



**AUSTINTOWN TOWNSHIP  
ZONING ORDINANCE  
MAHONING COUNTY  
OHIO**

**Approved by the Electorate on November 2, 1948  
As Amended through May 24, 2007**



streets, driveways, walkways, and parking must conform to the latest state regulations on House Trailer Parks;

2. Prior to the development of a Mobile Home Park, a development plan of the Mobile Home Park shall be filed with the office of the Township Zoning Inspector. It shall be further required that a zoning permit be secured for each mobile home stand prior to its installation, and for all permitted structures and uses within the Mobile Home Park.

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**ARTICLE X - BUSINESS B-1 DISTRICT**

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**1000-PURPOSE** - The purpose of the B-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 premises. It is recognized that this district can be effectively used as a transitional buffer between more intense business districts and residential districts.

**1001-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All uses permitted in a Residence R-2 District;
2. Administrative offices primarily engaged in general administration; supervision, purchasing, accounting and other management functions;
3. Businesses offices carrying on no retail trade with the general public and having no stock or goods for sale to customers, such as:
  - a) Bank and Loan Companies;
  - b) Holding, Investment and Trust Companies;
  - c) Real Estate Offices;
  - d) Insurance Offices;
4. Professional Offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, such as:
  - a) Office of Physicians and Surgeons;
  - b) Offices of Dentists and Dental Surgeons;
  - c) Offices of Osteopaths;
  - d) Offices of Chiropractors;
  - e) Medical and Dental Laboratories - normally associated with and directly serving the medical and dental offices permitted in this district;
  - f) Legal Services;
  - g) Engineering and Architectural Services;
  - h) Accounting, Auditing and Bookkeeping Services;
  - i) Funeral Homes;
  - j) Day Schools, Nursery Schools, Private and Commercial Schools;
  - k) Institutions;
  - l) Quasi-Public Buildings.

**1002-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. Offices of Veterinarians, Animal Hospitals and Clinics;
2. Beauty Shops, Barber and Styling Shops;
3. Research, Development, and Light Testing Laboratories;
4. Commercial Broadcasting Stations and Towers;
5. All uses specified in Article XVI, Section 1600 of this ordinance.

**1003-LOCATIONAL RESTRICTION** - This district shall not be located within 2,500 feet of an already designated B-3 District, measured on center lines of streets or dedicated right-of-ways.

**1004-GENERAL REQUIREMENTS -**

**LOT AREA AND WIDTH** - Minimum width of eighty (80) feet and minimum lot area of 10,000 square feet; except that nothing in this ordinance shall prevent the use of lots platted prior to the enactment of this ordinance provided all other general requirements are met.

**FRONT YARD** - Minimum of fifty (50) feet. In the case of corner lots, the setback from the side street property line shall be no less than twenty (20) feet. If a service or delivery area is located on the side street side, this minimum shall be doubled.

**SIDE YARD** - Total side yard of no less than twenty (20) feet and the width of the narrower shall be no less than five (5) feet.

**REARYARD** - Minimum of fifteen (15) feet. If a service court, delivery area or alleyway is located in the rear yard, the minimum shall be increased to forty-five (45) feet.

**HEIGHT** - No building shall exceed thirty-five (35) feet in height.

**SIGNS** - All signage shall be as regulated in Article XVIII of this ordinance.

**PARKING** - One parking space (200 square feet), exclusive of access and drive-ways, shall be provided for each two hundred (200) square feet of floor area on each floor. See also Article XVII-Supplementary District Regulations, Section 1713-Minimum Off-Street Parking Requirements.

**1005-RESIDENTIAL USES** - In those structures which are to be used solely for dwelling purposes, as permitted, the front, side and rear yard requirements, and the area, lot, width and height restrictions for Residence R-2 District shall be adhered to.

**1006-BUFFERING** - All traffic pavement shall be set back from all front, rear and side property lines a distance of five (5) feet, except for those reasonable portions required for access to and from the street and to adjoining properties. This perimeter area created between the property lines and setback lines shall be properly landscaped with grass, evergreen ground cover or other generally acceptable landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retainage, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property, this pavement shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound, in addition to the landscaping requirements described above. All landscaping and screening shall be maintained in reasonably good condition. In no case shall such vegetation or screening be placed in such a manner which would present a safety

hazard to vehicular or pedestrian traffic. All the above screening and buffering design shall be approved by the Board of Township Trustees.

**1007-TRASH CONTAINERS** - Shall be in accordance with Article XVII, Section 1710 of this ordinance.

**1008-SITE DRAINAGE** - On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of Mahoning County Engineer.

**1009-DRIVEWAYS/PARKING LOT AREAS** - The access driveway leading from the street right-of-way to a Business B-1 structure/s shall be constructed as a hard surface driveway, consisting of either concrete or asphalt. All parking lot areas in conjunction with said commercial structure/s shall be constructed as hard surface areas, consisting of either concrete and asphalt.

**1010-LIGHTING** - 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.

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### ***ARTICLE XI - BUSINESS B-2 DISTRICT***

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**1100-PURPOSE** - The purpose of the B-2 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 users with limited and controlled access to the adjacent street and unlimited strip development should be discouraged.

**1101-PERMITTED USES** -After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All permitted uses and conditionally permitted uses of B-1 and B-3 Districts;
2. All other business of a general nature not specifically included in other business districts, except those specifically excluded herein.

**1102-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. Car Wash Establishments;
2. .Boarding Kennels and Catteries;
3. Community Shopping Center, Plazas or Malls (where the composite building area is larger than 300,000 square feet - the composite building area shall be defined as the lot area developed with business floor space, parking lot area, traffic accesses, retention/detention areas, buffer areas, and loading space/delivery areas);
4. Bar-an establishment providing on-premises consumption of liquor and alcoholic beverages;
5. Auto body/auto trim shops;
6. Game room/amusement center;
7. Used Car Lot;
8. Automobile Dealership;

9. Gasoline Service Station;

10. Nurseries and garden centers.

**1103-PROHIBITED USES** -Without limiting the foregoing, the following are specifically prohibited:

1. Any process of manufacturing, including fabrication, converting, assembly or treatment and machine and welding shops, or yeast processing;
2. Slaughtering poultry and animals, rendering lard and other fats and meat smoking, whether or not the same is incidental to a retail business;
3. Junk yards, secondhand material yards and automobile graveyards and disassembly plants;
4. Laundry and dry cleaning plants employing more than ten (10) persons;
5. Commercial warehouses, lumber and coal yards, building material storage yards, loading and transfer stations and truck terminals;
6. The storage of explosives, and the storage of crude oil or any part of its volatile products or other highly inflammable liquids in above-ground tanks except in accordance with state regulations thereto;
7. Bottling works and the brewing and distilling of liquors;
8. Stone or monument works;
9. All buildings, structures and uses prohibited in Industrial Districts;
10. Abandoned, wrecked or dismantled automobiles, trucks, trailers, farm equipment, aircraft, furniture or other miscellaneous materials;
11. Strip mining;
12. Automobile wrecking yards or vehicle impoundment areas in conjunction with service stations or towing businesses in excess of ten thousand (10,000) square feet in lot area;
13. No trailer shall be used for a business or retail use.
14. No cargo trailer, shipping container, or metal trailer, mounted on axles or devoid of axles, shall be used for storage purposes; and shall not be stored on a business parcel.
15. Transportation semi-tractor trailers shall not be used for purposes of storage of goods, products, or merchandise; and shall not be stored on a business parcel.

**1104-LOCATIONAL RESTRICTION** - This district shall not be located within 2,500 feet of an already designated B-3 District, measured on center lines of streets or dedicated right-of-ways.

**1105-GENERAL REQUIREMENTS OF BUSINESS B-2** -

**LOT AREA AND WIDTH** - Minimum width of one hundred (100) feet and a minimum lot area of 20,000 square feet shall be required, except that nothing in this ordinance shall prevent the use of a lot platted prior to the time of enactment of this amendment to the ordinance, providing the front yard, rear yard, side yard requirements stipulated herein are met.

**FRONT SETBACK** - Minimum of fifty (50) feet. In the case of corner lots, the setback from the side street property line shall be no less than twenty (20) feet. If a service or delivery area is located on the side street side, this minimum shall

be doubled.

**SIDE YARD** - Total side yard of no less than twenty (20) feet and the width of the narrower shall be no less than five (5) feet.

**REAR YARD** - Minimum of fifteen (15) feet. If a service court, delivery area or alleyway is located in the rear yard, the minimum shall be increased to forty-five (45) feet.

**HEIGHT** - No building shall exceed thirty-five (35) feet in height.

**SIGNS** -All signage shall be as regulated in Article XVIII of this ordinance.

**PARKING** - One parking space (200 square feet), exclusive of access and drive-ways, shall be provided for each two hundred (200) square feet of floor area on each floor. See also Article XVII - Supplementary District Regulations, Section 1713-Minimum Off-Street Parking Requirements.

**1106-BUFFERING** -The following buffering requirements shall be applicable for:

1. Those sides of a property which adjoin a street or right-of-way;
2. Any side of a property which is adjacent to, in whole or in part, either a residential or Business B-1 District.

Traffic pavement shall be setback from the above described property lines a distance of ten (10) feet, except for those reasonable portions required for access to and from the street, and to adjoining properties.

The area created between the property line(s) and the setback line shall be properly landscaped with grass, evergreen ground cover or other generally acceptable landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retainage, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property, this pavement shall be affectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound in addition to the landscaping requirements described above. All landscaping and screening shall be maintained in reasonably good condition. In no case shall such vegetation or screening be placed in such manner which would present a safety hazard to vehicular or pedestrian traffic. All the above screening and buffering design shall be approved by the Board of Township Trustees.

**1107-TRASH CONTAINERS** - Shall be in accordance with Article XVII, Section 1710 of this ordinance.

**1108-SITE DRAINAGE** - On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of this site development plan for review by the Office of the Mahoning County Engineer.

**1109-DRIVEWAYS/PARKING LOT AREAS** - All access driveways leading from the street right-of-way to a Business B-2 structure(s) shall be constructed as hard surface driveways, consisting of either concrete or asphalt. All parking lot area(s) in conjunction with said commercial structure(s) shall be constructed as hard surface areas, consisting of either concrete or asphalt.

**1110-LIGHTING** - Lighting of the business parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. All focus of all lighting shall be downward, directed towards the business parcel.

## **ARTICLE XII - BUSINESS B-3 DISTRICT**

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**1200-PURPOSE** - The purpose of the B-3 District is to encourage the establishment of limited pocket areas for small convenience businesses which are intended to meet the daily or regular needs of the residents of an immediate neighborhood. Excessive strip development within this district shall be prohibited by maximum size and locational limitations. It is intended to encourage use by the pedestrian as well as the motoring resident.

**1201-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

Retail businesses which supply commodities or perform services primarily for the residents of that local community, including but not limited to the following:

1. Grocery Stores;
2. Dairy Stores;
3. Convenient Food Stores;
4. Drug Stores;
5. Beauty Shops;
6. Barber Shops;
7. Beverage Shops;

**1202-CONDITIONALLY PERMITTED USES** -After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. Banks;
2. Offices of Physicians, Osteopathes, Chiropractors;
3. Dentists;

**1203-PROHIBITED USES** -Without limiting the foregoing, the following are specifically prohibited:

1. All prohibited uses listed in B-2;
2. All businesses which provide for, or encourage the consumption of their products or commodities on the premises.

**1204-LOCATIONAL REQUIREMENTS** - This district shall be strategically located with access to a collector thoroughfare. A district may not be designated a B-3 District within 2,500 feet of an already designated B-1, B-2, B-3 or district with the following exception: A B-3 district may be located immediately adjacent to an already designated B-3 District, so long as the maximum combined width and area requirements are not exceeded as stated herein. All distances shall be measured on centerlines of streets or dedicated right-of-ways.

**1205-GENERAL REQUIREMENTS OF B-3 DISTRICT -**

**LOT AREA, BUILDING AREA AND WIDTH** - Minimum width shall be seventy (70) feet, maximum depth of one hundred fifty (150) feet and minimum lot area of 10,500 square feet. The maximum width and area when combined with adjacent lots designated as District B-3 shall be two hundred forty (240) feet and 36,000 square feet. The maximum size of any one business shall be 2,500 square feet.

**FRONT YARD** - Minimum of fifty (50) feet. In the case of corner lots, the setback from the side street property line shall be twenty (20) feet.

**SIDE YARD** - Total side yard of no less than twenty (20) feet and the width of the narrower shall be no less than five (5) feet.

**REAR YARD** - Minimum of fifteen (15) feet. If a service court, delivery area or alley-way is located in the rear yard, the minimum shall be increased to forty-five (45) feet.

**HEIGHT** - No building shall exceed twenty (20) feet in height and shall be limited to one story and basement.

**SIGNS** - All signage shall be as regulated in Article XVIII of this ordinance.

**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. See also Article XVII-Supplementary District Regulations, Section 1713-Minimum Off-Street Parking Requirements.

**1206-BUFFERING** - The following buffering requirements shall be applicable for:

1. Those sides of a property which adjoin a street or right-of-way;
2. Any side of property which is adjacent to, in whole or in part, a residential district.

Traffic pavement shall be set back from the above described property lines a distance of ten (10) feet, except for those reasonable portions required for access to and from the street and to adjoining properties.

The area created between the property line(s) and the setback line shall be properly landscaped with grass, evergreen ground cover or other generally acceptable landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retainage, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property; this pavement shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound in addition to the landscaping requirements described above. All landscaping and screening shall be maintained in reasonably good condition. In no case shall such vegetation or screening be placed in such a manner which would present a safety hazard to vehicular or pedestrian traffic. All above screening and buffering design shall be approved by the Board of Township Trustees.

**1207-TRASH CONTAINERS** - Shall be in accordance with Article XVII, Section 1710 of this ordinance.

**1208-SITE DRAINAGE** - On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the Office of the Mahoning County Engineer.

**1209-DRIVEWAYS/PARKING LOT AREAS** - The driveway leading from the street right-of-way to a Business B-3 structure shall be constructed as a hard surface driveway, consisting of either concrete or asphalt. The parking lot area in conjunction with said commercial structure shall be constructed as a hard surface, consisting of either concrete or asphalt.

**1210-LIGHTING** - 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.

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**ARTICLE XIII - INDUSTRIAL I-1 DISTRICT**

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**1300-PURPOSE** - The purpose of an Industrial I-1 District is to encourage the development of establishments for light industrial, storage and warehousing, which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operated entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy industrial uses and other less intense business and residential uses.

**1301-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All permitted and conditional uses allowed in Business B-2 District;
2. Storage and wholesaling establishments primarily engaged in transporting, storing, handling or selling merchandise to retailers, industrial, institutional or professional users; or to other wholesalers, or acting as agents in buying or selling merchandise for such persons or companies;
3. Wholesale processing establishments engaged in food processing and kindred products or printed matters;
4. Research and testing laboratories.

**1302-GENERAL REQUIREMENTS -**

**OFF STREET PARKING** - There shall be a minimum of two hundred (200) square feet of parking space with adequate access provided for each person to be employed at any one time at such location, together with parking spaces for all vehicular equipment to be used at said location. No parking shall be permitted to extend beyond the property lines onto right-of-way.

**HEIGHT** - There shall be a height limit of thirty-five (35) feet for buildings used for businesses or industrial purposes.

**LOT AREAS AND WIDTH** - There shall be a minimum width of one hundred (100) feet and a minimum lot area of no less than 20,000 square feet.

However, this shall not prevent the use of lots platted prior to the enactment of this ordinance provided all other General Requirements are met.

**FRONT YARD** - There shall be a front setback of no less than fifty (50) feet. In the case of a corner lot, no building shall be placed to within twenty (20) feet of the side street property line.

**SIDE YARD** - There shall be a total side yard of no less than twenty (20) feet and the width of the narrower of the two (2) side yards shall be no less than five (5) feet.

**REAR YARD** - There shall be a rear yard of no less than thirty (30) feet.

**ENCLOSING STRUCTURE** - A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, noxious odor or fumes outside this structure, and no greater noise than the average noise level occurring on the street. Any area

used for storage of equipment and supplies, service and loading docks shall be screened by walls or fences at least six (6) feet, but not more than eight (8) feet in height. These walls or fences shall have an opaqueness as to effectively conceal service, storage and loading operations from adjoining streets, and from a residential zoning district.

**1303-SIGNS** - All signs shall be as regulated in Article XVIII of this ordinance.

**1304-TRASH CONTAINERS**- Shall be in accordance with Article XVII.

**1305-SITE DRAINAGE** - On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the Office of the Mahoning County Engineer.

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#### **ARTICLE XIV - INDUSTRIAL I-2 DISTRICT**

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**1400-PURPOSE** - The purpose of the Industrial I-2 District is to encourage the development of major manufacturing, processing, warehousing and major research and testing operations. These operations require extensive community facilities and reasonable access to arterial thoroughfares; they may have extensive open storage and service areas and generate heavy traffic.

**1401-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All buildings, structures and uses permitted in an Industrial I-1 District;
2. Buildings, structures and uses in general construction, manufacturing, processing, warehousing and major research and testing operations.

Without limiting the foregoing, the following are specifically prohibited:

- a) Any process of assembly, manufacture or treatment which produces an offensive or obnoxious smoke, odor, dust or noise, including but not limited to such things as: the manufacture or refining of asphalt, blast furnaces, the manufacturing or processing of yeast, cork, fertilizer, linoleum or oil cloth and glue or gelatin; the tanning of hides and skins, abattoir and slaughter houses (except for poultry); and the manufacture of paint, oil and varnish;
- b) Any process of assembly, manufacture or treatment constituting a hazardous use, including but not limited to such things as the manufacture or bulk storage of fireworks and explosives; and the manufacture of illuminating and other explosive or poisonous gases, except as may be incidental to a permitted industrial process;
- c) The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks, except in accordance with State regulations in respect thereto, and provided further that all above-ground tanks having a capacity of ten thousand gallons or more shall be properly diked with dikes having a capacity equal to one and one half (1-1/2) times the capacity of the tank or tanks surrounded;
- d) Junk yards and automobile graveyards;
- e) The storage of secondhand materials for resale; the storage,

bailing or treatment of junk, iron, rags, bottles or scrap paper, except within a building;

f) Strip mining;

g) No trailer shall be used for a business, retail or industrial use.

***1402-GENERAL REQUIREMENTS -***

**OFF STREET PARKING** - A minimum of two hundred (200) square feet of parking space with adequate access shall be provided for each person to be employed at any one time at such location, together with parking spaces for all vehicular equipment to be used at said location. No parking shall be permitted to extend beyond the property lines onto right-of-way.

**HEIGHT** - No height restriction.

**LOT AREA AND WIDTH** - Minimum width of one hundred (100) feet and a minimum lot area of not less than 20,000 square feet. However, this shall not prevent the use of lots platted prior to the enactment of this ordinance, provided all other General Requirements are met.

**FRONT YARD** - Minimum of fifty (50) feet. In the case of a corner lot, no building shall be placed to within twenty (20) feet of a side street property line.

**SIDE YARD** - Total side yard of no less than twenty (20) feet and the width of the narrower of the two (2) side yards shall be no less than five (5) feet.

**REAR YARD** - Minimum of fifteen (15) feet.

***1403-SIGNS*** - All signs shall be as regulated in Article XVIII of this ordinance.

***1404-TRASH CONTAINERS*** - Shall be in accordance with Article XVII, Section 1710 of this ordinance.

***1405-SITE DRAINAGE*** - On-site surface drainage retention or detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the Office of the Mahoning County Engineer.

***ARTICLE XV - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)***

***1500-OBJECTIVES FOR PLANNED UNIT DEVELOPMENTS*** - Planned Unit Developments will be permitted for the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds, and non-residential uses, promoting greater efficiency in providing public and utility services, and receiving the benefits of new techniques of community development and renewal.

***1501-PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS*** - Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this resolution, the provisions of this article shall prevail for the development of land for planned unit developments. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this resolution.

***1502-USES PERMITTED*** - Only those uses permitted or conditionally permitted in each district of this resolution may be proposed for development under the

planned unit development approach. Compatible residential, commercial, industrial, public and quasi-public uses may be combined provided that the proposed location of the commercial or industrial use will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land not in compliance with Section 1502 devoted to commercial and/or industrial use in a residential-commercial development shall be determined by the Zoning Commission.

**1503-RECOMMENDED MINIMUM PROJECT AREA** - It is recommended that the gross area of the tract to be developed under the planned unit development approach should conform to the following schedule:

Residential 5

Residential (27.6)-Commercial (2.4) 30

Residential (32)-Commercial (3.2)-Industrial (4.8) 40

When the planned unit development is a mixture of uses no more than eight percent (8%) of the tract may be devoted to commercial activities nor more than twelve percent (12%) of the tract to industrial activities.

### **1504-DEFINITIONS -**

**"Common Open Space"** is a parcel or parcels of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the planned unit development. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants.

**"Landowner"** shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Article.

**"Plan"** shall mean the written and graphic submission for a planned unit development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities.

**"Planned Unit Development (PUD)"** means a development which is planned to integrate residential use with collateral uses, and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

**"Professional Consultant"** shall mean a person who possesses the knowledge and skills, by reason of education, training and experience, to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental and design characteristics, and implications in order to foster a unified plan for development. He may be, but not necessarily limited to, a registered

architect, landscape architect, professional engineer, professional surveyor, planner, or equivalent.

**1505-PROJECT OWNERSHIP** - The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

**1506-COMMON OPEN SPACE** - Five (5) to twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for residents or users of the area being developed. The open space shall be disposed of as required in Section 1507 of this Resolution.

**1507-DISPOSITION OF OPEN SPACE** - The required amount of common open space land reserved under a planned unit development shall either be held in corporation ownership by owners of the project area for the use of each owner who buys property within the development, or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission requirements as to size, shape, and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. Such open space shall include that open space that may be required by the Mahoning County Planning Commission under Article 4.2 of the Mahoning County Subdivision Regulations. The advice of the Mahoning County Planning Commission may be sought regarding any additional open space acquisition.

**1508-MAINTENANCE OF OPEN SPACE** - The responsibility for the maintenance of all open spaces shall be agreed upon by the Township Trustees before approval of the final development plan.

**1509-UTILITY REQUIREMENTS** - Underground utility plans shall be required in designated planned unit developments. The Mahoning County Subdivision Regulations must be followed. Additional Township requirements may be added when appropriate.

**1510-RESIDENTIAL PLANNED UNIT DEVELOPMENT** - Residential Planned Unit Development may be developed following the provisions of Sections 1511-1513.

**1511-MINIMUM LOT SIZE -**

1. The lot area of the dwelling unit may not be reduced to less than 60% of the minimum lot area required in the official schedule of district regulations, except for attached, clustered, detached or single family houses intended to be conveyed separately, in which case there shall be no required minimum area except that the lot shall wholly contain all of the house and all front, rear or side yards as shown on the approved plan.  
In no case shall the density of the housing units exceed six (6) per acre for the overall tract, including open areas.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

**1512-LOTS TO ABUT UPON COMMON OPEN SPACE** - Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

**1513-HEIGHT REQUIREMENTS** - For each foot of building height over the maximum height regulations specified in the respective residential districts, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a two (2) foot addition to the side and rear yard required in the district.

**1514-NON-RESIDENTIAL, COLLATERAL COMMERCIAL USES** -The provisions of Section 1515-1517 shall apply to non-residential, collateral commercial uses within a planned unit development.

**1515-ARRANGEMENT OF COMMERCIAL USES** - Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding, existing, or potential developments.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

**1516-PARKING** - Off-street parking, loading, and service areas shall be provided in accordance with Articles X, XI, and XVI of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

**1517-OPEN SPACE** - Open space gained through the varying of setback and area requirements as established in Section 1506 is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design, and planting.

**1518-NON-RESIDENTIAL, COLLATERAL INDUSTRIAL USES** - The provisions of Section 1518-1520 shall apply to non-residential, collateral industrial uses within a planned unit development.

**1519-ARRANGEMENT OF INDUSTRIAL USES** - Industrial uses and establishments within the planned unit development shall be developed in parklike surroundings, utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout the planned

industrial area in order to reduce through traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or residential portion of the planned unit development. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

**1520-PERMITTED USES** - Certain types of commercial uses such as restaurants, central secretarial and stenographic pools, or other business service type uses, repair services, or clinics as may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in the planned industrial area as accessory uses.

**1521-APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD), ZONE CHANGE DISTRICTING, AND ZONING APPROVAL PROCESS** - An Applicant may apply for a Planned Unit Development Zone Change by making application to the Township Zoning Commission pursuant to the provisions of Article IV, Sections 414-416 of the Township Zoning Ordinance.

In addition to the Contents of Application contained in Article IV, Section 415, the application for Planned Unit Development Zone Change shall contain the following:

- a) An area map showing the Applicant's entire holding, that portion of the Applicants property under consideration, and all properties, sub-divisions, streets and easements within two hundred (200) feet of Applicants property.
- b) A project site plan including the following information:
  1. Title of drawing, including name and address of Applicant;
  2. North point, scale and date;
  3. Boundaries of the property plotted to scale;
  4. Existing watercourses;
  5. A site plan showing location, proposed use and height of all buildings, location of all parking and truck-loading areas, with ingress and egress drives thereto; location and proposed development of all open spaces, including parks, playgrounds, and open reservations; location of outdoor storage; if any, location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; descriptions of method of sewage disposal and location of such facilities; location and size of all signs, location and design of street and parking lighting; the amount of building area proposed for non-residential uses, if any.
  6. Recommendations for proposed zoning;
  7. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls;
  8. Adequacy and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, and pedestrian convenience;
  9. Location, arrangement, appearance and sufficiency of off-street park-

ing and loading;

10. Location, arrangement, size and placement of building(s), lighting, and signs;
11. Arrangement of landscape features.
12. Adequacy of storm water and sanitary waste disposal facilities;
13. Adequacy of structures, roadways, in areas with moderate to high susceptibility to flooding and ponding and/or erosion. The application shall be considered in accordance with the procedures established under Ohio Revised Code, Section 519.12, as contained in Article IV, Sections 416-423, of the Township Zoning Ordinance.

***1522-PHASING AND CHANGES OF APPROVED DEVELOPMENT PLAN*** -

Any plan which requires more than twenty-four (24) months to complete shall be constructed in phases and phasing plan must be developed. In a phased PUD, it is expected that changes in the approved development plan will be required from time to time. In order to preserve the flexibilities which are fundamental to PUD, plan changes to permit adjustments to a phasing program are permitted to the limitations listed below:

1. The changed plan must meet the basic objectives and all regulations and requirements of this resolution;
2. All plan changes must be submitted to the Township Trustees for re-approval.

***1523-EXPIRATION AND EXTENSION OF APPROVAL PERIOD*** - The approval of a development plan for a residential planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat, and the development of the project. If construction of five percent (5%) of the total cost of the project has not been completed within two (2) years after approval is granted, the Board of Trustees may initiate hearings pursuant to Section 413 of the Zoning Ordinance to consider rezoning of said PUD to the original zoning district classification. An extension of the time limit or modification of the approved development plan may be approved if the Township Trustees find that such extension or modification is not in conflict with the public interest.

***1524-VIOLATION*** - Violation of the approval of uses for Residential Planned Unit Development shall constitute a violation of the Austintown Township Zoning Ordinance in accordance with Article II, Section 204, and such violations may be prevented pursuant to the provisions of Section 519.24 of the Ohio Revised Code.

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***ARTICLE XVI - CONDITIONAL USES***

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***1600*** - The Board of Zoning Appeals as hereinafter created may authorize the issuance of a conditional use permit for any of the following buildings or uses in any district:

1. Quasi-public buildings;
2. Recreational areas;
3. Day school, nursery school, private and commercial school;
4. Institutions;
5. Homes for the elderly;
6. Cemeteries, provided that no mausoleum or crematory shall be located less than two hundred (200) feet from adjacent property and/or street lines, and that any

- new cemetery shall contain a minimum of twenty (20) acres;
7. Aircraft landing field and its necessary appurtenances;
  8. Radio stations and towers;
  9. A parking lot to be used in conjunction with an abutting property or property directly across the street, provided the lot is to be used, at no charge, for the parking of motor vehicles of owner, employees, customers, patrons or guests of the person or firm controlling and operating the lot, and any other conditions as required by the Board of Appeals.

***1601-GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES***

- The Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing 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 or 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 schools; 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.

***1602-SUPPLEMENTARY CONDITIONS AND SAFEGUARDS*** - In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards regarding:

1. General character, height and use of structures;
2. Provisions of surrounding open space and treatment of the grounds;
3. Buffering;
4. Street capacity, traffic, parking;
5. Front, side and rear yard requirements;
6. Lighting, noise, odor.

Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance

and punishable under Article II, Section 204.

**1603-EXPIRATION OF CONDITIONAL USE PERMIT** - A conditional use approval shall be deemed to authorize only one particular conditional use, and said approval shall become void if the use is not implemented within two (2) years from the date of approval of the Board of Zoning Appeals.

**1604-PROCEDURE FOR A CONDITIONAL USE PERMIT** - An application for conditional use permit shall be filed with the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address and phone number of Applicant;
2. Legal description of the property;
3. Description of existing use;
4. Description of proposed conditional use;
5. A plan of the proposed site for the conditional use, showing the location of existing and/or proposed buildings, parking and loading areas; traffic access and traffic circulation, landscaping, service areas, utilities, signs, yards and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.

**1605-PROCEDURE FOR HEARING, NOTICE** - Upon receipt of the application for a conditional use permit, the Board of Zoning Appeals shall hold a public hearing within forty (40) days from receipt of said application, publish notice in newspaper, and give written notice to all parties in interest.

Action by the Board of Zoning Appeals - Within thirty (30) days after the public hearing, the Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. Any person or persons, jointly or severally adversely by the Board of Appeals, may appeal to the Court of Common Pleas of Mahoning County. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal. Such appeal must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

**1606-REVIEW OF ALL CONDITIONAL USE PERMITS** - A conditional use permit for a use authorized under these resolutions shall be issued for a three (3) year period. After a three (3) year period has elapsed, a new conditional use permit shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector have determined that the said use has been and is continuing operation according to the specifications of the Zoning Ordinance, and any attached special conditions in the previous conditional use permit. If necessary, the Board of Zoning Appeals may modify the requirements for the continued operation of the use as a prerequisite for the reissuance of the conditional use permit.

## **ARTICLE XVII - SUPPLEMENTARY DISTRICT REGULATIONS**

**1700-PURPOSE** - The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.

**1701-FRONTAGE ON STREET** - Every dwelling hereafter constructed shall have full lot frontage upon a dedicated, improved street.

**1702-FIRE ESCAPES AND OPEN STAIRWAYS** - Nothing contained in this ordinance shall prevent the projection of an open fire escape or stairway into a rear, side or front yard for a distance not to exceed eight (8) feet.

**1703-HEIGHT EXCEPTIONS** - Nothing in this ordinance shall be interpreted to limit or restrict the height of a church spire, radio or wireless tower, belfry, clock tower, scenery lift or similar structure.

**1704-PARKING AND STORAGE OF CERTAIN VEHICLES AND STORAGE OF FURNITURE AND MISCELLANEOUS ITEMS** - No abandoned, wrecked, unused, or dismantled automobile, truck, jeep, van, recreational vehicle (motor home), trailer, farm equipment, or aircraft shall be permitted to be stored in an exposed manner in any yard area in any agricultural, residential, or business district.

None of the following shall be permitted to be discarded, deposited, or stored in an exposed manner in any yard area, or on any open porch, in any agricultural, residential, or business district: garbage, trash, waste, rubbish, ashes, cans, bags, boxes, pallets, automobile or truck parts, chassis, quarter panels, tires, tire rims, appliances, furniture, glass, scrap metal, barrels, plastic, or anything else of an unsightly or unsanitary nature.

No motor vehicle shall be parked or stored in the grass/lawn of any yard area (front, side or rear), and must be parked or stored on a hard surface or gravel driveway in any residential or business district.

An unused motor vehicle shall not be advertised "for sale" and placed on property located in a Residence R-1, R-2, R-3, R-4 or Business B-1 District for a period longer than fourteen (14) days.

**1705-CONVERSION OF DWELLINGS TO MORE UNITS** - A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions meet the yard requirements as required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

**1706-TEMPORARY BUILDINGS** - Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only, may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

**1707-TRAILERS AND HOUSE TRAILERS** - No individual trailers, mobile homes, or vehicles designed for mobile living shall be occupied for dwelling purposes, except in a Mobile Home Park District.

Recreational vehicles, boats and trailers shall be permitted to be parked/stored in a residential district as follows:

1. In the yard area of the side yard, with no portion of the unit to be closer to

the side yard property line than ten (10) feet;

2. In the driveway only in the front yard, with the unit parked perpendicular to the street and setback a minimum of twenty-five (25) feet from the street front property line;
3. In the case of a corner lot, with the unit parked perpendicular to the street and setback a minimum of twenty-five (25) feet from the side street property line;
4. In the yard area of the rear yard, with the unit parked a minimum of fifteen (15) feet from a rear or side yard property line.

**EXCEPTION** - A temporary Occupancy Permit may be issued for a maximum period of three (3) months by the Township Zoning Inspector to allow the occupancy of a mobile home on property where the dwelling has been damaged by fire or similar disaster, and is being repaired for occupancy.

***1708-A-COMMERCIAL VEHICLES*** -

1. One (1) commercial vehicle with a gross vehicle weight (GVW) not to exceed 11,000 pounds shall be permitted to be parked or stored in any Residence R-1, R-2, R-3, R-4 or Business B-1 District;
2. None of the following described commercial vehicles shall be permitted to be parked or stored in any Residence R-1, R-2, R-3, R-4 or Business B-1 District, except if completely stored within a private garage;
  - a) A truck with a gross vehicle weight (GVW) of more than 11,000 pounds;
  - b) A tractor and/or trailer used for freight purposes;
  - c) A bus or motorcoach.

***1708-B-HEAVY EQUIPMENT*** - In a residential district, the parking or storage of heavy equipment used for business purposes is prohibited.

***1709-SWIMMING POOLS*** -

**PRIVATE SWIMMING POOLS** - Private swimming pools, exclusive of portable above ground pools with an excavation of two (2) feet or less, shall be subject to the following regulations:

1. No portion of such pool shall be placed closer than ten (10) feet to any side or rear property line; or closer to a side street than a side yard requirement of the dwelling;
2. All in ground pools shall be entirely enclosed with a safety fence no less than four (4) feet nor more than six (6) feet in height. Such fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool. All such fence doors or gates shall be equipped with self-closing and self locking devices or any other type of latch or lock device that a young child cannot open from outside the fence;
3. Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions, including, but not limited to, removing all ladders and other forms of access to pools when the pools are not in use. Above ground pools that are surrounded in whole or part by decks or other above ground structures shall have access gates that are equipped with locks or other such devices that a young child cannot open from outside the gate and which serve adequately to protect children from entry to the pool.

***COMMUNITY OR CLUB SWIMMING POOLS*** - Community or club swimming

pools shall comply with the following regulations:

1. The pool and the area used by bathers shall be no closer than fifty (50) feet to any property line;
2. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children. Said fence or wall shall be no less than five (5) feet in height and maintained in good condition.

**1710-TRASH CONTAINERS-** In all Business and Industrial Districts and for multi-dwelling units, trash containers , whether permanent or portable, shall be placed a minimum of ten (10) feet from property lines, and shall be placed within an acceptable enclosure consisting of three (3) walls no less than five (5) feet in height. If said facility is detached from a building, the open side shall face the interior of the property.

In all business and industrial districts and for multi-dwelling complexes, no trash containers or dumpsters shall be in the front yard area of the parcel.

No commercial trash container or dumpster shall be permitted in any Residence R-1 or Residence R-2 District, except for a temporary period of time during the rehabilitation/construction of a dwelling.

**1711-HOME OCCUPATIONS** - Home occupations, as an accessory use, shall be permitted in residential districts under the following conditions and requirements;

1. The accessory use shall be such as the office or studio of a physician, surgeon, dentist, musician, lawyer, architect, teacher, real estate agent, insurance agent, hairdresser or seamstress;
2. The use shall be conducted solely by a person residing on the premises;
3. Shall be a personal service with no sale of merchandise and there shall be no change in the appearance of the structure and/or property which would alter or detract from the residential atmosphere of the neighborhood;
4. Shall be conducted wholly within the dwelling and not occupy a floor area greater than one-half of the area of the first floor living area of the dwelling;
5. If the accessory use involves teaching or instructions, it is restricted to private instructions; classes not permitted;
6. There shall be no commercial display visible from the street except a small professional name plate or announcement sign having a maximum area of two (2) square feet;
7. Off-street parking shall be provided for all vehicles.

**1712-HAZARDOUS WASTE DUMPING** - No manufacturing, assembling, dumping, storage or treatment of any hazardous or toxic waste or of any nuclear product or the processing of any materials which are volatile, corrosive, reactive or hazardous to the environment or a public health nuisance shall be permitted in the Township.

**1713-MINIMUM OFF-STREET PARKING REQUIREMENTS** - In Business B-1, Business B-2, Business B-3, Industrial I-1, and Industrial I-2 Districts, the following minimum off-street parking requirements shall be effective. If a business is not specifically covered by the following requirements, then the general parking requirements set forth for Business B-1 District (Section 1004); Business B-2 Dis-

trict (Section 1105); Business B-3 District (Section 1205); Industrial I-1 District (Section 1302); Industrial I-1 District (Section 1402) shall be followed:

1. Automobile or Machinery Sales and Service Garages - 1 space for each 100 sq. ft. floor area;
2. Banks, Business and Professional Offices, including barber shops and beauty shops - 1 space each 100 sq. ft. for banks, prof. off.; 2 spaces per barber and/or beautician;
3. Bowling Alley - 5 spaces each alley;
4. Churches/Temples - 1 space each 4 seats;
5. Community Center, Commercial recreation or amusement place (structures) - 1 space each 100 sq. ft. floor area;
6. Funeral Home/Mortuaries - 1 space each 100 sq. ft. floor area;
7. Furniture/Appliance Stores, Hardware Store, Machinery or equipment sales and service - 1 space each 100 sq. ft. floor area;
8. Hospitals, Sanitarium, Convalescent Home, Nursing Home - 1 space each 2 patients, plus 1 space each employee;
9. Hotels/Motels, Boarding and Lodging Houses - 1 space each sleeping room;
10. Manufacturing plants, Industrial establishment, Research or Testing Laboratories and Bottling plants - 1 space each 2 employees on maximum work shift;
11. Restaurants, Bars and Night Clubs - 1 space each 50 sq. ft. floor area;
12. Stadiums, Sports Arenas, Auditoriums, Theaters, Assembly Halls - other than schools - 1 space each 2 seats.

***1714-CASUAL SALES (GARAGE SALES) IN RESIDENTIAL DISTRICTS*** - The sale of specific or miscellaneous goods or materials on a lawn, driveway, or within an attached or detached private garage shall be deemed a casual sale. On any property zoned as a residential district, such sales are limited to a maximum of two (2), three (3) day sales within any calendar year.

Signs advertising such a sale shall be restricted and placed on the subject residential property only. Such signs shall not exceed four (4) square feet. Signs shall not be placed on public right-of-way or on utility poles.

### ***ARTICLE XVIII - SIGNS***

***1800-PURPOSE*** - The purpose of this amendment is to promote and protect the public health, welfare, and safety by regulating outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and to enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, curb the deterioration of the natural environment and enhance community development.

***1801-EXCEPTIONS*** - In all districts, the following types of signs are exempt from securing a permit; however, the regulations as specified shall apply:

1. **INSTITUTIONAL** - Signs setting forth the name of any simple announcement for any public, charitable, educational or religious institution located entirely within the premises; and civic, historic interest signs and the like;

2. **PRIVATE TRAFFIC DIRECTION** - Signs directing traffic movements, within a premises, not exceeding three (3) square feet in area for each sign;
3. **HOME OCCUPATION SIGNS** - Home occupation, professional signs announcing only the name and occupation of building tenant; to be no larger than two (2) square feet and placed a minimum of ten (10) feet from street right-of-way;
4. **WALL SIGNS** - Signs which are affixed to an exterior wall of a building and no part of which sign projects more than fifteen (15) inches and which identified the business, commodity, service or entertainment, which is offered, sold or conducted on the premises;
5. **TEMPORARY SIGNS** - As permitted by Section 1806 of this Article.
6. **GOVERNMENT SIGNS** - Signs erected and maintained pursuant to and in the discharge of any governmental function or required by any law, ordinance, or governmental regulation, are exempt from these regulations.

**1802-CONDITIONAL USE** - Signs in excess of the minimum standards as specified by this ordinance which identify establishments located in the proximity of major highways serving the motoring public for services such as lodging, food and gasoline, may be approved by the Township Board of Zoning Appeals as an exception to the ordinance.

**1803-SIGN AREAS** - The sign area shall be that area enclosed by one rectangle or painted area, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. Where a double face sign is displayed, only one side shall be used in the computation of the sign area.

**1804-GENERAL REQUIREMENTS** - The following requirements shall be applicable to all signs in all districts:

1. A sign advertising a product or service shall be permitted only on the premises where such product or service is sold or available;
2. No signs shall extend over a sidewalk or other public way, and this shall include all accessory signs and advertising media;
3. No signs, including temporary accessory signs, shall employ any parts or elements which flash or make use of intermittent illumination to attract attention. This does not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar service;
4. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. For the purposes of this paragraph, a sign shall be defined to include both the sign face and the poles and supports;
5. No sign shall be located as to constitute a traffic or safety hazard.

**1805-BUSINESS-INDUSTRIAL SIGNS** - In addition to the general requirements previously described, the following requirements shall be applicable to signs located on either business or industrial properties, unless otherwise exempted:

1. Only identity signs and temporary signs hereinafter described shall be permitted;
2. Free standing (ground supported) signs shall not exceed thirty (30) feet in height. Any sign more than sixteen (16) feet in height shall not be placed closer to a front or side street property line than one-half of the vertical di-

mension of its height, and no sign shall be placed closer than two (2) feet to an interior lot line. Free standing signs shall not be established less than eight (8) feet above street grade, except when placed a minimum of ten (10) feet from front or side street property line. Said eight (8) feet above street grade to be an unobstructed open space, except for poles or supports no more than twelve (12) inches in diameter.

3. Individual business parcels, community shopping centers, plazas, strip plazas, or malls shall be permitted only one (1) free standing, ground supported identification sign on a business/industrial parcel. Individual business parcels, community shopping centers, plazas, strip plazas, or malls located on a corner lot shall be permitted to place two (2) free standing, ground supported identification signs on a business/industrial parcel, one (1) sign on each street frontage at an entrance;
4. No portable or temporary accessory sign shall be placed on the front or face of any building, or on any premises except as provided for in these regulations.
5. Only one (1) banner, festoon, or pennant, not to exceed sixty (60) square feet in dimension, shall be displayed on any business or industrial property in conjunction with an allowable use. Said banner, festoon, or pennant shall only advertise products sold on the premises upon which the sign is located.

**1806-TEMPORARY SIGNS** - The following signs shall be permitted in all districts and shall be limited as herein stated:

1. **CONSTRUCTION SIGNS** which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during construction period, to a maximum area of thirty-two (32) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after occupancy of the premises;
2. **REAL ESTATE** signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of thirty two (32) square feet;
3. **POLITICAL CAMPAIGN** signs announcing candidates seeking public political office and other data pertinent thereto. These signs shall be confined within private property. Political campaign signs shall not be displayed earlier than thirty (30) days before a primary, general, or special election, and shall be removed within seven (7) days after the election for which they were made;
4. **TEMPORARY ACCESSORY SIGNS** - No more than one (1) sign, two (2) in the case of a corner lot--one (1) display on each street frontage advertising a price, special, etc.—which is in conjunction with the allowable use of the property shall be permitted. Said accessory temporary sign to be no larger than twelve (12) square feet, to be non-illuminated and not placed on the right-of way, and in no way obstruct traffic visibility. No person shall be permitted to park or place any vehicle, trailer or portable message sign of a permanent or semipermanent nature on public or private property advertising the service or products at that or any other location or directing traffic to same;
5. **ROADSIDE STAND SIGNS** - Only one (1) sign not more than thirty-two (32)

square feet in area in conjunction with a roadside stand/farm market use is permitted to be displayed on agricultural...or residential property, used to advertise seasonal agricultural sales. Such signs shall be removed at the conclusion of the seasonal sales;

6. **TEMPORARY DIRECTIONAL SIGNS** - Temporary directional signs may be authorized for a period up to six (6) months at a fee of five dollars (\$5.00), provided the following conditions are met:
  - a) A need for a sign to direct attention from the main thoroughfare, such as the identification of a new subdivision plat by a developer or contractor, must be established to the satisfaction of the Zoning Inspector;
  - b) A written authorization from the owner of the property on which the sign will be erected must be filed with the application;
  - c) Plans showing size, construction, copy and location of the proposed sign must be filed with the application;
  - d) Signs shall be no larger than four (4) feet by eight (8) feet, including ornamentation, and no higher than twelve (12) feet in overall height, including supports;
  - e) Signs shall be supported by skids upon the ground only;
  - f) No sign shall be permitted on a public property nor otherwise situated in such a way as to create a traffic hazard.

Such temporary directional sign permits may be renewed for two (2) additional periods (maximum sign life of 18 months); and signs not removed when permit has expired or not complying with the above conditions shall be deemed in violation of the Zoning Ordinance.

**1807-BILLBOARD SIGNS** - Billboards and outdoor advertising shall be permitted in all districts zoned as an agricultural, business or industrial classification (ORC 519.20), with the following limitations:

1. Only one (1) double face billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, not exceed a gross area of 300 square feet;
2. No portion of a billboard sign shall be placed on an agricultural, business, or industrial parcel closer than fifteen (15) feet away from a street front property line, side property line, or rear property line;
3. No billboard shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion;
4. No billboard shall have any flashing, running or sequential lights;
5. Billboards and outdoor advertising along a state highway, interstate highway, or designated federal aid primary system highway shall conform with all applicable state (O.D.O.T.) and federal regulations;
6. No billboard sign shall be affixed to, constructed on, or placed on a trailer, semi-trailer, or truck of any type.
7. The placement of billboard and outdoor advertising signs shall be so placed as to maintain a distance of one thousand five hundred (1,500) lineal feet between one another as measured from the base of each sign, regardless of whether the signs are both located on the same single road corridor or are both located on different road corridors.

8. No sign shall be placed closer than fifty (50) feet from any on-premise monument sign or pole sign
9. No sign shall be placed within five hundred (500) feet of any publicly owned or maintained property, including but not limited to, public lands and park property.

**ARTICLE XIX - SEXUALLY ORIENTED BUSINESSES  
AMENDMENT TO THE AUSTINTOWN TOWNSHIP ZONING  
RESOLUTION LIMITING SEXUALLY ORIENTED BUSINESSES TO  
SPECIFIED ZONING DISTRICTS AND REQUIRING THAT THEY MEET  
LOCATIONAL CRITERIA AND BE DISPERSED**

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**ARTICLE XIX - WHEREAS**, the Austintown Township Trustees find that there is convincing documented evidence that **SEXUALLY ORIENTED BUSINESSES**, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

**WHEREAS**, it is recognized that **SEXUALLY ORIENTED BUSINESSES**, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

**WHEREAS**, the Austintown Township Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and morals of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

**WHEREAS**, the Austintown Township Trustees have determined that locational criteria will serve to protect health, safety, and morals of the people of this Township; and

**WHEREAS**, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of **SEXUALLY ORIENTED BUSINESSES**; and

**WHEREAS**, it is not the intent of the Austintown Township Trustees to condone or legitimize the distribution of obscene material, and the Trustees recognizes that state and federal law prohibits the distribution of obscene materials, and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

**BE IT ENACTED BY THE TRUSTEES OF AUSTINTOWN TOWNSHIP, OHIO:**

**1900-PURPOSE AND FINDINGS -**

**PURPOSE.** It is the purpose of this amendment to regulate **SEXUALLY ORIENTED BUSINESSES** in order to promote the health, safety, and morals of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of **SEXUALLY ORIENTED BUSINESSES** within the Township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further,

it is not the intent of this amendment to restrict or deny access by adults to 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. Neither is it the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.

**FINDINGS.** The Township Trustees have received substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) and *Young v. American Mini Theatres*, 426 U.S. 50 (1976); in evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community presented in hearings before the Township Trustees; and on studies in other cities including New York, New York; Indianapolis, Indiana; and the State of Minnesota.

### **1901-DEFINITIONS -**

1. **ADULT ARCADE** means any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

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

3. **ADULT CABARET** means a nightclub, bar, restaurant, or similar com-

mercial establishment that regularly features: (1) persons who appear in a "state of nudity" or "seminude"; or (2) live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities; or (3) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment. In the event that there is a conflict between this definition and the definition of "Adult Cabaret" in any Resolution authorized by O.R.C. § 503.52 et seq. adopted by the Board of Trustees and lawfully in effect, the definition in the aforementioned Resolution shall prevail.

4. **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
5. **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specific anatomical areas" or by "specified sexual activities."
6. **COVERING** means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomical area beneath it.
7. **ESTABLISHMENT** means and includes any of the following
  - (a) the opening or commencement of any Sexually Oriented Business as a new business;
  - (b) the conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
  - (c) the additions of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
  - (d) the relocation of any Sexually Oriented Business.
8. **NUDE MODEL STUDIO** means any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include:
  - (a) a proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation.
  - (b) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - (c) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in ad-

vance of the class; and where no more than one semi-nude model is on the premises at any one time.

9. **NUDITY or a STATE OF NUDITY or NUDE** means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
10. **PERSON** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
11. **PRINCIPAL BUSINESS PURPOSE** means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is the greater.
12. **SEMINUDITY or SEMINUDE CONDITION or SEMINUDE** means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing provided that the areola is not exposed in whole or in part.
13. **SEXUAL ENCOUNTER CENTER** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
14. **SEXUALLY ORIENTED BUSINESS** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.
15. **SPECIFIED ANATOMICAL AREAS** means:
  - (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
16. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
  - (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (b) sex acts, normal or perverted, actual or simulated, including inter-

- course, oral copulation, masturbation, or sodomy; or  
(c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

17. **SUBSTANTIAL ENLARGEMENT** of a Sexually Oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes effect.

**1902-SEXUALLY ORIENTED BUSINESS** are classified as follows

1. adult arcades;
2. adult bookstores, adult novelty stores, or adult video stores;
3. adult cabarets;
4. adult motion picture theaters;
5. adult theaters;
6. nude model studios; and
7. sexual encounter centers.

**1903-LOCATION OF SEXUALLY ORIENTED BUSINESSES -**

1. A Sexually Oriented Business may be located only in accordance with the restrictions contained in (2) through (7) below.
2. A Sexually Oriented Business may be located only in an Industrial District or on a lot wholly contained in that portion of a B-2 District that is within 4,000 ft. of the midpoint of the Rte. 46 and I-80 interchange overpass.
3. No Sexually Oriented Business may be established on any lot which abuts Mahoning Ave.
4. No Sexually Oriented Business may be established within 500 feet of:
  - (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - (c) A boundary of a residential district as defined in the Zoning Resolution.
  - (d) A public park or recreational area which as been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of either the Township or which is operated or managed by another public entity; or
  - (e) An entertainment business which is oriented primarily towards children or family entertainment.

5. No Sexually Oriented Business may be established within 500 feet of the property line of a lot of devoted to a residential use as defined in the Zoning resolution.
6. No Sexually Oriented Business may be established, operated or enlarged within 500 feet of another Sexually Oriented Business.
7. Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented Business may not be increased.
8. For the purpose of subsections (4) & (5) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is operated, to the nearest property line of the premises of a use listed in subsection (4) & (5).
9. For purposes of subsection (6) of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

***1904-ADDITIONAL REGULATIONS CONCERNING LOT, YARD, HEIGHT, PARKING, BUILDING AND SITE DESIGN STANDARDS, AND SITE DEVELOPMENT PLAN REQUIREMENTS***

1. Lot area and width, setbacks, buffering, yard area, height provisions and other site development requirements for a Sexually Oriented Business are those specified in §§1105-1110 of the Zoning Resolution.
2. Parking requirements for a Sexually Oriented Business are those specified in §1105 of the Zoning Resolution.

***1905-SIGN REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES***

1. All signs shall be "wall signs" as defined in §1801 of the Zoning Resolution, with a maximum allowable sign area of 40 square feet and shall comply with the standards specified in §1804 of the Zoning Resolution.
2. Review and approval procedures for a sign permit for a Sexually Oriented Business shall be in accordance with the procedures specified in §1801 of the Zoning Resolution.
3. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building.
4. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

***1906-SEVERABILITY***

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All amendments or parts of amendments in conflict with the provisions of this amendment are hereby repealed.

**1907-** This amendment shall be enforced from and after November 27, 2002.

**1908 -** That it is found and determined that all formal actions of the Trustees concerning and related to the adoption of this amendment were adopted in an open meeting of the Trustees and that all deliberations of the Trustees were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Zoning Resolution, as amended.

## ***ARTICLE XX—RIPARIAN SETBACKS***

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(Adapted from the Chagrin River Watershed Partners' Riparian Setback Model Ordinance)

**WHEREAS**, flooding is a significant threat to property and public health and safety, and vegetated riparian areas lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of over bank flood flow; and,

**WHEREAS**, streambank erosion is a significant threat to property and public health and safety, and vegetated riparian areas stabilize streambanks and provide resistance to erosive forces both within streams and on adjacent lands; and,

**WHEREAS**, the protection of riparian areas results in the presence of plants best suited to each individual environment along a stream, with proven capability for survival and regeneration at no cost; and,

**WHEREAS**, vegetated riparian areas filter and trap sediments, chemicals, salts, septic discharge, and other pollutants from runoff and flood waters, thus protecting surface and ground water quality; and,

**WHEREAS**, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of watercourse temperature, thus protecting aquatic ecosystems, and helps to reduce the presence of aquatic nuisance species; and,

**WHEREAS**, the protection of riparian areas can result in a diverse and interconnected riparian corridor that provides habitat to a wide array of wild-life; and,

**WHEREAS**, the woody debris from fallen, damaged, and cut trees increases flood levels and damage to bridges in Austintown Township and neighboring communities; and,

**WHEREAS**, sedimentation of eroded soil adversely affect aquatic communities and incurs removal costs to downstream communities; and,

**WHEREAS**, there are watershed-wide efforts to minimize flooding and stream bank erosion in the Mill Creek, Meander Creek, and the Mahoning River watersheds to protect and enhance the water resources of the major watercourses to which Austintown Township drains and their tributaries; and,

**WHEREAS**, the Alliance for Watershed Action and Riparian Easements (AWARE); the Eastgate Regional Council of Governments; the Mahoning County Soil and Water Conservation District; the Mahoning County Engineer; the Ohio Environmental Protection Agency; and the U.S. Environmental Protection Agency recommend riparian setbacks as a valuable tool in an overall management program for flood risk reduction, erosion control, water quality control, and aquatic habitat protection; and,

**WHEREAS**, studies undertaken by, and reviewed by, the Ohio Environmental Agency and other independent scientific bodies recommend the minimum width for riparian setbacks; and

**WHEREAS**, the Zoning Commission and Board of Trustees of Austintown Township has reviewed and adopted the recommendations of the above government agencies, and the Zoning Commission and Board of Trustees of Austintown Township finds that in order to minimize encroachment on watercourses and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty of Austintown Township; and to preserve the character of Austintown Township, the quality of life of the residents of Austintown Township, and corresponding property values, it is necessary and appropriate to regulate structures and uses within a riparian setback along the banks of designated water-courses in Austintown Township; and,

**WHEREAS**, Section 519.02 of the Ohio Revised Code grants Townships the legal authority to adopt land use measures for promoting the public health and safety of it citizens.

**WHEREAS**, 40 C.F.R., Parts 9, 1221, 123, and 124, referred to as NPDES Storm Water Phase II, required designated communities, including Austintown Township, to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities. The Mahoning County Storm Water Management Program was adopted on March 6, 2003.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees Austintown Township, County of Mahoning, State of Ohio, that:

Resolution-Article XX-Riparian Setbacks, is hereby adopted to read in total as follows:

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***ARTICLE XX—RIPARIAN SETBACKS***

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***A. PURPOSE AND SCOPE***

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

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
2. Assist stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.
3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
4. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
5. Provide watercourse habitats with shade and food.