as well as portions of the body covered by supporting straps or devices.
- (m) **SPECIFIED SEXUAL ACTIVITIES** means and includes any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - (3) Masturbation, actual or simulated;
  - (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

- (n) **SEXUALLY ORIENTED DEVICES** means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
- (o) **SPECIFIED ANATOMICAL AREAS** means less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the aureole; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

3. The Board of Zoning Appeals may issue a special use permit for a sexually oriented business only in a Commercial 3 District in each particular instance only on the following conditions:

- (1) The proposed business is located more than one thousand feet (1000) 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 Vienna Township or any structure that contains a residence.
- (2) All viewing booths and viewing areas in an Adult Arcade, Adult Book Store, Adult Store, Adult Motion Picture Theater, or Adult Theater must be visible from a continuous main aisle and must not be obscured by a curtain, door, wall, or other enclosure.
- (3) No sexually oriented activities or materials may be sold, furnished, or displayed to any person under the age of eighteen (18) years.

4. (a) **REVOCAION OF CONDITIONAL USE PERMIT**

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

(b) **PROCEDURE REVOCATION**

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 provisions of this Section 39. Within thirty (30) 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 sexually oriented business at least ten (10) days before the hearing and if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice, as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within 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.

**(c) FEE FOR FILING CONDITIONAL USE PERMIT FOR A SEXUALLY ORIENTED BUSINESS AND ANNUAL RENEWAL FEE.**

The above mentioned fees shall be established by the Vienna Township Board of Trustees and on file with the zoning inspector.

History: Amendment 5-4-98, Amended 3-28-11, Amended 7-23-15.

**SECTION 40: FENCES AND WALLS**

The following restrictions on fences and walls shall apply to Residential "R" Districts, Residential Apartment/Condominium "RA/C" Districts, and Commercial 1 Districts:

**A. FENCE AND WALL RESTRICTIONS**

In any front yard, no fence or wall shall be permitted which materially impedes vision across such front yard above the height of three (3) feet. In all other places, fences and walls, which are considered structures, shall not exceed six (6) feet in height. Said fence or wall shall not contain any barbed wire or chicken wire. Said fence or wall shall have the finished side out towards the neighbor's property and be a minimum of three (3) feet from the property line.

**B. CORNER LOTS**

On a corner lot, nothing shall be erected, planted or allowed to grow in such a manner as to impede vision within the triangular area formed by connecting with a straight line, two (2) points located on the respective right of way, twenty-five (25) feet distance from their point of the intersection.

History: Amendment 10-5-98, Amended 11-5-08, Amended 3-28-11.

**SECTION 41: STORM DRAINAGE**

For all new construction and installation of driveway culverts, a proposed outlet for storm drainage along the road right-of-way, shall be identified and the landowner then has the duty to install appropriate drainage, as approved by the Vienna township Road Department, so as not to damage adjoining property or township roadways. All cost is to be incurred by owner of the property.

History: Original Enactment 6-4-01, Amended 3-7-12.

## **SECTION 42: EROSION AND SEDIMENT CONTROL (ESC)**

### 42.1 PURPOSE AND INTENT

- A. 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.
- B. These regulations are intended to:
  - 1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
  - 2. Reduce water quality, impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- C. These regulations 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.

### 42.2 Words and Terms Defined

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.

### 42.3 Requirements and Application Procedures

- A. Two (2) sets of a Erosion and Sediment Control (ESC) Plan 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.

- A. 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 thereto disturbing less than one (1) acre of land area.
  
- A. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Trumbull County Erosion and Sediment Control Rules.
  
- A. 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.
  
- A. The zoning inspector shall review the ESC Plans submitted under this resolution and approve for 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.
  
- A. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a ESC Plan approved by the zoning inspector in accordance with these regulations.
  
- A. 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 or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

#### 42.4 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 from 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.

- A. 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 construction activity or the most current version thereof: Proof of compliance 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 the NPDES Permit is not applicable.
  2. Section 401 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. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time of application of this regulation.
  3. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit 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 State. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.
  4. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

- a. A letter from the lot owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.
  - b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.
5. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

History: Original Enactment 4-09-05

**Section 43: SMALL WIND PROJECTS LESS THAN 5MW**

**A. DEFINITIONS:**

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

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

**Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged; the falling structure will be confined to the primary parcel.

**Cowling:** A streamlined removable cover that encloses the turbine’s nacelle.

**Decibel:** A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel

scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

- Nacelle: Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- Megawatt (MW): A unit of power, equal to one million watts.
- Small Wind Project: Any wind project less than 5MW which includes the wind turbine generator and anemometer.
- Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.
- Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

B. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Township Zoning Districts if the following conditions are met. (Both as permitted and conditional Use):

1. The maximum height of any turbine shall be 125 ft. For the purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by

measuring the length of a prop at maximum vertical rotation to the base of the tower.

2. Setbacks: the following shall apply in regards to setbacks:

- a. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established “clear fall zone,” from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.

3. Maintenance:

- a. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing wind turbine.

4. Decibel Levels:

- a. Decibel levels shall not exceed those provided by the manufacturer as requested in C. Permits, 3., b., v.

5. Wiring and electrical apparatuses:

- a. All wires and electrical apparatuses with the operation of a wind turbine shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

6. Warning Signs:

- a. Appropriate warning signs to address voltage shall be posted

within 10 (ten) feet of the tower.

7. Building Permits:

- a. All Small Wind Projects and parts thereof shall obtain all applicable Building permits from the State of Ohio and County Building Regulations where required.

C. Permits

1. A permit shall be required before construction can commence on an individual wind turbine project.
2. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to the any local airports.
3. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:
  - a. Location of all public and private airports in relation to the location of the wind turbine.
  - b. A report that shows:
    - i. The total size and height of the unit.
    - ii. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
    - iii. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
    - iv. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
    - iv. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

- iv. Hazardous materials containment and disposal plan.
  - c. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
  - d. Evidence of an established setback of 1.1 times the height of the wind turbine and “clear fall zone.”
  - e. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
4. The fee for such permit shall be as established by the Vienna Township Board of Trustees and on file with the Zoning Inspector. Said fee shall be waived if the Small Wind Project is used solely for agricultural purposes.

History: Original enactment 7-23-09.

#### **SECTION 44: DANGEROUS AND EXOTIC ANIMALS INCLUDING REPTILES**

No person shall keep, harbor, own or knowingly allow to be in or upon the person’s premises or released in the Vienna, Ohio Township Limits any dangerous exotic or wild animal.

- A) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous or exotic animal within the Vienna Township Limits.
- B) No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.

History: Original enactment 5-21-14.

#### **SECTION 45: DONATION BINS**

No person shall place, use or employ a donation bin within the Township of Vienna for solicitation purposes without obtaining a permit from the Vienna Township Zoning Inspector. Permits are renewable on an annual basis during the month of January. The initial application fee shall be \$50.00. The annual renewal permit fee shall be \$25.00 per

bin. Written consent must be obtained from the property owner to place the bin on his or her property and written acknowledgement must be obtained from the property owner stating that the property owner shall insure compliance with the provisions of the Donation Bin Section of the Vienna Township Zoning Resolution. A phone number must be kept on file at the Vienna Township Zoning Department in case of emergencies. No person or other legal entity shall place a donation bin out to the public for people to drop off articles unless, utilized for charitable purposes. The zoning inspector shall not be authorized to issue more than five (5) total donation bin permits within Vienna Township.

The following information shall be clearly and conspicuously displayed on the exterior of the donation bin:

- A. The permit number and its date of expiration.
- B. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any donations collected via the bin.
- C. The telephone number of the owner's bona fide office, and if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any donations collected via the bin. An answering machine or service unrelated to the person does not constitute a bona fide office.
- D. In cases where any entity other than the person who owns the bin may share or profit from any donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating the entity other than the person that owns the bin which may share or profit from such donations.
- E. A statement, consistent with the information provided to Vienna Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

Vienna Township shall not grant an application for a permit to place, use, or employ a donation bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not limited to, the placement of a donation bin within one hundred (100) feet of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a donation bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of donations outside the bin. The bin shall be emptied every week and the area immediately surrounding shall be maintained in a clean and sanitary condition, and the bin should remain in good working order and painted.

Donation bins shall only be located in nonresidential zoning districts. Donation bins are considered an accessory use as such, they are not permitted as the sole use on a lot, but are only permitted in conjunction with a principal use. No more than three (3) receptacles shall be located within any complex. Donation bins must be structurally sound, clean, and well-maintained. Each bin shall not exceed six (6) feet in depth, eight (8) feet in width, and six (6) feet in height. If the size of the donation bin exceeds the above mentioned

standards a building permit must then be obtained along with a donation bin application. After the one (1) year period it will then be renewed every following year as a donation bin. The receptacles shall be located in a clearly visible and well-lighted area to permit inspection and enforcement. The bins may be placed in parking stalls, provided that the approved use for the site in question has been operational for a minimum of one (1) year prior to the request for the bin and provided further that in the written opinion of the Vienna Township Zoning Inspector there is sufficient on-site parking to accommodate all uses of the property.

Whenever it appears that someone is in violation, the zoning inspector shall advise the person in violation to cure the said violation within ten (10) days of written notice of the violation. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself. In the event that the person who places the bin has three violations within a year, then the Township of Vienna may revoke the permit and require removal of the donation bin. If the owner of the bin does not remove the bin after demand by Vienna Township, then Vienna Township may have the bin removed at the expense of the person who placed the bin. In addition to this penalty, the person who placed the bin shall be deemed ineligible to place, use, or employ a donation bin within the Township of Vienna.

History: Original enactment 5-21-14

## **SECTION 46: DEMOLITION/DECONSTRUCTION**

The partial or complete demolition or deconstruction of any structure within Vienna Township requires a Demolition Permit, issued by the Vienna Township Zoning Inspector, the fee for which will be set by the Vienna Township Trustees. Contractors shall, at time of filing, provide proof of insurance and a performance bond in the amount determined by the scope and cost of the demolition/deconstruction project. Commercial and Industrial Structures have special requirements, and detailed below.

### **1. Commercial Structures:**

- A. Commercial Structures require a Phase 1 Environmental Site Assessment, as defined by the American Society for Testing and Materials (ASTM) Standards Designation: E 1527-05, which is used for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601) and petroleum products. Phase 1 identifies Recognized Environmental Conditions (REC).

- B. The Phase 1 Environmental Site Assessment shall be completed prior to the start of the demolition/deconstruction project, with an emphasis on identifying potential asbestos and/or lead based paint. If the contamination(s) found in potential demolition debris are in some form of metal, such as steel structural components, lead pipes or electrical component, these components, may be recycled as scrap metal without abatement, even if these components are coated with lead based paint. All above ground RECs including but not limited to lead paint and asbestos must be abated during the course of the demolition according to and following EPA standards.
- C. The term “Recognized Environmental Conditions” (REC), means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws.

2. Industrial Structures:

- A. Completion of the Phase 1 Environmental Site Assessment for Commercial Structures.
- B. If REC is identified on site, a Phase 2 Environmental Site Assessment, as defined in ASTM Standards Designation E 1903-97, must be completed prior to the start of the demolition/deconstruction project.
- C. The primary objectives of conducting a Phase 2 Environmental Site Assessment are to evaluate the recognized environmental conditions identified in the Phase 1 Environmental Site Assessment for the purpose of providing sufficient information regarding the nature and extent of contamination to assist in making informed decisions about the property.
- D. If there is the presence of one or more REC or evidence of asbestos or lead based paint contamination from the required assessments, the property owner of record must abate the contamination(s) prior to the issuance of the Demolition Permit, or as a prerequisite to the issuance of the Demolition/Deconstruction Permit.

3. Other Requirements:

- A. Prior to or in conjunction with the issuance of the Demolition Permit, the property owner of record and/or demolition contractor must meet any other federal, state, or local requirements as applicable to the project.

- B. Once the demolition/deconstruction project has been completed, the premises must be cleared of all demolition debris. Demolition debris includes, but is not limited to: no hazardous, uncontaminated material resulting from construction, remodeling, repair, or demolition of utilities, structures, and roads. Bricks, concrete, and other masonry materials such as soil, rock, wood including nonhazardous painted, treated, and coated wood and wood products. Wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, reclaimed asphalt pavement, glass, plastics that do not conceal waste, electrical wiring and components that do not contain hazardous substances, piping metal and/or materials incidental to any of the materials above.
- C. The premises shall be restored to an agriculturally friendly condition or to a condition suitable for new construction to occur, as decided on a case by case basis, after the appropriate site inspection and review by the Vienna Township Zoning Inspector and Zoning Commission. All required safety precautions such as fencing off the public access shall be performed by the appropriate contractor during demolition and restoration or reconstruction, if any.
- D. A site inspection by the Vienna Township Fire Chief or his/her designee and/or the Vienna Township Zoning Inspector shall be completed upon completion of the demolition/deconstruction project to ensure that no nuisance issues exist.
- E. Demolition Permits expire within six (6) months of the date of issuance.

History: Original enactment 7-19-19

#### **SECTION 47: GARAGE SALES**

“Garage Sale” means a sale held by a property owner or renter of property in a garage, on a driveway or parking lot, porch, or lawn, but not in the living area of the property. Garage sales are limited to three (3) per address per calendar year for no more than three (3) consecutive days per sale.

A non-fee permit to hold a garage sale must be obtained from the Vienna Township Zoning Inspector at no cost. However, garage sale signs shall be posted no more than five (5) days prior to the sale and must be removed at the close of the garage sale on the final day. Garage sales are limited to three (3) signs, one (1) at each of the closest intersections, and one (1) at the entrance to the garage sale. Signs may not be posted on utility poles or trees or, be placed in right-of-way limits. Garage sale signs must also comply with section 6.1(B) and section 6.7 of the Vienna Township Zoning Resolution. All garage sale signs placed off-site shall have the permission of the owner of the property on which the sign is to be placed. Registration with the zoning inspector is required for this type of sign. If any garage sale sign does not adhere to the above mentioned requirements it will be removed

by Vienna Township.

History: Original enactment 7-19-19