

**BATH TOWNSHIP
ALLEN COUNTY, OHIO

ZONING RESOLUTION**

Prepared by:

**Lima-Allen County Regional Planning Commission
130 West North Street
Lima, Ohio 45801**

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TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
	PREAMBLE	P-1
1	<u>TITLE</u>	P-1
2	<u>PROVISIONS DECLARED MINIMUM STANDARDS</u>	P-1
3	<u>SEVERABILITY</u>	P-1
4	<u>REPEAL</u>	P-1
5	<u>DEFINITIONS</u>	5-1
6	<u>DISTRICTS AND GENERAL PROVISIONS</u>	6-1
	6.0 Districts	6-1
	6.1 Zoning Map	6-1
	6.2 District Boundaries	6-1
	6.3 Compliance with Regulations	6-1
	6.4 Street Frontage Required	6-1
	6.5 Traffic Visibility across Corner Lots	6-1
	6.6 Off-Street Parking and Loading	6-1
	6.7 Essential Services	6-2
	6.8 Unsafe Buildings	6-2
	6.9 Vacated Street or Alley	6-2
	6.10 Territory Not Included - Annexations	6-2
	6.11 Drainage and Sanitary Facilities	6-2
	6.12 Agricultural Exemptions	6-2
	6.13 Dwelling - Board of Health Regulations	6-2
	6.14 Outdoor Advertising	6-2
	6.15 Recreational Vehicles	6-2
	6.16 Mobile Homes or Double Wides Prohibited Except in Mobile Home Park Districts	6-3
	6.17 Motor Vehicles - Inoperable or Unlicensed	6-3
	6.18 Junk Yards (Automobile Graveyards), Motor Vehicle Salvage	6-3
	6.19 Modular Homes	6-3
	6.20 Parking Lot Screening	6-4
	6.21 Landscape Buffer Plantings	6-5

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>		<u>PAGE</u>
7	<u>NON-CONFORMING USES OR STRUCTURES AND PROHIBITED USES</u>	7-1
	7.0 Abandonment	7-1
	7.1 Reconstruction	7-1
	7.2 Alteration and Enlargement	7-1
	7.3 Established Setbacks	7-1
	7.4 Structures under Construction	7-1
	7.5 Nuisance Prohibited	7-2
	7.6 Unauthorized Use	7-2
	7.7 Mobile Homes	7-2
8	<u>YARD REQUIREMENTS</u>	8-1
	8.0 Side Yards and Rear Yard Depth	8-1
	8.1 Setback Lines	8-1
9	<u>REGULATIONS FOR SPECIFIC OVERLAY DISTRICTS, ACTIVITIES, USES AND STRUCTURES</u>	9-1
	9.0 Purpose	9-1
	9.1 Floodplain District Regulations	9-1
	9.2 Amusement Arcades	9-2
	9.3 Adult Entertainment Business	9-5
	9.4 Group Residential Facilities	9-8
	9.5 Excavation or Fill	9-10
	9.6 Ponds, Lakes or Other Water Detention, Retention Structures.....	9-10
	9.7 Landscaping, Mounds, Raised Beds, and Other Earth Works	9-12
	9.8 Swimming Pools.....	9-13
	9.9 Drainage.....	9-14
10	<u>RU: RURAL DISTRICT</u>	10-1
	10.0 Purpose	10-1
	10.1 Permitted Uses	10-1
	10.2 Conditional Uses	10-1
	10.3 Height Regulation	10-2
	10.4 Required Floor Area	10-2
11	<u>R-1: RESIDENTIAL DISTRICT</u>	11-1
	11.0 Purpose	11-1
	11.1 General Provisions	11-1

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>		<u>PAGE</u>
12	<u>R-2: GENERAL RESIDENTIAL DISTRICT</u>	12-1
	12.0 Purpose	12-1
	12.1 General Provisions	12-1
	12.2 Building Requirements	12-1
	12.3 Lot Area Requirements	12-1
	12.4 Rear Yard Clearance	12-2
	12.5 Parking	12-2
13	<u>R-3: MULTI-FAMILY RESIDENTIAL DISTRICT</u>	13-1
	13.0 Purpose	13-1
	13.1 General Provisions	13-1
	13.2 Dwelling Unit Requirements	13-1
	13.3 Lot Area Requirements	13-1
	13.4 Height Requirements	13-2
	13.5 Rear Yard Clearance	13-2
14	<u>B-1: LOCAL BUSINESS DISTRICT</u>	14-1
	14.0 Purpose	14-1
	14.1 Uses Permitted	14-1
	14.2 Required Lot Area and Lot Width	14-1
	14.3 Building Height Regulations	14-1
	14.4 Required Yards	14-2
	14.5 Reduction in Area Requirements	14-2
	14.6 Landscaping and Parking Lot Screening Provisions	14-2
15	<u>B-2: GENERAL BUSINESS DISTRICT</u>	15-1
	15.0 Purpose	15-1
	15.1 Uses Permitted	15-1
	15.2 Required Lot Area and Lot Width	15-1
	15.3 Building Height Regulations	15-1
	15.4 Required Yards	15-1
	15.5 Required Floor Area	15-2
	15.6 Reduction in Area Requirements	15-2
	15.7 Landscaping and Parking Lot Screening Provisions	15-2
16	<u>PBO: PROFESSIONAL AND BUSINESS OFFICE DISTRICTS</u>	16-1
	16.0 Purpose	16-1
	16.1 Uses Permitted	16-1
	16.2 Area and Bulk Requirements	16-1

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>		<u>PAGE</u>
	16.3 Landscaping and Parking Lot Screening Provisions	16-2
	16.4 Parking	16-2
17	<u>M-1: MANUFACTURING DISTRICT</u>	17-1
	17.0 Purpose	17-1
	17.1 Uses Permitted	17-1
	17.2 Conditional Uses	17-1
	17.3 Lot Area and Lot Width	17-2
	17.4 Building Height Regulations	17-2
	17.5 Yards Required	17-2
	17.6 Reduction in Area Requirements	17-2
	17.7 Landscaping and Parking Lot Screening Requirements	17-2
18	<u>PUD: PLANNED UNIT DEVELOPMENT DISTRICTS</u>	18-1
	18.0 Purpose	18-1
	18.1 Uses Permitted in the R-PUD District.....	18-2
	18.2 General Provisions for the R-PUD District.....	18-2
	18.3 Specific Design Criteria for R-PUD District.....	18-3
	18.4 Uses Permitted in the SP-PUD District.....	18-6
	18.5 General Provisions for the SP-PUD District	18-7
	18.6 Specific Design Criteria for the SP-PUD District.....	18-8
19	<u>MHP: MOBILE HOME PARK DISTRICT</u>	19-1
	19.0 Intent and Purpose	19-1
	19.1 General Provisions	19-1
20	<u>SCHEDULE OF REGULATIONS</u>	20-1
21	<u>OFF-STREET PARKING AND LOADING REGULATIONS</u>	21-1
	21.0 Off-Street Parking	21-1
	21.1 Number of Parking Spaces Required	21-1
	21.2 Development and Maintenance of Parking Areas	21-2
	21.3 Off-Street Loading	21-3
	21.4 Loading Space - Dimensions	21-3
	21.5 Loading Space - Occupy Yard	21-3
	21.6 Loading Space - Distance from R-District	21-4
22	<u>SIGNS AND OUTDOOR ADVERTISING STRUCTURES</u>	22-1
	22.0 Purpose	22-1
	22.1 Definition	22-1

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>	<u>PAGE</u>
22.2 Zoning Permit Required	22-1
22.3 General Requirements	22-2
22.4 Permitted Signs - No Permit Required	22-3
22.5 Permitted Signs - Permit Required	22-6
22.6 Conditionally Permitted Signs - Permit Required	22-9
22.7 Prohibited Signs	22-9
22.8 Abandoned Signs	22-10
22.9 Non-Conforming Signs or Billboards	22-11
22.10 Table of Sign Area, Height and Setback Requirements	22-12
23 <u>AUTOMOBILE SERVICE STATIONS, PARKING GARAGES</u>	
<u>AND PARKING AREAS</u>	23-1
23.0 Entrance - Distance Requirements	23-1
23.1 Oil Draining, Etc.	23-1
23.2 Automobile Service Stations - Enclosure	23-1
24 ARTICLE NOT USED)	24-1
25 <u>EXTRACTION OF MINERALS</u>	25-1
25.0 General Requirements	25-1
25.1 Applicant - Financial Ability	25-1
25.2 Application - Contents, Procedure	25-1
25.3 Public Hearing	25-2
25.4 Rehabilitation	25-2
25.5 Additional Requirements	25-3
25.6 Gas and Oil Wells	25-3
25.7 Excavation for Fill	25-3
26 <u>MOTELS AND MOTOR HOTELS</u>	26-1
26.0 General Requirements	26-1
27 <u>ZONING CERTIFICATES</u>	27-1
27.0 Zoning Certificates	27-1
27.1 Conditions under which Certificates are Required	27-1
27.2 Application and Issuance of Zoning Certificates	27-1
27.3 General Provisions	27-2
27.4 Appeal of Decision of Zoning Inspector.....	27-3
27.5 Fees	27-3
27.6 Violations and Penalties	27-3
27.7 Violations - Remedies	27-4

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>		<u>PAGE</u>
28	<u>ADMINISTRATION</u>	28-1
	28.0 Purpose	28-1
	28.1 General Provisions	28-1
	28.2 Zoning Inspector.....	28-1
	28.3 Responsibilities of Zoning Inspector.....	28-1
	28.4 Township Zoning Commission	28-2
	28.5 Responsibilities of the Zoning Commission.....	28-3
	28.6 Board of Zoning Appeals	28-3
	28.7 Responsibilities of the Board of Zoning Appeals	28-3
	28.8 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal.....	28-4
	28.9 Board of Township Trustees	28-4
	28.10 Schedule of Fees	28-4
29	<u>CONDITIONAL USE CERTIFICATE</u>	29-1
	29.0 Nature of Conditional Uses	29-1
	29.1 Procedure	29-1
	29.2 Nature and Conditions of Surroundings	29-1
	29.3 Disapproval	29-1
30	<u>VARIANCE AND GENERAL PROCEDURE</u>	30-1
	30.0 Nature of Variance	30-1
	30.1 Appeals, Authorization and Approval	30-1
	30.2 Approval of Variance	30-1
	30.3 Fees	30-2
	30.4 Records	30-2
	30.5 Physical Plans	30-2
31	<u>AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP</u>	31-1
	31.0 General	31-1
	31.1 Purpose	31-1
	31.2 Initiation of Zoning Amendments	31-1
	31.3 Contents of Application for Zoning Map Amendment	31-1
	31.4 Contents of Application for Zoning Text Amendment.....	31-2
	31.5 Transmittal to Zoning Commission	31-2
	31.6 Submission to Lima-Allen County Regional Planning Commission	31-2
	31.7 Public Hearing by Zoning Commission	31-3
	31.8 Notice of Public Hearing in Newspaper	31-3

TABLE OF CONTENTS
(Continued)

<u>ARTICLE</u>	<u>PAGE</u>
31.9 Notices to Property Owners by Zoning Commission	31-3
31.10 Recommendation by Zoning Commission	31-3
31.11 Public Hearing by Board of Township Trustees	31-4
31.12 Action by Board of Township Trustees	31-4
31.13 Effective Date and Referendum	31-4
 <u>APPENDIX</u>	
A.1 <u>RESOLUTION VALIDITY</u>	A-1
A.2 <u>ILLUSTRATIONS</u>.....	A-2 - A-7
Illustration A – Setback Dimensions	A-2
Illustration B – Lot Types	A-3
Illustration C – Odd Shaped Lots Examples	A-4
Illustration D – Sight Triangle Easement	A-5
Illustration E – Pond Setback Dimensions	A-6
Illustration F – Cul-de-sac Minimum Dimensions	A-7

PREAMBLE

This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Bath Township in Allen County, Ohio and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described - all as authorized by Section 519.99 of the **Ohio Revised Code**.

THEREFORE be it resolved by the Board of Trustees of Bath Township, Allen County, Ohio:

ARTICLE 1

TITLE

BATH TOWNSHIP. ALLEN COUNTY, OHIO, ZONING RESOLUTION

This Resolution shall be known and may be cited and referred to as the: "**Bath Township Zoning Resolution**."

ARTICLE 2

PROVISIONS DECLARED MINIMUM STANDARDS

- 2.1 In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Resolution shall govern.
- 2.2 If any use is proposed for which no provision is made in this zoning resolution, any such use shall be prohibited pursuant hereto unless such use shall be expressly authorized or permitted by the Board of Zoning Appeals, pursuant to the procedures contained herein.

ARTICLE 3

SEVERABILITY

This Resolution and the various Parts, Articles and Paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

ARTICLE 4

REPEAL

All other Resolutions of the Township, inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

ARTICLE 5

DEFINITIONS

Interpretation of Terms or Words: For the purpose of this Resolution certain terms or words used herein shall be interpreted as follows:

1. The word **person** includes a firm association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word **shall** is a mandatory requirement, the word **may** is a permissive requirement and the word **should** is a preferred requirement.
4. The words **used** or **occupied** include the words “intended, designed, or arranged to be used or occupied.”
5. The word **lot** includes the words **plot** or **parcel**.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Alley: See Thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Appurtenance: An incidental right attached to a principal property right which passes in possession of the property, or an accessory structure to the primary residential or commercial structure.

Automotive Repairs: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive, Mobile Home, Travel Trailer and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same which is to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: Stories all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building Accessory: A subordinate building detached from, but located on the same lot as the principal building the use of which is incidental and accessory to that of the main building of use.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See **Setback Line**.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to: drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; department stores and discount stores.

Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations, truck and auto sales and service, restaurants, motels and commercial recreation.

Business, Office Type: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

Business Services: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Entertainment Facilities: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

Comprehensive Development Plan: A plan or any portion thereof, adopted by the planning commission and the legislative authority of Bath Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

Conditional Use: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than principally permitted use to be established within the district.

Corner Lot: See Lot Types.

Cul-de-sac: See Thoroughfare.

Day(s): Unless otherwise stated in this Resolution, any reference to a number of “days” as it pertains to compliance, public notices or otherwise, refers specifically to that given number of calendar days. Except in cases of “five (5) days”, which shall be construed as five (5) working weekdays not counting Saturday, Sunday or legal holidays.

Dead-end Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of the total land.

1. **Gross Density** - the number of dwelling units per acre of the total land to be developed.
2. **Net Density** - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by **Ohio Revised Code 4501.01**) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit: Defined as a space within a dwelling that is comprised of living, dining, sleeping room(s), and/or storage closets. As well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

Dwelling, Single Family: A permanent building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A permanent building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family: A permanent building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: A professional engineer, licensed to practice in the State of Ohio.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground gas, communication, supply or utility systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons.

Farm Vacation Enterprises (Profit or Non-Profit): Farms, adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of one hundred (100) year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building: The sum of gross horizontal area of the several floors of a residential building, excluding basement floor area not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area of a Non-Residential Building (to be used in calculating parking requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar area.

Floor Area Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floor of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not residents on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two towns capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

Garage, Service Station: Buildings on premises where gasoline, oil, grease, batteries, tires and motor vehicles accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributor parts;
2. Tire servicing and repair but no recapping and regrooving;
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades;
4. Radiator cleaning and flushing;
5. Washing, polishing and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permitted as a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop. See definition of **Automotive Repair, Automotive Wrecking.**

Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling units for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling units shall be used in the conduct of the home occupation or office;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building;
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a required front yard;

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Hotel, Motel and Apartment Hotel: A building which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to the boarding house, rooming, lodging house or dormitory which is herein separately defined.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

Junk Building, Junk Shops, Junk Yards, Motor Vehicle Salvage: Any land, property, structure, building or combination of the same on which junk is stored or processed.

Kennel: Any lot or premises on which four (4) or more domesticated animals, more than three (3) months of age are housed, groomed, bred, boarded, trained or sold or which offers provisions for minor medical treatment.

Landscape Architect: A registered landscape architect, licensed to practice in the State of Ohio.

Livable Area: The area excluding porches, breezeways, garages, carports and other similar areas.

Loading Space, Office-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot expresses as a percentage.

Lot Development: Any changes made to a lot or parcel that includes but is not necessarily limited to: erection of buildings or any other structures, installation of utility services, installation of well and septic systems, addition of driveways, or grading and clearing of land.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under **Yards** in this section.

Lot, Minimum Area Of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of a straight line connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot line at each side of the lot measured either at the building setback line or at the right-of-way line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this resolution with reference to corner lots, interior and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting on two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the city, (village, county, and regional) Planning Commission indicating general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensively in character; required large sited, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

Mobile Home or Double Wide: Any not-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use or occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand, five hundred (4,500) pounds and an overall length of thirty (30) feet.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure or enclosure used or intended for use as part of the facilities of such park.

Modular Home: A modular home is a structure which is drawn by a vehicle to a site where it is to be connected to a like structure, by removing from one side a covering temporarily used during transit, and then belting that side to the exposed side of the like structure and making both units weather-tight.

Non-conformities: A building, structure or use of land existing at the time of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners or elderly people.

Nursery, Plant Materials: Land, buildings, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the planning (zoning) commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

Parking Space, Off-Street: For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment, under more flexible standards, such as sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision such as building design principles and landscaping plans.

Pond: A naturally or artificially formed structure with an enclosed body of water more than six hundred (600) gallons. Bath Township recognizes inherent differences in the character and use of ponds; and regulates the following type of ponds: detention ponds, retention ponds, agricultural ponds and aesthetic ponds. Ponds shall be permitted as an accessory use in all districts subject to specific conditions and permits.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects and engineers and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service or structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage services.

Public Uses: Public Parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Quasipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an education, religious, charitable, philanthropic or non-profit nature.

Recreation Camp: An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities: Public or private facilities that may be classified as either **Extensive** or **Intensive** depending upon the scope of services offered and the extent of use. **Extensive** facilities generally require and utilize considerable areas of land and

include, but not need be limited to hunting, fishing and riding clubs and parks. **Intensive** facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums, bowling alleys, tennis courts and swimming pools, etc.

Recreational Vehicles: A recreational vehicle is a vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self powered, including boats and boat trailers.

1. A **travel trailer** is a vehicular portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
2. A **camping trailer** is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other pliable material for folding compactly while begin drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping or travel use.
3. A **truck camper** is a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
4. A **motor home** is a structure building on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

Research Activities: Defined as, research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, and lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridge.

Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, for each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Setback Line: The minimum horizontal distance between the street line and the building or any projection thereof, except for such projection as may be allowed by this Resolution and subsequent amendments thereto.

Sewers, on-site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: The portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such a sign is located.
3. **Sign, Illuminated:** Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
4. **Sign, Lighting Device:** Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Projecting:** Any sign which projects from the exterior of a building.

Solid Waste: Any residual solid or semi-solid material which results from any industrial, commercial, agricultural, or municipal and community operations, including any materials from any construction, mining, or demolition operation, or other waste material normally included and associated with demolition debris, fly ash, spent foundry sand, slag, and any other substances that are or may be harmful or inimical to public health and well being, including garbage, combustible and non-combustible material, street dirt, debris, and other waste products.

Solid Waste Disposal: The deposition, injection, discharge, dumping, spilling, leaking, admitting, or placing of any solid waste into or on any land or ground or surface water or into the air, including, but not limited to, land filling, incineration, composting, or treatment by any other means.

Solid Waste Disposal Facility: Any site, location, tract of land, installation, or building, used for solid waste disposal including, but not limited to, incineration, composting, sanitary land filling, or other methods of disposal of solid waste or for the temporary or permanent storage, treatment, or disposal of solid or hazardous waste.

Story: The part of a building between the surface of a floor and the ceiling immediately above. See definition of **Basement**.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include (unless otherwise defined elsewhere in this Resolution), but are not limited to: buildings, mobile homes, walls, landscape walls over 24" in height, fences, signs, swimming pools, tennis courts, and ponds.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

Swimming Pool: A pool, pond, land or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **Community:** Operated with a charge for admission; a primary use.

Thoroughfare, Street or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn-around.
5. **Dead-end Street:** A Street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A Street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) Degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street:** A local or collector street, paralleled and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Through Lot: See Lot Types.

Transportation, Director of: The director of the Ohio Department of Transportation.

Use: The specific purposes, for which land or a building is designated, arranged, intended of for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four (4) feet or more in width for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward provided, accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ARTICLE 6

DISTRICTS AND GENERAL PROVISIONS

6.0 Districts: The Township is hereby divided into 11 Districts known as:

FP: Flood Plain District	B-2: General Business District
RU: Rural District	PBO: Professional Business Office District
R-1: Residential District	M-1: General Manufacturing District
R-2: General Residential District	PUD: Planned Unit Development District
R-3: Multi-Family Residential District	MHP: Mobile Home Park District
B-1: Local Business District	

6.1 Zoning Map: The districts and boundaries thereof are established as shown on the zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon, shall be part of these regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Township Clerk.

6.2 District Boundaries: The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be determined by the use of the scale appearing on the Zoning Map or by dimensions.

Where boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the said railroad line.

6.3 Compliance with Regulations: No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this Resolution for the District in which such building is located.

6.4 Street Frontage Required: Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 50 feet on a street; and, there shall be not more than one single-family dwelling for such frontage.

6.5 Traffic Visibility across Corner Lots: In any District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

6.6 Off-Street Parking and Loading: In any district spaces for off-street parking and off-street loading shall be provided in accordance with the provisions of Article 21.

- 6.7 Essential Services:** Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township, it being the intention hereof to exempt such essential services from the application of these regulations. However, a Zoning Certificate for such uses shall be required in accordance with the provisions of this resolution.
- 6.8 Unsafe Buildings:** Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.
- 6.9 Vacated Street or Alley:** Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 6.10 Territory Not Included - Annexations:** In every case where territory has not been specifically included within a district or where a territory becomes a part of the unincorporated area of the Township as the result of the de-incorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified an "RU" District until otherwise classified.
- 6.11 Drainage and Sanitary Facilities:** No principal building shall be erected, structurally altered, or relocated on land where the sanitary waste and/or storm water runoff is not adequately drained. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer, prior to issuance of any permit.
- 6.12 Agricultural Exemptions:** Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any board of township trustees or zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such building or structures are located, and no zoning certificate shall be required for any such building or structure. However, a residential structure on a farm must comply with the provisions of this Resolution and obtain a zoning certificate.
- 6.13 Dwelling - Board of Health Regulations:** All dwellings shall meet the regulations of the Allen County Board of Health.
- 6.14 Outdoor Advertising:** Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. However, such uses shall comply with the requirements of the district in which they are located and the requirements of Article 22 of this Resolution as it pertains to signage.
- 6.15 Recreational Vehicles:** Whereas, the Zoning Commission wishes to provide for parking of recreational vehicles in all residential districts of the township and to

permit same to be parked upon various portions of private property and requirements as follows:

The parking of only one (1) recreational vehicle in a rear yard or garage in any residential district is permitted. However, if it is not physically possible to park such recreational vehicle in a rear yard or garage, such recreational vehicle may be parked in a carport, side yard or driveway; provided, however, that if such recreational vehicle is parked in a driveway, no portion of such recreational vehicle shall be closer than two (2) feet to the edge of the public sidewalk, or if there is no such sidewalk, closer than the (10) feet to the edge of the pavement of the public street and provided further, if such recreational vehicle is parked in a side or rear yard, no portion of such recreational vehicle shall be closer than three (3) feet to the side or rear lot line. No living quarters shall be maintained in any such recreational vehicle, but occupancy by children or guest of the owner thereof for the period not exceeding seven (7) days shall not be construed as the maintenance of living quarters; providing that toilet facilities shall not be used in such recreational vehicle while so occupied or parked. No such recreational vehicle shall exceed thirty (30) feet in length or eight (8) feet in width.

6.16 Mobile Homes or Double Wides Prohibited Except in Mobile Home Park Districts: No mobile home, trailer or similar portable residential structure shall be permitted to locate in the township, permanently or temporarily, except in the MHP (Mobile Home Park District), regardless of the intention and/or option of converting the structure to real estate through a process with the Allen County Auditor.

Further, no such home manufactured for residential purposes may be converted and/or used for the purposes of, but not limited to: office trailers, tool trailers, storage units or any other non-residential application – irregardless of location in the Township. However, a Zoning Certificate may be issued for the above prohibited uses for a period of six (6) months, for the purposes of a legitimate construction project. This certificate may be renewable for three (3) month periods so long as the Zoning Inspector determines that construction activity has been continuous and is still underway.

6.17 Motor Vehicles - Inoperable or Unlicensed: Motor vehicles that are inoperable or unlicensed, if parked outside of a building, on private property cumulatively for more than seventy-two (72) hours within any ninety-six (96) hour period, shall be in violation of this resolution and shall be removed from the premises without consent of the owner seven (7) days after receipt of written notice sent by the Zoning Inspector, or as provided in Chapter 4513.65 of the **Ohio Revised Code**.

6.18 Junk Yards (Automobile Graveyards), Motor Vehicle Salvage: Junk yards shall conform to the provisions of Chapter 4737.05 to 4737.99 and 4738.01 to 4738.99 of the **Ohio Revised Code** (license-fence-buffer).

6.19 Modular Homes: Modular homes, as defined in this resolution, may be used as a dwelling. However, said modular home shall be affixed to a permanent foundation and comply with all Lot Area and Yard Requirements and Floor Area Requirements of this Resolution.

6.20 Parking Lot Screening

6.20.1 **Where Required:** Screening shall be provided for all off-street parking areas for more than five (5) cars in the following conditions:

6.20.1.1 At the side of the parking lot facing the street in all B-1, B-2, PBO and M-1 Districts.

6.20.1.2 At the side of the parking lot facing the side and rear lot lines in all B-1, B-2, PBO and M-1 Districts when said parking lot is within 100' of an "R" District, MHP District, R-PUD District or residential lot or dwelling in an RU or SP-PUD District.

6.20.1.3 When a landscape buffer required under Article 6.21 or Article 18 effectively screens a parking lot in an M-1 or PUD District, the separate screening requirement for the parking area contained in this Section may be waived by the Zoning Inspector.

6.20.1.4 Refer to Article 18 for landscape requirements in R-PUD and SP-PUD Districts.

6.20.2 **General Requirements:** Parking lot screening refers to a wall, hedge, informal planting or berm provided for the purpose of buffering a parking lot and activity therein from neighboring areas or from the street. When required, this screening may be provided by one or more of the following means:

6.20.2.1 An opaque evergreen trimmed hedge, the thickness of which shall be not less than two-thirds of the required height.

6.20.2.2 An opaque evergreen informal screen planting, the thickness of which shall not be less than the intended height.

6.20.2.3 A deciduous hedge or informal planting, the thickness of which shall be not less than 2 times the intended height, and providing a minimum 70% year round opacity.

6.20.2.4 A solid masonry wall.

6.20.2.5 An earth berm may be used alone or in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required length of such screening may be provided only by the berm.

6.20.2.6 Height and location of screening. Screening for parking areas shall be between forty-two (42) inches and five (5) feet in height, except that along the street side or front yard of a lot where such screening shall be not less than thirty (30) inches nor more than forty-two (42) inches in height. The height of all screening shall be measured from the grade at the edge of the parking lot being screened. All

screening shall follow the line of the parking lot to be screened, or shall be so arranged as to substantially hide from adjoining properties the activity to be screened.

- 6.20.2.7 Parking areas and the required screening shall be located in such a way that they do not constitute a danger to pedestrian or vehicular traffic by reason of impairment of vision at a street or driveway intersection. Refer to Article 22.11 for specific minimum sight triangle clearance requirements.
- 6.20.2.8 Prescribed screening need not be provided along a lot line if a building wall, solid fence or free-standing wall of the required height exists immediately abutting and on the other side of the lot line.
- 6.20.2.9 Plants shall be planted in accordance with good landscape practice, such that the full height required may be achieved within a five (5) year period. All plantings shall be maintained in good growing conditions. Whenever necessary, plantings shall be replaced with other plant materials to insure continued compliance with these screening requirements.

- 6.20.3 **Submission Requirements:** For either new parking lots, or expansion of existing parking lots, in B-1, B-2, PBO, or M-1 Districts, plans for required screening must be submitted when applying for a Zoning Certificate. The screening must be installed concurrently with the new or expanded facility. If no Zoning Certificate is required for said improvements, the required screening must be installed concurrently with the new improvements.

6.21 Landscape Buffer Plantings

- 6.21.1 **Where Required:** Landscape buffers shall be provided in the following conditions and in accordance with the following requirements:

- 6.21.1.1 At the side and rear yards in all B-1 & B-2 Districts which adjoin abut or lie within 100' of an "R" District, MHP District, R-PUD District or residential lot or dwelling in an RU or SP-PUD District. Such buffers shall have a minimum effective height of six (6) feet. When a parking lot screen planting is provided at the lot line (in accordance with Article 6.20), additional buffer planting is not required.
- 6.21.1.2 At the side and rear yards in all M-1 Districts, to a minimum effective height of 10'.
- 6.21.1.3 At the front yards and along all public street frontages in an M-1 District, when on-site activities and uses such as automobile, truck and trailer parking, truck docks, loading

and unloading areas, dumpsters, trash storage areas, utility meters, material storage areas, and manufacturing activities would be visible from the street right-of-way. Such buffers shall have a minimum effective height of 10'.

6.21.1.4 Refer to Article 18 for landscape buffer requirements in R-PUD and SP-PUD Districts.

6.21.2 **General Requirements:** A landscape buffer refers to plantings with or without earth berming provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, landscape buffers may be provided by one or more of the following means:

6.21.2.1 An opaque evergreen informal screen planting, the thickness of which shall not be less than the intended height.

6.21.2.2 A deciduous informal planting, the thickness of which shall be not less than 2 times the intended height, and providing a minimum 70% year round opacity.

6.21.2.3 An earth berm may be used alone or in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required length of the buffer may be provided only by the berm.

6.21.2.4 The location of the landscape buffer shall generally fall within the required front, side and rear yards of the parcel to be buffered, or shall be so arranged as to substantially hide from adjoining properties the automobile, truck and trailer parking, truck docks, loading or unloading areas, material storage areas, dumpsters, trash storage areas, material storage areas, utility meters, and manufacturing activities. The location and grading of earth berms shall comply with the requirements of Article 9.7 (Landscaping, Mounds, Raised Beds, and Other Earth Works) and Article 9.9 (Regulation of Drainage).

6.21.2.5 Buffers shall be located in such a way that they do not constitute a danger to pedestrian or vehicular traffic by reason of impairment of vision at a street or driveway intersection. Refer to Article 22.11 for specific minimum sight triangle clearance requirements

6.21.2.6 Prescribed buffering need not be provided along a lot line if a building wall of the required height exists immediately abutting and on the other side of the lot line, or if natural vegetation exists along the lot line that provides a minimum 70% year round opacity.

6.21.2.7 Plants shall be planted in accordance with good landscape practice, such that the full height required may be achieved

within a five (5) year period. All plantings shall be maintained in good growing conditions. Whenever necessary, plantings shall be replaced with other plant materials to insure continued compliance with these screening requirements.

- 6.21.3 **Submission Requirements:** For either new construction, or expansion of existing facilities, in B-1, B-2, or M-1 Districts, plans for required buffers must be submitted when applying for a Zoning Certificate. The screening must be installed concurrently with the new or expanded facility. If no Zoning Certificate is required for said improvements, the required buffers must be installed concurrently with the new improvements.

When applying for a Zoning Amendment to rezone property to B-1, B-2 or M-1, a plan of the required buffers must be submitted with the Zoning Amendment application and the required buffers must be installed within one (1) year after the rezoning of the property, or shall be installed concurrently with any new construction, whichever occurs first.

ARTICLE 7

NON-CONFORMING USES OR STRUCTURES AND PROHIBITED USES

- 7.0 Abandonment:** A non-conforming use, existing on the effective date of the Resolution may be continued, provided, that should such use be discontinued for a period of two (2) years, or more, then such use shall be deemed abandoned, and any further use of such premises shall be in conformity with the uses permitted in the district of location.
- 7.1 Reconstruction:** Any structure, existing and in use as a non-conforming use on the effective date of this resolution, which shall be destroyed by casualty or act of God, may be reconstructed and restored, provided, however, that such reconstruction is commenced within twelve (12) months of any such calamity and that the reconstruction is completed in a reasonably diligent manner.
- 7.2 Alteration and Enlargement:** Any non-conforming structure, existing and in use, on the effective date of this Resolution may not be replaced, moved, added on to, altered, or enlarged in a manner and form resulting in the exaggeration or worsening of such non-conforming use.
- However, the Board of Zoning Appeals shall have the power to grant a special permit and Zoning Certificate as provided for herein allowing such extension under conditions as follows, except for those situations addressed elsewhere in this Resolution:
- 7.2.1 The total alteration, enlargement or extension of existing structures; or the erection of additional structures shall not increase the non-conforming area of such original structure by a total of more than twenty-five (25) percent.
- 7.2.2 Such enlargement and/or extension shall not be detrimental in consideration of the surrounding neighborhood, but that the granting thereof shall remove any unnecessary hardship as to the owner thereof.
- 7.2.3 The extension of such non-conforming use shall not reduce the area of a contiguous or adjacent conforming use.
- 7.3 Established Setbacks:** Any building or appurtenance, existing and in use, on the effective date of this Resolution with a non-conforming front, rear or side yard setback may be altered or enlarged so long as the front, rear or side of the structure is continued on or behind the same plane and not encroached any further toward any road right of way, alley or property line.
- 7.4 Structures under Construction:** Any structure's construction commenced as of the effective date of this Resolution may be completed, although nonconforming, if completed within one (1) year of the effective date of this Resolution.

- 7.5 Nuisance Prohibited:** No structure or use subject to the provisions of this Zoning Resolution shall be located, arranged or operated in any fashion which will interfere with the development or enjoyment of adjacent property, nor shall any such structure or use be located, arranged or operated in such fashion as to constitute a nuisance.
- 7.6 Unauthorized Use:** Any use which is not specifically provided for nor specifically authorized by this zoning resolution shall be expressly prohibited unless such use shall be otherwise authorized or permitted by the Board of Zoning Appeals, pursuant to the procedures contained herein.
- 7.7 Mobile Homes:** Any mobile home not located in a MHP District, previously existing as a non-conforming use, shall not be added to or otherwise increased in square footage. Furthermore, any such non-conforming use mobile home may not be relocated to another parcel in the township except into a MHP District, nor may it be moved any amount at its present location.

Furthermore, any mobile home that has been moved from a non-conforming location may not be stored, parked or otherwise abandoned in any location in Bath Township and must be removed from the Township within seventy-two (72) hours of being moved from the original location.

All mobile homes in the Township must have all commonly accepted utilities and sanitary requirements hooked up and operational at all times. Any mobile home found to be in an uninhabitable condition, as defined or determined by the Allen County Board of Health, will be deemed abandoned and ordered to be removed from Bath Township within seventy-two (72) hours of notice.

ARTICLE 8

YARD REQUIREMENTS

8.0 Side Yards and Rear Yard Depth:

- 8.0.1 For every dwelling or appurtenance thereto erected in any District, there shall be minimum side lot clearance on each side of said building of not less than seven and one-half (7 ½) feet.
- 8.0.2 For every dwelling erected in any District there shall be a rear lot clearance not less than thirty-five (35) feet and for any appurtenance thereto shall be a minimum rear lot clearance of seven and one-half (7 ½) feet.
- 8.0.3 A dedicated, public thoroughfare, whether improved or not, cannot be counted as part of the side or rear setback lines.
- 8.0.4 Property easements for utility access can be included in the setback.

8.1 Setback Lines:

- 8.1.1 Any structure erected in any district shall be so maintained and situated to provide that no portion thereof shall be closer to the nearest right-of-way line of a township street or road than forty (40) feet and fifty (50) feet from the nearest right-of-way line of a state or county road.
- 8.1.2 The building lines shown on a subdivision plat recorded in the office of the County Recorder prior to the date of this resolution shall apply in place of building lines herein established.
- 8.1.3 The paved radius for a court or circular drive that is a dedicated road shall be no smaller than forty-five (45) feet. Cul-de-sac streets, as defined herein, pose unique design issues with respect to traffic volume, appropriate access/egress and lot frontage requirements. Cul-de-sacs are encouraged to the extent that they support low traffic volumes and a certain development identity. Lengths of cul-de-sacs are limited to 600 feet measured to the radii of bulb. The maximum number of lots fronting on the bulb portion of the cul-de-sac shall be limited to 6 with those lots having a minimum of 45 feet lot frontage at the right of way line. Driveways on the bulb portion of the cul-de-sac shall not surpass more than 53% of the total lot frontage.
- 8.1.4 All ponds built in the Township are considered structures and must meet a setback of no less than 35 feet from any and all property lines, as well as all applicable pond restrictions set forth in Article 9.6 of this Resolution.
- 8.1.5 All permanently built signage installed in the Township shall not be located in, or protrude into, any road right-of-way.

ARTICLE 9

REGULATIONS FOR SPECIFIC OVERLAY DISTRICTS, ACTIVITIES, USES AND STRUCTURES

9.0 Purpose

It is the purpose of the regulations contained within Article 9 to promote the public health, safety, and welfare and to establish regulations affecting uses and practices, which, were they to be established and maintained without any guidance or restriction or control, would tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

9.1 Floodplain District Regulations

Sections 9.1.1 through 9.1.6 inclusive shall apply to the development of flood prone areas as defined herein.

9.1.1 The purpose of the Floodplain District Regulations is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconvenience to the individual property owners and the general public as a result of flooding. Permitted uses within the Floodplain Districts are generally associated with open space, recreational and agricultural land uses that will not hinder the movement of floodwaters.

9.1.2 The Floodplain Districts are areas of special flood hazard which have been identified by the Federal Emergency Management Agency (FEMA) after scientific engineering analysis. Such studies are documented in a report entitled Flood Insurance Study of Allen County, Ohio, Unincorporated Areas. FEMA mapped flood hazard areas in Flood Insurance Rate Maps 390758-0050B, -0106B, -0107B, -0109B, -0138B, and -0150B effective date November 15, 1989. The aforementioned study and maps, and any revisions thereto, are hereby adopted by reference and declared to be part of this Resolution.

9.1.3 No structure, use, activity or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Resolution.

9.1.4 Uses Permitted in the Floodplain (FP) District:

9.1.4.1 Any agricultural use;

- 9.1.4.2 Any public or private noncommercial recreation facility including fishing lakes, golf courses, parks and other similar uses;
 - 9.1.4.3 Water conservation works; including supply works, flood control and watershed protection, fish and game hatcheries and preserves; and,
 - 9.1.4.4 Essential services.
- 9.1.5 Conditional Uses with Approval by the Board of Zoning Appeals after a Public Hearing:
- 9.1.5.1 Commercial recreation, such as commercial fishing lakes;
 - 9.1.5.2 Commercial mining in accordance with all provisions of the **Ohio Revised Code** or in such statute as it may hereafter be amended; and,
 - 9.1.5.3 Reclamation of lands subject to flooding, providing that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board of Zoning Appeals, unless the Board of Zoning Appeals finds that such reclamation work is in compliance with the objectives of the Comprehensive Plan; and that any such work is approved and completed under the supervision of a competent, professional civil engineer.
- 9.1.6 No Zoning Permit will be issued by the Township Zoning Inspector for a parcel that appears to be located in an area of special flood hazard prior to the review, completion and subsequent issuance of a Floodplain Development Permit as approved by the Lima-Allen County Regional Planning Commission, the agency delegated to administer the Allen County Floodplain Management Regulations.

9.2 Regulation of Amusement Arcades

The following regulations shall apply to amusement arcades as herein defined:

- 9.2.1 The purpose of Sections 9.2.1 through 9.2.6 inclusive of this Resolution is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of this Resolution with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement of the more sever penalty shall prevail.

9.2.2 The following definitions shall apply in the interpretation of this Resolution:

“Amusement Arcade” means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key or token of value by payment of a fee;

“Mechanical or Electronically Operated Amusement Device” means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest, or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device include, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices; and,

“Exhibitor” means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in such person’s own place of business, irrespective of the ownership of such device.

9.2.3 Conditional Use Permit Required:

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

9.2.3.1 Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;

9.2.3.2 Amusement arcades shall have an adult who is eighteen (18) years of age or older on the premises and supervising the amusement arcade at all times during its hours of operation;

9.2.3.3 The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the

device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;

- 9.2.3.4 Prior to the issuance of a conditional use permit, the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
- 9.2.3.5 If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan;
- 9.2.3.6 No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one thousand five hundred (1,500) feet of any adult entertainment business; and
- 9.2.3.7 The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person sixteen (16) years of age or younger to operate any device on the premises before 4:00 p.m. or after 10:00 p.m. on days when school is in session.

9.2.4 Zoning of Amusement Arcades:

Amusement arcades shall be conditionally permitted uses only in the following districts:

- B-1 Business District;
- B-2 Business District; and,
- M-1 Manufacturing District.

9.2.5 Maintenance of a Nuisance Prohibited:

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

9.2.6 Restricted Access to Certain Minors:

No amusement arcade exhibitor shall permit, on days when school is in session, any person (16) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an

amusement arcade before 4:00 p.m. or after 10:00 p.m. This provision does not apply to jukeboxes, mechanical musical instruments, or other mechanical amusement devices designed to be used or ridden, such as mechanical horses, automobiles and carousels. Violation of this provision shall be a minor misdemeanor.

9.3 Regulation of Adult Entertainment Business

The following regulations shall apply to adult entertainment business as herein defined.

9.3.1 The purpose of Sections 9.3.1 through 9.3.4 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

9.3.2 The following definitions shall apply in the interpretation of this Article:

“Adult Entertainment Business” means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section;

“Adult Book Store” means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both; and books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section;

“Adult Motion Picture Theater” means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section;

“Adult Motion Picture Drive-In Theater” means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section;

“Adult Only Entertainment Establishment” means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material;

“Adult Material” means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record, compact disc, DVD or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch; and,

9.3.2.1 Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or,

9.3.2.2 Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

“Bottomless” means less than full opaque covering of male or female genitals, pubic area, or buttocks;

“Nude or Nudity” means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion thereof below the top the nipple; or of covered male genitals in a discernable turgid state;

“Topless” means the showing of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple;

“Sexual Activity” means sexual conduct or sexual contact, or both;

“Sexual Contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person; and,

“Sexual Excitement” means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

9.3.3 Conditional Use Permit Required:

No building shall be erected, constructed, or developed; and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 29 of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- 9.3.3.1 An adult entertainment business shall comply with the district regulations applicable to all properties in any district in which they are located;
- 9.3.3.2 No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
- 9.3.3.3 No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;
- 9.3.3.4 No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- 9.3.3.5 No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

9.3.4 Zoning of Adult Entertainment Business:

Adult entertainment businesses shall be conditionally permitted in the accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	M-1 Manufacturing District
Adult Motion Picture Theater	M-1 Manufacturing District
Adult Motion Picture Drive-In Theater	M-1 Manufacturing District
Adults Only Entertainment Establishment	M-1 Manufacturing District

9.4 Regulation of Group Residential Facilities

Sections 9.4.1 through 9.4.5 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

9.4.1 It is the purpose of Sections 9.4.1 through 9.4.5 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their care and/or rehabilitation.

9.4.2 "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff;

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

9.4.3 Conditional Use Permit Required:

A Class I Type B group residential facility is permitted by law in residential districts. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 29 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

9.4.3.1 Evidence is presented that the proposed facility meets the certification, licensing, or approval of requirements of the appropriate state agency;

- 9.4.3.2 Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
- 9.4.3.3 Evidence is presented that the proposed facility will not generate an increase in traffic volume or require special off-street parking;
- 9.4.3.4 Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
- 9.4.3.5 No such facility may be located within one-thousand (1,000) feet of another such facility;
- 9.4.3.6 No signs shall be erected by such facility for purposes of identification except a permitted street address sign;
- 9.4.3.7 The exterior of all such facilities shall not be altered in character and shall be compatible with the aesthetics of other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
- 9.4.3.8 The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved; and,
- 9.4.3.9 The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

9.4.4 Zoning of Group Residential Facilities:

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-3 Residential District B-1 Local Business District B-2 General Business District
Class I Type B	All Residential Districts B-1 Local Business District B-2 General Business District
Class II Type A	R-3 Residential District B-1 Local Business District B-2 General Business District

Class II Type B

R-3 Residential District
B-1 Local Business District
B-2 General Business District

9.4.5 Uniformity with Respect to Granting of Conditional Use Permits:

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these Regulations.

9.4.5.1 The structure shall be in conformance with the siting requirements contained herein; and,

9.4.5.2 The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

9.5 Regulation of Excavation or Fill

Any properties that are subjected to excavation and/or fill by the property owner or their agents are subject to review by the Township Board of Trustees, Township Zoning Inspector or Township Road Foreman. Upon such review, if it is deemed necessary, the County Engineer, Soil & Water Conservation District and/or Regional Planner will be notified for further review, approval, denial, or continuation of said excavation or fill. This applies to all Zoning Districts and is intended to eliminate or change the impedance of the natural flow of water.

9.6 Regulation of Ponds, Lakes or Other Water Detention, Retention Structures

Section 9.6, inclusive, shall apply to the development of all structures which intentionally or unintentionally store, pool, retain and/or detain water as defined herein.

9.6.1 The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes or other water detention/retention structures in Bath Township. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

9.6.2 Ponds are considered permanent structures for purposes of zoning administration and require a zoning certificate. No pond shall hereafter be located, constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of this Resolution. All maintenance, construction and/or related improvements to pond structures must be designed by the Soil and Water Conservation Service, a landscape architect or an engineer and be presented to the Township Zoning

Inspector for review and approval prior to the issuance of a zoning certificate.

9.6.3 "Pond" shall mean a natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons.

9.6.3.1 "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to compliment large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a landscape architect or an engineer.

9.6.3.2 "Retention Pond" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a landscape architect or an engineer.

9.6.3.3 "Agricultural Ponds" shall mean a natural or artificially formed structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal-related maintenance/production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an Agriculture District. Agricultural ponds must be designed and constructed to the specifications of the District office of the Soil and Water Conservation Service, a landscape architect or an engineer.

9.6.3.4 "Aesthetic, Garden or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming,

fishing, ice skating, etc. Such ponds shall not engage in commercial uses or in any commercial recreational activities without the appropriate Zoning Permit and requisite Health Department approval. Such ponds open to the public shall be subject to the safety conditions/facilities of Section 9.8. Such ponds must be designed and constructed to the specifications of the District office of the Soil and Water Conservation Service, a landscape architect or an engineer.

- 9.6.4 Ponds shall be permitted only as an accessory use in all districts which allow ponds, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies referred to elsewhere in this Article.
- 9.6.5 Inside top edge of any pond bank or water's edge shall not be located closer than thirty-five (35) feet from any property line and/or road right-of-way on any parcel. (See Illustration E in the Appendix of this Resolution).
- 9.6.6 All ponds, pond mounding, pond run-off and pond drainage is subject to the conditions of Section 9.7 and 9.9 of this Article.
- 9.6.7 In order to further orderly and sustainable development, the location design and maintenance of all ponds shall be coordinated with the Allen County Subdivision Regulations, the Allen County Floodplain Management Regulations, the Allen County Storm Water Management & Sediment Control Regulations and the Bath Township Storm Water Plan as applicable. The burden of compliance with such regulations lies with the property owner. For retention, agricultural and recreational ponds, design issues including size, depth, construction, maintenance, etc., shall reflect the criteria outlined in the electronic Field Office Technical Guide (eFOTG) made available at the United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) web site (www.nrcs.usda.gov), or a similar method approved by the appropriate agency.

9.7 Landscaping, Mounds, Raised Beds, and Other Earth Works

No land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines.

Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Township

Zoning Inspector, Township Road Foreman and/or County Engineer has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

9.8 Regulation of Swimming Pools

Sections 9.8.1 through 9.8.3 inclusive, shall apply to the location and maintenance of swimming pools as defined below and/or in Article 5 of this Resolution.

9.8.1 **Purpose:** It is the purpose of Sections 9.8.1 through 9.8.3 inclusive of this Resolution to promote the public health, safety and welfare of the Township through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory or primary use.

9.8.2 **Private Swimming Pools Defined:** For the purposes of this Article a private swimming pool includes any pool or open tank not located within a completely enclosed building, and containing or capable of containing water to a depth greater than 1 ½ feet at any point.

Any such swimming pool of more than twelve (12) feet in diameter or more than one hundred (100) square feet in surface area must comply with the following conditions and requirements:

9.8.2.1 Any such pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

9.8.2.2 No such pool may be located within the front yard of the property and shall not be located closer than fifteen (15) feet to any property line on which it is located.

9.8.2.3 Either the swimming pool or the entire property on which any such pool is located shall be equipped with a lock-out ladder, walled or fenced in such a fashion as to prevent uncontrolled access by children from the street or from adjacent properties. No such fence or wall shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and locking mechanism.

9.8.2.4 Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

9.8.3 **Community or Club Swimming Pools Defined:** For purposes of this Article a community or club swimming pool includes any pool, lake, or pond constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such pools must comply with the following conditions and requirements:

- 9.8.3.1 Any such swimming pool shall be intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 9.8.3.2 Any such swimming pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than seventy-five (75) feet to any property line on which the facility is located.
- 9.8.3.3 Any such swimming pool and all of the area used by the bathers shall be walled or fenced so as to prevent uncontrolled access by children from the street or adjacent properties. Any such wall or fence shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.
- 9.8.3.4 Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- 9.8.3.5 Such pool facilities shall not operate prior to 9:00 a.m. or after 10:00 p.m.

9.9 Regulation of Drainage

In all Districts:

Lots shall be developed with due consideration to storm run-off drainage. Lot drainage onto adjoining property shall not be diverted, channeled, or increased so as to cause damage, decrease property values or increase liability to adjoining properties.

Elevation and grade changes are to be accommodated by intercepting the lot drainage before exiting the premises by proper use of systems such as diversion channels, drainage, swales, catch basins with suitable conduits to remove water, or a combination of systems, in keeping with good design practice.

All drainage and drainage control techniques shall be shown and described on plans submitted pursuant to these regulations. Any such plans shall be submitted for approval to the Zoning Inspector along with a recommendation from the Road Foreman of Bath Township and/or the Allen County Engineer's office as provided in these regulations.

Drainage criteria for all construction on lots in Bath Township shall conform to the most current drainage criteria of Allen County subdivision regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

ARTICLE 10

RU: RURAL DISTRICT

10.0 Purpose: The purpose of the RU-Rural District is to protect agricultural and undeveloped land in the township where conservation of the land is important or where appropriate existing patterns of land use have been established. The principal use of the land in the RU District is for agricultural and farm purposes although the district contains certain uses such as suburban dwellings, religious, health and education facilities and other uses that are compatible with open land areas. The intent of the Rural District is to protect agricultural and open land from unplanned and premature development of uses not directly related to the agricultural use of land.

10.1 Permitted Uses: The following uses shall be permitted in the Rural District:

10.1.1 Any agricultural use including farming, dairying, pasturage, apiculture, horticulture, foresting, floriculture, viticulture, animal and poultry husbandry.

10.1.2 One (1) family farm dwelling structures and accessory uses or structures and one (1) family residential dwelling structures and accessory uses or structures. See Article 20 for specific lot size and frontage requirements.

10.1.3 Churches, places of worship, golf courses, and private airstrip.

10.1.4 Public or private schools offering general educational courses and having no rooms regularly used for housing or sleeping of students; parks, playgrounds, and playfields open to the general public without fee.

10.1.5 Ponds as defined in Article 9.6 of this Resolution.

10.2 Conditional Uses: The following conditional uses shall be permitted in the Rural District upon approval of the Board of Zoning Appeals as provided in these regulations:

10.2.1 Home occupation in association with a dwelling.

10.2.2 Home occupation in a separate dwelling may be permitted under these regulations provided that the use is not otherwise prohibited by law and further that such use is compatible with the principal uses of the Rural District and will not be detrimental in appearance and nature to the adjacent Rural District and further that the use will not emit any detrimental or obnoxious noise, vibrations, smoke, odors, dust, or any other objectionable conditions beyond the confines of the property and which will not otherwise be or become a nuisance. No such use shall include any outdoor storage of any automobiles, motor vehicles, equipment, parts, or materials of any kind. Any such conditional use may

only operate during normal, daytime business hours and shall be further subject to any and all conditions placed upon the use in order to preserve and protect the nature and purpose of the Rural District.

10.2.3 Real estate, professional and small announcement signs subject to the provisions of these regulations.

10.2.4 Quarrying and natural resource mining subject to the provisions of these regulations.

10.2.5 Cemeteries provided they shall occupy a parcel no less than forty (40) acre. Internment shall not take place within one hundred (100) feet of any property line. Any mausoleum, crematory, or other related structure shall not be within three hundred (300) feet of any property line.

10.3 Height Regulation: No residential dwelling in the Rural District shall exceed two and one half (2½) stories or thirty-five (35) feet in height.

10.4 Required Floor Area: Any building in the rural district which is, in whole or in part, for residential purposes shall provide the following as a minimum livable floor area:

Single-Family Dwelling

1 Story	1,000 square feet
1½ -2½	1,000 square feet of living area with a minimum of 750 square feet of living area on the ground floor exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches or similar areas.

ARTICLE 11

R-1: RESIDENTIAL DISTRICT

11.0 Purpose: The purpose of the R-1 Residential District is to provide an area for residential uses and those public and quasi-public uses normally considered an integral part of the residential neighborhood they serve.

11.1 General Provisions: In all R-1 Residential Districts, all land and buildings shall be used only for the following purposes:

- 11.1.1 Single family dwelling structures and related accessory structures.
- 11.1.2 Home offices and home occupations may be maintained in the R-1 Residential District provided such use does not involve any outward evidence of such use other than a sign as authorized and approved pursuant to these Regulations.
- 11.1.3 No dwelling unit in the R-1 Residential District shall contain less than one thousand (1,000) square feet per dwelling unit.
- 11.1.4 No one and one half (1½) or a two and one half (2½) story building shall be constructed in an R-1 Residential District containing less than seven hundred fifty (750) square feet minimum ground floor area.
- 11.1.5 No building in an R-1 residential district shall be constructed in excess of two and one half (2½) stories nor shall any such building exceed thirty-five (35) feet in height.
- 11.1.6 All lots in the R-1 Residential District hereafter platted, split, or laid out shall contain a minimum of twenty thousand (20,000) square feet of area and shall have no less than one hundred (100) feet of frontage except that any such lot or subdivision, which is serviced by public sewage facilities shall contain no less than ten thousand five hundred (10,500) square feet in total area and shall have no less than eighty (80) feet of frontage.
- 11.1.7 No lot in the R-1 Residential District shall be less than eighty (80) feet in width.
- 11.1.8 Every dwelling constructed in an R-1 Residential District shall have a clearance of no less than thirty-five (35) feet from the rear of said dwelling to the rear lot line.
- 11.1.9 Ponds constructed on lots of no less than one and one-half (1½) acres with a residential dwelling and with minimum frontage of two hundred (200) feet. All ponds are subject to the regulations as defined in Article 9.6 of this Resolution.

ARTICLE 12

R-2: RESIDENTIAL DISTRICT

12.0 Purpose: The purpose of the R-2 Residential District is to provide an area for residential uses and those public and quasi-public uses normally considered an integral part of the residential neighborhood they serve.

12.1 General Provisions: In all R-2 Residential Districts, all land and buildings shall be used only for the following purposes:

1. Any use specified in an R-1 Residential District provided that any such use must comply with the lot area requirements of the R-1 Districts.
2. One, two, three, or four family units shall be subject to the lot area requirements specified herein.
3. Conversion of a single family dwelling into a two (2) or more family dwelling provided that any such conversion must conform with the lot area requirements, front, side and rear yard requirements and all parking requirements set out in this Article and in these Regulations.

12.2 Building Requirements: Any dwelling constructed or structurally altered in the R-2 Residential District shall have a minimum floor area of seven hundred and fifty (750) square feet per family unit, exclusive of floor area devoted to basements, utility rooms, attached garages, open or enclosed porches or similar areas.

12.3 Lot Area Requirements: The lot area in the R-2 District shall be twenty thousand (20,000) square feet; however, if a central sewage system is provided, the lot area and yard requirement may be reduced as follows:

	<u>Lot Area Sq. Ft.</u>	<u>Lot Frontage</u>	<u>Side Yard Widths</u>
Single Family			
1 & 1½ Stories	7,500	60 feet	10 feet
2 & 2½ Stories	7,500	60 feet	10 feet
Two Families			
1 & 1½ Stories	8,000	70 feet	10 feet
2 & 2½ Stories	8,000	70 feet	12 feet
Three Families			
1 & 1½ Stories	10,000	80 feet	10 feet
2 & 2½ Stories	10,000	80 feet	12 feet
Four Families			
1 & 1½ Stories	12,000	100 feet	12 feet
2 & 2½ Stories	12,000	100 feet	14 feet

12.4 Rear Yard Clearance: Every dwelling constructed in an R-2 Residential District shall have a clearance of no less than thirty-five (35) feet from the rear of said dwelling to the rear lot line.

12.5 Parking: Adequate off-street parking shall be provided.

ARTICLE 13

R-3: RESIDENTIAL DISTRICT

13.0 Purpose: The purpose of the R-3 Residential District is to provide an area for residential uses and those public and quasi-public uses normally considered an integral part of the neighborhood they serve.

13.1 General Provisions: In all R-3 Residential Districts, all land and buildings shall be used only for the following purposes:

13.1. Any use specified in an R-1 and R-2 Districts, provided that any such uses comply with the lot area requirements of their respective districts.

13.2. Multi-family dwellings for any number of families or housekeeping units provided that each dwelling, in a multi-family dwelling or housekeeping unit, shall be independent and separated from each other.

13.3. Apartment houses, lodging houses or boarding houses for any number of guests including any related, on-site accessory uses such as restaurants, news stands, and gift shops provided that any such accessory use must be entered from within the building and further provided there is no exterior display or advertising except for a sign not exceeding six (6) square feet in area.

13.2 Dwelling Unit Requirements: Each dwelling unit herein erected or structurally altered shall have a minimum floor area of six hundred and fifty (650) square feet, exclusive of that floor area devoted to basements, utility rooms, attached garages, open or enclosed porches and the like.

13.3 Lot Area Requirements: The lot area in the R-3 District shall be twenty thousand (20,000) square feet; however, if a central sewage system is provided, the lot area and yard requirement may be reduced as follows:

	<u>Lot Area S.F.</u>	<u>Lot Frontage</u>	<u>Lot Area Family</u>	<u>Side Yard Widths</u>
One Family				
1 & 1½ Stories	7,500	60 feet	7,500	10 feet
2 & 2½ Stories	7,500	60 feet	7,500	10 feet
Two Families				
1 & 1½ Stories	7,500	70 feet	3,750	10 feet
2 & 2½ Stories	7,500	70 feet	3,750	10 feet
Multi-Family & Other Permitted Uses				
1 & 1½ Stories	10,000	75 feet	2,500	10 feet
2 & 2½ Stories	10,000	75 feet	2,500	14 feet
3 & 3½ Stories	10,000	75 feet	2,500	14 feet

13.4 Height Requirements: No structure shall be over three and one half (3½) stories in height.

13.5 Rear Yard Clearance: For every dwelling erected in the R-3 District there shall be a rear lot clearance of not less than thirty-five (35) feet.

ARTICLE 14

B-1: LOCAL BUSINESS DISTRICT

14.0 Purpose: The purpose of the B-1 Local Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible within the close proximity they must enjoy in a centralized business district.

14.1 Uses Permitted:

14.1.1 Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.

14.1.2 Food, Drug, and Beverage: Grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants and tea rooms.

14.1.3 Specialty Shops: Gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.

14.1.4 Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shops with not more than ten (10) full-time regular employees, places of amusement and assembly.

14.1.5 Business and Professional Offices: Medical and dental offices and clinics; law offices; insurance and real estate offices; banks; finance and utility companies.

14.1.6 Automotive and Related Uses: New and used car sales, service, and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.

14.1.7 Motels and Motor Hotels: Subject to the provisions of Article 26.

14.1.8 Accessory uses or buildings.

14.1.9 Ponds as defined in Article 9.6 of this Resolution.

14.2 Required Lot Area and Lot Width:

Each commercial building shall be located on a lot having an area of not less than twenty thousand (20,000) square feet and a lot width of not less than one hundred (100) feet at the right-of-way line.

14.3 Building Height Regulations:

No building shall exceed three and one half (3½) stories or forty (40) feet in height.

14.4 Required Yards:

- 14.4.1 Setback - Any building constructed in the B-1 District shall be set back from the front property line no less than thirty-five (35) feet.
- 14.4.2 Side Yard - No minimum yard required, except that lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.
- 14.4.3 Rear Yard - Thirty five (35) feet; where a lot line abuts an alley, one half (1/2) of the width of such alley may be considered in meeting the rear yard requirements.

14.5 Reduction in Area Requirements: The lot area, frontage and yard requirement for any lot served by a public central sewage system may be reduced as hereinafter specified:

Commercial Uses - (B-1 and B-2 Districts)

Minimum Lot Area:	7,500 square feet
Minimum Lot Width:	50 feet at the right-of-way line
Set Back:	No reduction
Side Yard;	As provided for in Article 14.4
Rear Yard:	As provided in Article 14.4

14.6 Landscaping and Parking Lot Screening Provisions:

Refer to Article 6.20 and 6.21 for regulations related to landscaping and/or parking lot screening requirements.

ARTICLE 15

B-2: GENERAL BUSINESS DISTRICT

15.0 Purpose: The purpose of the B-2 General Business District is to provide for those retail businesses and services which require a location other than in a centralized business district being either highway oriented or requiring larger tracts of land.

15.1 Uses Permitted:

15.1.1 Any use permitted in the B-1 Local Business District.

15.1.2 Building Trades or Equipment: Building concrete, electrical, masonry, sheet metal, plumbing and heating shops, and building material establishments.

15.1.3 Vehicle Drive-In and Heavy Vehicle Service: Drive-in theaters, drive-in/thru restaurants and refreshment stands; express, cartage and trucking facilities; self storage mini warehouse; large item machinery or bulk sales and storage not including outdoor unfenced storage.

15.1.4 Heavy Service and Processing Facilities: Laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishments; frozen food lockers; seed and food processing plants; dairies.

15.1.5 Accessory uses or buildings.

15.2 Required Lot Area and Lot Width:

Commercial Buildings: Each commercial building shall be located on a lot having an area of not less than twenty thousand (20,000) square feet and a lot width of not less than one hundred (100) feet at the right-of-way line.

15.3 Building Height Regulations: In the B-2 District, no building shall exceed fifty (50) feet in height.

15.4 Required Yards:

15.4.1 Front Yard - All buildings constructed in the B-2 district shall be set back from the front property line no less than thirty-five (35) feet.

15.4.2 Side Yard - No minimum yard required, except lots adjoining a Residential District shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.

15.4.3 Rear Yard - Thirty five (35) feet and where a rear lot line abuts an alley, one half (1/2) of the width of such alley may be considered in meeting the rear yard requirements.

- 15.5 Required Floor Area:** The lot area and frontage requirements for any lot served by a public sewage system may be reduced as specified in the B-1 District.
- 15.6 Reduction in Area Requirements:** The lot area and frontage requirements for any lot served by a public sewage system may be reduced as specified in the B-1 District.
- 15.7 Landscaping and Parking Lot Screening Provisions:** Refer to Article 6.20 and 6.21 for regulations related to landscaping and/or parking lot screening requirements.

ARTICLE 16

PBO: PROFESSIONAL AND BUSINESS OFFICE DISTRICTS

- 16.0 Purpose:** The PBO Professional and Business Office Districts are designed to accommodate uses such as offices, and personal services. The districts may serve as a transition between residential and nonresidential districts.
- 16.1 Uses Permitted:** In a Professional and Business Office District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Resolution; subject to the review and approval of the site plan by the Zoning Inspector:
- 16.1.1 Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic and drafting.
 - 16.1.2 Medical office or dental office.
 - 16.1.3 Banks, credit unions, savings and loan associations.
 - 16.1.4 Personal service establishments including barber shops and beauty shops.
 - 16.1.5 Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
 - 16.1.6 Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations or gas regulator stations.
 - 16.1.7 Churches and civic or charitable organization offices.
 - 16.1.8 Offices devoted to, but not limited to, business management, trade associations, insurance companies, real estate, tax consultants, and notary publics.
- 16.2 Area and Bulk Requirements:** The service or office use is to be conducted principally in the daylight hours and shall not create a nuisance from smoke, noise, or odor.
- 16.2.1 Maximum height of structures: thirty (30) feet.
 - 16.2.2 Front yard setback: twenty five (25) feet minimum.

16.2.2.1 The front yard setback shall be the amount indicated or fifteen percent (15%) of the depth of the lot, whichever is greater, but need not exceed sixty (60) feet.

16.2.2.2 Parking may be permitted in the required front yard setback provided that an area within the front yard remains as lawn or landscaped area which is equal to fifty percent (50%) of the area of the required front yard.

16.2.3 Rear yard setback shall be at least twenty five (25) feet.

16.3 Landscaping and Parking Lot Screening Provisions:

Refer to Article 6.20 and 6.21 for regulations related to landscaping and/or parking lot screening requirements.

16.4 Parking: Off-street parking and loading spaces shall conform to the requirements of Article 21 of this Resolution.

ARTICLE 17

M-1: MANUFACTURING DISTRICT

17.0 Purpose: The purpose of the M-1 Manufacturing District is to provide an area for commercial, storage, warehousing, and manufacturing uses which do not normally create a nuisance or have an objectionable impact discernable beyond their property lines. The district is intended to define and protect areas suitable to the development of a variety of industrial activities and to protect areas for other land use activities in the vicinity.

17.1 Uses Permitted:

17.1.1 Any use permitted in the B-2 Business District.

17.1.2 Warehousing and Storage: Indoor and outdoor storage of goods and materials including pole yards, building material storage, and trucking storage. Nothing herein shall be construed, however, to authorize any junk yard, motor vehicle salvage yard, solid or hazardous waste facility or storage area, or any such similar use.

17.1.3 Manufacturing: The manufacture, assembly or processing of small items, including, (by way of example), gloves, footwear, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators; textile products manufacturer; glass, cement, and stone products; also furniture manufacture and assembly; food manufacturing or processing including such things as hatcheries, canning, freezing, storage and bottling of food and food products.

17.1.4 Such other manufacturing uses which are generally of a light nature and free from any objectionable odors, fumes, dirt, vibration, noise or other nuisance at the lot line. No manufacturing use under this section shall be established without an application for a zoning permit including any and all appropriate plans or specifications as are required under these regulations.

17.2 Conditional Uses: Any manufacturing use which is not otherwise prohibited by law and which is compatible with or similar to the principal uses in the M-1 District and which will not emit any detrimental or obnoxious noise, vibrations, smoke, odors, dust or any other objectionable conditions beyond the confines of its property and which will not otherwise be or become a nuisance.

No such conditional use shall be permitted in the M-1 District except upon application and public hearing as provided for in these regulations. Any such conditional use shall be subject to any and all terms and conditions or restrictions contained in the certificate.

17.3 Lot Area and Lot Width: Each use to be established in the M-1 District shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum lot width of two hundred (200) feet at the right-of-way line.

17.4 Building Height Regulations: No building in the M-1 District shall exceed seventy-five (75) feet in height.

17.5 Yards Required: All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths:

17.5.1 **Front Yard:** Forty (40) feet from the roadway line or seventy (70) feet from the center of the roadway if no right-of-way has been established.

17.5.2 **Side Yard:** Twenty-five (25) feet on each side except where a side yard shall abut any residential district in which case a side yard of no less than fifty (50) feet shall be provided.

17.5.3 **Rear Yard:** Forty (40) feet.

17.6 Reduction in Area Requirements: The lot and frontage requirements for any lot served by a public sewage system may be reduced as follows:

Minimum Lot Area - Twenty thousand (20,000) square feet.

Minimum Lot Width - One hundred (100) feet at the right-of-way line.

Front Yard - No reduction.

Side Yard - Fifteen (15) feet each side, except where a side yard abuts a residential district, in which case a side yard of twenty-five (25) feet shall be provided.

17.7 Landscaping and Parking Lot Screening Requirements:

Refer to Article 6.20 and 6.21 for regulations related to landscaping and/or parking lot screening requirements.

ARTICLE 18

PUD: PLANNED UNIT DEVELOPMENT DISTRICTS

18.0 Purpose: The Township recognizes residential and special use Planned Unit Developments (PUDs) as integral to long-term development strategies. The purpose of the PUD districts is to provide for residential uses and/or other specific development activities not addressed in the standard districts when it can be demonstrated that such a district furthers the intent of the Comprehensive Plan, pursues creative planning and design, and responsibly addresses integration into its surroundings.

PUDs are to incorporate unique and creative designs such as architectural themes, landscaping themes, clustering and conservation of land, integration of natural features, traffic calming measures and minimization of signage. Developments are to incorporate traffic mitigation strategies with an emphasis on defining proper relationships between buildings and land uses, developing them in a coordinated manner.

Residential PUDs (R-PUDs) are intended to further areas of low and moderate density and associated land uses considered an integral part of the development they serve. R-PUDs will provide greater design flexibility when specific design elements are included and documented in the Overall Development Plan (ODP) of the R-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features and the conservation of land are all expected elements of the required ODP. R-PUDs are expected to incorporate traffic mitigation strategies/techniques. The R-PUDs ODP should define the proper relationship between residential structures (and accessory uses), public/private infrastructure and the natural surroundings.

Special Use PUDs (SP-PUDs) are intended to further the incorporation of manufacturing, retail, service and limited residential and institutional activities within the community. SP-PUDs will provide greater design flexibility when specific design elements are included and documented in the ODP of the SP-PUD. The inclusion of certain architectural and landscaping themes, the integration of natural features, the conservation of land and the minimization of signage and traffic calming are all expected elements of the required ODP. SP-PUDs are expected to incorporate traffic mitigation strategies/techniques with an emphasis placed on maintaining the existing Level of Service (LOS) on adjacent roadways. The SP-PUDs ODP should define the proper relationship between residential/commercial/institutional structures, proposed economic activities and natural surroundings as well as its impact on the built and human environment.

18.1 Uses Permitted in the R-PUD District:

- 18.1.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.
- 18.1.2 Permitted uses may include one or more of the following: low to medium density (less than 4 units per acre gross density) residential dwellings, child care centers, playgrounds, and recreational facilities including golf courses, country clubs, conservation areas, nature preserves or public parks.
- 18.1.3 The Zoning Commission may approve additional uses prior to the Final approval.

18.2 General Provisions for the R-PUD District:

- 18.2.1 The owner or owners of any tract of land may submit to the Zoning Commission a plan for the use and development of the entire tract of land for residential and allied purposes. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed for hearings on the changes and amendments. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed R-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of buildings, greenery, parking and amenities; (b) the proposed development plan shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, golf courses, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed development plan shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.

- 18.2.2 R-PUDs shall adhere to the Allen County Storm Water & Sediment Control Regulations (SWSCR) and Township Storm Water Management Plans (SWMP) as applicable.
- 18.2.3 The configuration of lots, public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations as applicable.
- 18.2.4 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

18.3 Specific Design Criteria for R-PUD District:

- 18.3.1 The R-PUD district shall be a minimum of ten (10) acres in size, provided however that smaller parcels may be considered by the Zoning Commission on the basis of their potential to satisfy the objectives of this Article.
- 18.3.2 The R-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract to be developed.
- 18.3.3 The R-PUD shall utilize a landscaping and buffering plan per the requirements of this document as identified elsewhere in this text. The landscaping and any required buffering shall be designed by landscape architect in order to achieve the necessary aesthetic balance between the PUD and the surrounding area.
- 18.3.4 The R-PUD shall provide sufficient parking to accommodate the demands of its residential and any ancillary uses as indicated elsewhere in this document.
 - 18.3.4.1 The R-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
 - 18.3.4.2 The R-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
- 18.3.5 R-PUDs are expected to incorporate various ancillary uses and structures in their design. The following are specific design criteria that shall be incorporated in the respective development.

- 18.3.5.1 Private swimming pools, detached garages/sheds, hot tubs, sport courts, tennis courts, basketball courts, gazebos, play structures or other similar structures as determined by the zoning inspector shall be classified as accessory structures.
 - 18.3.5.2 Accessory structures shall be subordinate to the principal permitted use and respective principal structure. Accessory structures shall be located to the rear or side of the principal structure. No accessory structures shall be located in front yards unless specifically approved during the design review process.
 - 18.3.5.3 All utilities and service structures shall be screened with landscaping to the maximum height of the unit.
 - 18.3.5.4 Accessory structures may not encroach on any platted easement unless the Allen County Engineer approves of such encroachment.
- 18.3.6 The design and construction of publicly dedicated streets shall be coordinated with the Allen County Subdivision Regulations and Access Management Regulations. In order to adequately address the Allen County Access Management Regulations, the design of private drives or internal service roads such as in condominiums shall be presented to the Allen County Engineer for review.
- 18.3.7 In order to adequately address the Allen County Access Management Regulations, all R-PUD ODPs shall address the following driveway and sight visibility standards:
- 18.3.7.1 All multi-family and condominium roads/drives shall be designed to meet the minimum intersection sight distances as established by the Ohio Department of Transportation's (ODOT's) Location and Design (L&D) Manual sections on Intersection Sight Distance (ISD), Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the recommendations of the Allen County Engineer.

- 18.3.7.2 Two (2) access points are required for developments with thirty (30) or more dwelling units to ensure adequate fire protection and access for emergency medical services.
 - 18.3.7.3 All development road/drive centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.
 - 18.3.7.4 All multi-family, condominium, manufactured home or mobile home park developments shall be designed so as vehicles are traveling in a forward motion when entering or leaving.
 - 18.3.7.5 All roads/drives must provide for and maintain a sight visibility triangle as illustrated in Illustration I. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
 - 18.3.7.6 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 18.3.8 The R-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the PUD and the surrounding area. The following standards shall be met:
- 18.3.8.1 All multi-family or condominium clusters with five (5) or more exterior parking spaces are to be illuminated.
 - 18.3.8.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the Light Loss Factor (LLF) shall be calculated using the Illuminating Engineering Society of North America (IESNA) latest standards.

- 18.3.8.3 Light originating at a site shall not be permitted ten (10) feet beyond the perimeter of the site.
- 18.3.8.4 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways.
- 18.3.8.5 All exterior lighting shall be demonstrated on the plan submittal.

18.4 Uses Permitted in the SP-PUD District:

- 18.4.1 Permitted uses and development standards shall be established at the time of rezoning the property and must be identified as the conditions upon which the district is approved. Any development standards not explicitly addressed shall conform to standard district regulations. Any use not so designated shall be prohibited unless it is determined to be substantially similar to the approved uses and is in character with the proposed development.

- 18.4.2 Permitted uses, as defined under the North American Industrial Classification System (NAICS), which may include, but are not limited to, one or more of the following uses: computer and electronic product manufacturing; electrical equipment, appliance and component manufacturing; furniture and related product manufacturing; medical equipment and supplies manufacturing; printing and related support activities; professional and commercial equipment and supplies wholesalers; beer, wine and distilled alcoholic beverage wholesalers; soft drink bottling and distribution; drugs and druggists; sundries wholesalers; commercial banking, savings institutions and credit unions; mortgage companies; securities, commodity contracts and other financial investments; insurance carriers and related activities; offices of real estate agents, brokers and appraisers; professional, scientific and technical services (except large animal veterinary services); personal care services; arts, entertainment and recreation establishments; restaurants and drinking places; furniture and home furnishings stores; electronics and appliance stores; food and beverage stores; health and personal care stores; clothing and clothing accessory stores; sporting goods, hobby, book and music stores; miscellaneous store retailers (excluding used merchandise stores); public administration and government services; health care (except psychiatric and substance abuse hospitals); elementary and secondary schools and libraries; child day care centers; and, religious organizations and worship facilities.

- 18.4.3 Medium and high density residential structures not to exceed sixteen (16) units per acre may be allowed as a conditional use provided that: all residential uses and/or development activities including multi-family and condominium uses as well as common areas account for less than twenty percent (20%) of the total SP-PUD area; meet all regulations as defined elsewhere in the R-PUD District standards; the residential component is included as an integral part of the SP-PUD and where supporting accessory uses, structures and public infrastructure are available/provided.

18.5 General Provisions for the SP-PUD District:

- 18.5.1 The owner or owners of any tract of land may submit to the Zoning Commission an ODP for the use and development of the entire tract of land. The ODP shall be studied and presented before a public hearing. Notice and publication of such public hearings shall conform to the procedures as prescribed elsewhere in this resolution. If the Zoning Commission approves the plans, they shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Zoning Commission shall be predicated upon a report, filed by the applicant, which documents the rationale and contains the specific evidence and facts showing that the proposed SP-PUD project meets with the following conditions: (a) the proposed development plan shall specifically document the purpose of the development and the intended use of the land in an overall pattern of streets, drainage, buildings, greenery, parking and amenities; (b) the proposed ODP shall provide satisfactory documentation that the property adjacent to the area included in the plan will not be adversely affected; (c) the proposed development plan shall document all ownership and maintenance agreements to include any common areas, streets, swimming pools, lakes/ponds, recreational/sports facilities, etc.; (d) the proposed development plan shall demonstrate compatibility with the uses permitted in the district in which the development is proposed to be located; and, (e) the proposed ODP shall document the maximum density and intensity of land uses within the proposed district in order to identify the parameters of all pertinent design criteria requirements.
- 18.5.2 SP-PUDs shall adhere to the Allen County SWSCR and the Township's SWMP as required.
- 18.5.3 The configuration of lots and any public roads and private drives/service roads shall be coordinated with the Allen County Subdivision Regulations and the Allen County Access Management Regulations as applicable.

- 18.5.4 SP-PUD applicants shall study, document and submit a traffic impact analysis of the proposed development and present it to the Allen County Engineer for his review and recommendations. The analysis shall identify the full impact of a phased development.
- 18.5.5 A zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the standard district regulations.

18.6 Specific Design Criteria for the SP-PUD District:

- 18.6.1 The SP-PUD district shall be a minimum of ten (10) acres in size, provided however that smaller parcels may be considered by the Zoning Commission on the basis of their potential to satisfy the objectives of this Article.
- 18.6.2 The SP-PUD shall have an open space design that reflects a minimum of twenty percent (20%) of the tract.
- 18.6.3 The design and construction of publicly dedicated streets shall conform to the Allen County Subdivision Regulations. The design of private drives or internal service roads shall be presented to the Allen County Engineer for review.
- 18.6.4 All SP-PUD overall development plans shall address the following driveway and sight visibility standards:
 - 18.6.4.1 All driveways shall be designed to meet the minimum intersection sight distances as established by the ODOT L&D Manual sections on ISD, Vertical ISD and Horizontal ISD. These sight distances are to be shown on the proposed plan. If it is determined in an approved Traffic Impact Study for the development or by an engineer designing the driveway that it is not feasible to obtain those required intersection sight distances, then the driveway shall be designed to meet the preferred safe stopping distances provided for in the ODOT L&D Manual. All such exceptions are subject to the approval of the Allen County Engineer.
 - 18.6.4.2 Driveway centerline angles should be designed as close as possible to ninety (90) degrees. In no case shall the driveway be less than seventy-five (75) degrees.

- 18.6.4.3 All driveways must provide for and maintain a sight visibility triangle as illustrated in Illustration I. Structures, landscape plantings, fences or signs other than roadway signs are not permitted in this area. The zoning inspector may permit the placement of objects in the required sight visibility triangle area provided that they do not project into the clear vertical space between the height of thirty (30) inches and ten (10) feet as measured from the pavement.
- 18.6.4.4 Maximum driveway width shall be thirty-six (36) feet as measured from the right-of-way line. For curbed driveways this width is measured from the back of the curb. Maximum driveway lane width shall be twelve (12) feet.
- 18.6.5 The SP-PUD shall provide sufficient parking to accommodate the demands of its commercial and/or ancillary uses. Parking areas shall provide safe, convenient and efficient access.
 - 18.6.5.1 All service drives, off-street parking areas, driveways and maneuvering aisles shall be paved with asphalt, concrete, pavers or combination thereof.
 - 18.6.5.2 The number of required parking spaces shall be provided based on an established use and parking requirements identified elsewhere in this document. Where the ODP fails to identify a proposed use, the zoning inspector will identify an appropriate use to determine minimum standards.
 - 18.6.5.3 Parking spaces shall be distributed as follows: a maximum of forty percent (40%) in front of the primary structure; a maximum of seventy percent (70%) to the side of the primary structure; and, a minimum of ten percent (10%) to the rear of the structure. Where the rear of the primary structure is adjacent to residential uses or zoning districts parking will be prohibited.
 - 18.6.5.4 All required parking shall be identified and contained within the proposed SP-PUD unless the Board of Zoning Appeals approves a joint parking agreement. In such cases, a written agreement between all property owners shall identify all issues related to occupancy, maintenance and liability and record same in the office of the Allen County Recorder. A copy of the agreement will be kept with the zoning certificate.

- 18.6.5.5 All service drives, off-street parking areas, driveways and maneuvering aisles shall be kept free of standing water, litter, glass, nails and other materials or debris which could create a hazardous situation.
 - 18.6.5.6 The SP-PUD shall establish suitable evergreen landscaping as a buffer for all off-street parking areas.
 - 18.6.5.7 Where a residential component is included, the SP-PUD shall provide two (2) off-street parking spaces for each single-family unit. Multi-family developments shall provide two (2) off-street parking spaces for each dwelling unit and one (1) visitor parking space for every two (2) units evenly distributed throughout the parking area. The SP-PUD shall provide one (1) off-street parking area for each three (3) people of capacity plus one (1) for each employee when determining the required parking for all common areas including community rooms, outdoor swimming pools, recreational/sports facilities, etc.
- 18.6.6 The SP-PUD shall utilize a landscaping and buffering plan per the requirements of this document. The landscaping and required buffering shall be designed by a landscape architect in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area.
- 18.6.6.1 No building, structure or vehicular access area shall be developed or expanded unless the minimum landscaping and buffering requirements are established. The Township shall issue a zoning certificate attesting to the integration of all landscaping/buffering requirements upon completion.
 - 18.6.6.2 Trees, vegetation, retention areas, waterways, fences, walls and other landscape/buffer elements are considered elements of the SP-PUD in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials and shall keep them in good order and free from refuse and debris at all times. Maintenance agreements are required in the overall development plan.
 - 18.6.6.3 Buffers are required around the perimeter of the site. Landscape materials and earth mounding used to fulfill

buffer requirements shall be installed to provide 50% (fifty percent) year round opacity. Shrubs must be a minimum of two (2) feet in height at time of planting. Trees must be a minimum of six (6) feet in height. Grass or ground cover shall be planted on all portions of required landscape/buffer areas not addressed by hedges, walls or trees.

18.6.6.4 In order to reduce excessive heat build-up and emissions from large parking areas, landscaped islands/areas must be provided when twenty (20) or more parking spaces are provided. All landscape islands must be a minimum of 110 sq. ft. in size and contain at least one (1) tree, a minimum of two (2) inches in caliper at installation. Islands shall be landscaped with hardwood mulch, shrubs or groundcover.

18.6.6.5 Landscaped islands within parking areas shall total at least ten percent (10%) of the gross paved parking area. Trees at least two (2) inches in caliper at time of installation shall be provided for each 5,000 sq. ft. of parking area. These areas may be included in the Storm Water Retention Plan for the site.

18.6.7 The SP-PUD shall utilize a lighting plan in order to provide the level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting adjacent properties. The lighting plan shall be designed by a licensed electrical engineer in order to achieve the necessary aesthetic balance between the SP-PUD and the surrounding area. The following standards shall be met:

18.6.7.1 All SP-PUDs shall provide lighting for the entire vehicle use area, exterior doorways and access walkways. In any residential areas, five (5) or more exterior parking spaces are to be illuminated.

18.6.7.2 All vehicular use and pedestrian pathways shall not drop below 0.5 foot candles. For design purposes the LLF shall be calculated using IESNA latest standards.

18.6.7.3 All outdoor lighting shall be designed as to minimize light trespass and the impact of glare on all surrounding properties and public right-of-ways. Light originating at the site and extending beyond a ten (10) foot perimeter around the site shall not exceed 0.5 foot candle in

residential areas or 1.0 foot candle in commercial areas of the SP-PUD.

18.6.7.4 All pole-mounted luminaries shall be restricted to thirty-three (33) feet in commercial areas of the SP-PUD. Heights in residential areas shall not exceed twenty-three (23) feet.

18.6.7.5 All exterior lighting shall be demonstrated on the plan submittal.

18.6.8 The SP-PUD shall minimize the visual and noise impacts of loading areas, outdoor storage areas and refuse collection activities on surrounding areas.

18.6.8.1 Storage, sales, truck parking, trash collection/compaction, loading or other such uses must not be located closer than thirty-five (35) feet from a residential dwelling or residential district.

18.6.8.2 Storage areas, truck parking, trash collection/compaction, loading areas, HVAC equipment and utility meters shall be screened to their full height.

ARTICLE 19

MHP: MOBILE HOME PARK DISTRICT

19.0 Intent and Purpose: It is the intent and purpose of this Article to regulate the location and to encourage, stabilize and protect the development of well planned mobile home parks.

19.1 General Provisions: In a MHP, Mobile Home Park District, no building or premises shall be used and no building shall be erected or designed to be used for other than the following uses:

19.1.1 No mobile home, trailer or similar portable residential structure shall be permitted to locate in Bath Township except as in a MHP, Mobile Home Park District.

19.1.2 The MHP, Mobile Home Park District shall conform to the following requirements:

- Shall contain a minimum of eight (8) acres.
- Shall provide a clearly defined minimum lot size of 3,600 square feet.
- A safe, useable recreation area shall be conveniently located in each mobile home park and shall not be less than ten (10) percent of the gross area of the project.
- MHP, Mobile Home Park District to be in accordance with the **Ohio Revised Code** 3733.01 through 3733.99 and **Ohio Building Code**, Chapter BB-77, 7-1-74. Mobile Home Parks are to meet all state and local health requirements.

**ARTICLE 20 SCHEDULE OF REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Front Set-backs	Minimum Yard Set Back (Per Lot in Feet)		Minimum Ground Floor Area Per Unit (Sq. Feet)	Lot Area Per Parcel
	Area in Sq. Ft.	Width in Feet			Sides	Rear		
Rural District	43,560	150	35	40a 50b	7 ½	35	1,000	1 AC
R-1 Residential District								
1 Story	10,500	80	35	40a	7 ½	35	1,000	
2 Story				50b			750	
R-2 General Residential District								
<i>Single Family</i> 1-1 ½ Stories	7,500	60	35	40a 50b	10	35	750	
2-2 ½ Stories	7,500	60	35	40a 50b	10	35	750	
<i>Two Family</i> 1-1 ½ Stories	8,000	70	35	40a 50b	10	35	750	
2-2 ½ Stories	8,000	70	35	40a 50b	12	35	750	
<i>Three Family</i> 1-1 ½ Stories	10,000	80	35	40a 50b	10	35	750	
2-2 ½ Stories	10,000	80	35	40a 50b	12	35	750	
<i>Four Family</i> 1-1 ½ Stories	12,000	100	35	40a 50b	12	35	750	
2-2 ½ Stories	12,000	100	35	40a 50b	14	35	750	

**ARTICLE 20 SCHEDULE OF REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM
(Continued)**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Front Set-backs	Minimum Yard Set Back (Per Lot in Feet)		Minimum Ground Floor Area Per Unit (Sq. Feet)	Lot Area Per Parcel
	Area in Sq. Ft.	Width in Feet			Sides	Rear		
R-3 Multi-Family Residential District								
<i>Single Family</i> 1-1 ½ Stories	7,500	60	35	40a 50b	10	35	650	7,500
2-2 ½ Stories	7,500	60	35	40a 50b	10	35	650	7,500
<i>Two Family</i> 1-1 ½ Stories	7,500	70	35	40a 50b	10	35	650	3,750
2-2 ½ Stories	7,500	70	35	40a 50b	10	35	650	3,750
<i>Multi-Family</i> 1-1 ½ Stories	10,000	75	35	40a 50b	10	35	650	2,600
2-2 ½ Stories	10,000	75	35	40a 50b	14	35	650	2,500
3-3 ½ Stories	10,000	75	40	40a 50b	14	35	650	2,500
B-1 Business District								
Commercial	7,500	50	40	25	c	35		
B-2 General Business District								
Commercial	7,500	50	50	25	c	35		
PBO Professional Business & Office District								
	7,500	50	30	25	c	35		
M-1 Manufacturing District								
	20,000	100	50	40e	15f	35		

a - 40 feet from the nearest street or road

b - 50 feet from the nearest right-of-way line of a state or county road

c - No minimum side yard required, except lots adjoining a residential district provide a side yard on that adjoining side equal to that required in the adjoining residential district

d - Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements

e - Or 70 feet from the center of the road if no right-of-way established

f - 25 where abutting a residential district

g - Except 50 feet where abutting a residential district

h - Except 40 feet where abutting a residential district

**ARTICLE 20 SCHEDULE OF REGULATIONS
WITHOUT CENTRAL/PUBLIC SEWAGE SYSTEM
(Continued)**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Front Set-backs	Minimum Yard Set Back (Per Lot in Feet)		Minimum Ground Floor Area Per Unit (Sq. Feet)	Lot Area Per Parcel
	Area in Sq. Ft.	Width in Feet			Sides	Rear		
Rural District								
1 Story	108,900	200	35	40a	7 ½	35	1,000	2 1/2 AC
1 ½ - 2 ½ Stories	108,900	200	35	50b	7 ½	35	750	2 1/2 AC
R-1 Residential District								
1 Story	20,000	100	35	40a	7 ½	35	1,000	
1 ½ - 2 ½ Stories			35	50b			650	
R-2 General Residential District	20,000	70	35	40a 50b	7 ½	35	750	
R-3 Multi-Family								
Residential District	20,000	70	40	40a 50b	7 ½	35	650	
B-1 Local Business District								
Commercial	20,000	100	40	25	c	35		
B-2 General Business District								
Commercial	20,000	100	50	25	c	35		
PBO Professional Business and Office District								
	20,000	100	30	25	c	35		
M-1 Manufacturing Districts								
	40,000	200	50	40	25 i	35		

a - 40 feet from the nearest street or road

b - 50 feet from the nearest right-of-way line of a state or county road

c - No minimum side yard required, except lots adjoining a residential district provide a side yard on that adjoining side equal to that required in the adjoining residential district

d - Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements

e - Or 70 feet from the center of the road if no right-of-way established

i - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided

ARTICLE 21

OFF-STREET PARKING AND LOADING REGULATIONS

21.0 Off-Street Parking: Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established: such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ration of two hundred and fifty (250) square feet per parking space shall be used.

21.1 Number of Parking Spaces Required: The number of off-street parking spaces required shall be as set forth in the following:

USES

PARKING SPACES REQUIRED

Automobile or Machinery Sales and Service Garages

-One (1) for each six hundred (600) square feet floor area

Banks, Business and Three or more Professional Offices

-One (1) for each four hundred (400) square feet of floor area used over one thousand (1,000) square feet

Bowling Alleys

-Five (5) for each alley plus one (1) for each employee

Churches or Temples

-One (1) for each four (4) seats in the main auditorium

Country Club or Golf Club

-One (1) for each five (5) members

Dance Halls and Assembly Halls without fixed seats, Exhibition Halls except Church Assembly Rooms in conjunction with Auditorium

-One(1) for each one hundred (100) square feet of floor area used for assembly or dancing

Dwellings, including one (1), Two (2), and Three (3) Families, Multiple Dwellings and Summer Cottages

-One and one half (1½) for each family or dwelling unit

Funeral Homes, Mortuaries

-One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or individual funeral service rooms

Furniture & Appliance Stores, Household Equipment or Furniture Repair Shop over one thousand (1,000) square feet of floor area

-One (1) for each two hundred (200) square feet of floor area, (1) space for each employee

Hospitals

-One (1) for each three (3) beds plus one (1) space for each employee

Hotels, Lodging Houses	-One (1) for each bedroom
Libraries, Museum, or Art Galleries or Community Center	-Ten (10) plus one (1) additional for each three hundred square feet or floor area in excess of two thousand (2,000) square feet
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants over one thousand (1,000) square feet in area	-One (1) for each three (3) employees in the maximum working shift or one thousand two-hundred (1,200) square feet of floor area, whichever is greater
Medical or Dental Clinics square	-One (1) for four hundred (400) feet of floor area over one thousand (1,000) square feet
Motel, Motor Hotels, and Tourist Home	-One (1) for each living or sleeping unit
Private Club or Lodge	-One (1) for each ten (10) members
Restaurants, Beer Parlors and Night Clubs of over one thousand (1,000) square feet in area	-One (1) for each two (2) seats plus one (1) for each employee
Sanitariums, Convalescent Homes, Children's' Homes	-One (1) for each three (3) beds plus one(1) for each employee
School, Technical Institution or College	-One (1) for each eight (8) seats in auditorium or three (3) for each one (1) classroom, whichever is greater
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than Schools	-One (1) for each three (3) seats or bench seating spaces
Wholesale Establishments or Warehouses	-One (1) for each three (3) employees on maximum shift or for each three thousand (3,000) square feet of floor whichever is greater

21.2 Development and Maintenance of Parking Areas: Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- 21.2.1 **Screening and Landscaping:** Refer to Article 6.20 & 6.21 for regulations related to landscaping and/or screening requirements, as applicable.
- 21.2.2 **Surfacing:** Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface such as concrete or asphalted concrete.
- 21.2.3 **Lighting:** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
- 21.2.4 **Joint Use of Parking Areas:** Parking spaces may be located on a lot other than that containing the principle use with approval of the Board of Zoning Appeals provided a written agreement, approved by the Board and accepted by the Board of Township Trustees shall be filed with the application for a zoning permit.
- 21.2.5 **Parking Areas - Modifications:** The Board of Zoning Appeals may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board of Zoning Appeals unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.
- 21.2.6 **Setbacks:** In all M, PUD, & B Districts, off-street parking and vehicular use areas may be located in required yards as specified elsewhere in this resolution. In no case, however, shall any parking or vehicular use area be located closer than 5' to the nearest property line or road or street right-of-way line. Where greater setbacks are required for landscaping and screening requirements specified elsewhere in this resolution, the greater setback shall apply.
- 21.3 Off-Street Loading:** In any district, in connection with every building or part thereof erected and having a gross floor area of five thousand (5,000) square feet or more which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided loading space, plus one additional such loading space for each ten thousand (10,000) square feet or major fraction thereof, of gross floor area so used in excess of ten thousand (10,000) square feet.
- 21.4 Loading Space - Dimensions:** Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
- 21.5 Loading Space - Occupy Yard:** Subject to limitations in Article 21.6 such space may occupy all or any part of any required yard.

21.6 Loading Space - Distance from R-District: No space shall be closer than fifty (50) feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence no less than six (6) feet in height.

ARTICLE 22

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

22.0 **Purpose:** The purpose of this chapter is to protect the general health, safety, and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information, and identification. Specifically, it is the intent of this section to provide businesses in township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas, and points of interest in the township. This section is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use, that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties in the community.

22.1 **Definitions:**

- A sign is defined as any name, number, symbol, identification, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure or other device and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes back-lighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.
- All signs located on land within the township and visible from any public right-of-way or adjacent property shall comply with this section unless specifically exempted in this Article.

22.2 **Zoning Certificates, Inspections & Removal:** The erection or location of any sign within Bath Township shall require a Zoning Certificate unless otherwise specified within this Article. Each application for a Zoning Certificate to erect a sign shall be accompanied by the following before it will be processed by the Zoning Inspector:

1. A drawing, rendering or photograph showing the proposed design, size, height, style, color, lettering type, lines, symbols, and/or copy.
2. Any and all methods of illumination.
3. Names and contact information for the party responsible for the construction, maintenance, installation, and removal of the sign.
4. The location of the sign relative to the road, right of way, sight lines, buildings, and property lines.
5. Any other information that the Zoning Inspector, upon review of the application may deem necessary to process the Zoning Certificate.

22.2.1 **Fees:** The applicant for a Zoning Certificate herein shall pay such fees as is prescribed by the Bath Township Trustees. Such fees shall be prescribed annually, or more often, by the Trustees.

22.2.2 Inspections: All signs proposed to be erected within this Township are subject to inspection, whether a Zoning Certificate is required or not, prior to installation. The Township Zoning Inspector and/or any other official of the Township is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this article are being complied with. Such inspection may be made at any reasonable time without prior notice.

22.2.3 Removal of Signs: The Township Zoning Inspector shall remove, or have removed via civil action any sign for which no required Zoning Certificate has been applied for, issued or approved.

Signs placed illegally in the road right-of-way may be determined by the Road Foreman or Township Trustees to be a hazard or obstruction to the operation and/or maintenance of the road. The Board of Trustees may declare the sign to be a nuisance at which time the responsible parties will have thirty (30) days to remove the object or the Township will remove it at the owner's expense.

The Township shall reasonably retain said signs and shall attempt to notify the owner thereof of its location. If the owner of any sign fails to claim the same within forty-five (45) days after notice by the Zoning Inspector, said sign may be destroyed or discarded.

22.3 **General Requirements**: The following restrictions shall apply to all signs located and erected within the Township regardless of type, style, location design or other classification.

22.3.1 Stability: Signs shall be so constructed that they will withstand wind pressure and atmospheric conditions of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened suspended or supported so that they will not be a menace or hazard to persons or property.

22.3.2 Location: No sign shall be located nor project into the right-of-way of any public or private road within the Township. Signs shall not prevent free ingress to or free egress from any door, window or fire escape. Said sign or signs shall be located in strict compliance with Article 22.10 and any other portion of this Resolution.

22.3.3 Lighting: If illuminated, signs and properties shall not be illuminated by flashing lights, fluctuating lights, blinking lights, intermittent lights, or a string of lights. Appropriate illumination of signs shall be only by the following means:

22.3.3.1 By a white steady, stationary light of reasonable intensity and/or brightness, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

- 22.3.3.2 By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on a translucent background. No additional lighting shall be permitted.
- 22.3.3.3 Non-flashing neon.
- 22.3.4 Signs shall not use the words “STOP”, “LOOK”, “DANGER”, or other similar words, images or messages that may mislead or confuse traffic or produce a potentially hazardous situation.
- 22.3.5 Sight Interference: No sign shall be permitted in Bath Township that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- 22.3.6 Maintenance: All signs constructed or erected within Bath Township shall be maintained as follows: All sign surfaces, supports, braces, guys and anchors shall be kept in a reasonable state of repair and preservation.
- 22.3.7 Traffic Safety - Colors, etc.: Display signs shall not closely resemble or approximate the shape, form and/or color of official traffic signs signals and devices.
- 22.3.8 Height: No sign shall be erected to a greater height than permitted by the specific provisions of this Resolution and in compliance with Article 22.10. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than fifteen (15) feet above the average grade of the property or the nearest road surface, whichever is higher.
- 22.3.9 Visibility: Any interior window sign visible from the outside shall be considered an exterior sign and shall be subject to all provisions of the Bath Township Zoning Resolution.
- 22.4 **Permitted Signs - No Zoning Certificate Required**: The following signs shall be permitted in the Township subject to the regulations set forth herein. No permit shall be required for any sign constructed or erected under the terms of this article. Under no circumstances shall the signs be located in the road right-of-way nor illuminated in any manner. No sign shall have more than two (2) sides. All signs shall comply with requirements listed in Article 22.10.
 - 22.4.1 Signs for Sale, Lease or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. All such signs shall be removed within thirty (30) days after occupancy. See Article 22.5 - Permit required - for signs larger than six (6) square feet on parcels greater than fifteen (15) acres.
 - 22.4.2 Vehicular Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said

signs are located outside the right-of-way of any public street or road, shall be permitted provided said signs do not exceed two (2) square feet of area per side, do not exceed three (3) feet in height, and do not interfere or obstruct visibility when entering or leaving property.

22.4.3 Name and Address of Occupant of residential property, not to include designations as to employment or home occupation, and to be limited in size to no more than two (2) square feet in area per side. No more than one (1) sign shall be permitted.

22.4.4 Temporary Signs for community activities and events shall be permitted in any district of the Township provided the said signs are located outside the road right-of-way and that said signs:

22.4.4.1 Shall not interfere with visibility of traffic entering or leaving the highway.

22.4.4.2 Are erected or posted not more than thirty (30) days prior to an event and are removed within seven (7) days following said event.

22.4.4.3 Are capable of posting and removal without destruction or excavation of public or private property.

22.4.4.4 Are not attached to certain structures including utility poles, light poles, and fences.

22.4.4.5 Designate the name and address of the landowner and/or person and committee charged with removal of the sign.

22.4.4.6 Shall not exceed five (5) feet in height and thirty-two (32) square feet in area per side.

Such signage includes the promotion of school activities and events, community service activities and events, church activities and events, or an election. No more than sixty-four (64) square feet of signage shall be permitted on any one (1) lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 22.3. No one sponsor, group, person, or organization shall display such promotional signs for more than ninety days in any one calendar year or 365 day cycle.

22.4.5 Farm Signs denoting the name and address of the occupants, denoting produce or products for sales on the premises and denoting membership in organizations. No more than two (2) signs of any type may be permitted. Advertising signs may not exceed thirty-two square feet of area per side and all other signs shall be limited to six (6) squares feet per side.

- 22.4.6 Business/Professional signs: One (1) sign having not more than 4 square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- 22.4.7 Public Use Facilities: Signs designating public uses or facilities shall be in conformity with this Resolution.
- 22.4.8 Each and Every Premise within Bath Township shall be easily identified by street numbers visible from the street to assist Fire and Rescue Personnel.
- For a nominal fee, Bath Township will make 911 signs for township residents; these signs have been approved and strongly encouraged by the Fire Department to be posted.
- 22.4.9 Historical Signs, Commemorative Plaque or Cornerstones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated,
- 22.4.10 Yard, Garage, or Moving Sales: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days or a Zoning Certificate is required.
- 22.4.11 Construction Signs: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months, whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or lot number. Signs can be erected up to 60 days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6) square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 22.10.
- 22.4.12 (This section is intentionally left blank)
- 22.4.13 Property Control Signs: (No Hunting, Keep off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.
- 22.4.14 Window Signage with a total area of less than two (2) square feet and bearing only information about entry and exit, business hours and/or

discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card).

22.4.15 Signs incorporated into a window display of a business other than those addressed in section 22.4.14, provided such window display signs are:

22.4.15.1 Limited to ten percent (10%) of the total first floor window area up to a maximum of four (4) square feet, with no more than one such sign per window.

22.4.15.2 Placed only in ground level windows.

22.4.15.3 Illuminated only from a concealed source, and in accordance with section 22.3.3.

22.4.15.4 This specific signage does not count towards the maximum square footage of signage allowed on a parcel.

22.4.16 The flags, pennants, or insignia of any nation, state, city, or other political unit.

22.4.17 Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.

22.5 **Permitted Signs - Zoning Certificate Required:** The following signs shall be permitted upon obtaining a Zoning Certificate in areas clearly delineated herein and subject to the reasonable regulations set forth herein:

22.5.1 Real Estate Signs in All Zoning Districts: On parcels exceeding fifteen acres, one (1) sign not to exceed thirty-two (32) square feet per side and height as determined by Article 22.3.10. Signs identifying a property for sale, rent or lease may be placed on-site until thirty (30) days after occupancy. Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. Such signs shall not be illuminated and shall be set back from the public right-of-way a minimum of ten (10) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.

22.5.2 Subdivision Sale Signs: One (1) sign providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property until ninety percent (90%) of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer and information regarding price, terms and the location and telephone number of the sales office. Where a parcel has frontage on two (2) or more roads, one (1) sign may be permitted on each road on review of the

Zoning Inspector. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the right-of-way a minimum of ten (10) feet.

22.5.3 Model Home Signs: One (1) sign per model home providing information on the builder, telephone number, and hours of operation. Signs shall be no more than six (6) square feet per side, no more than two (2) sides and may be placed on the property until ninety percent (90%) of the lots within the subdivision are sold. Two (2) such signs shall be limited to entrances along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. Signs shall not exceed six (6) feet in height, and shall not contain any advertising of products or changeable copy, nor shall they be portable signs on wheels. Within any zoning district, any sign not specifically permitted in this Article shall require a variance or conditional use permit from the Board of Zoning Appeals.

22.5.4 Permanent Subdivision Identification Signs in all zoning districts shall be limited to entrances along major thoroughfares and shall not obstruct the visibility at any intersection. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side, and shall be landscaped. Identification signs shall not contain any advertising of products or changeable copy, nor shall they be portable signs on wheels within any district.

22.5.5 Changeable Copy Signs: Permanent sign installations with changeable copy shall include signs with the ability to change the content of the text or message without physically altering the sign. Copy can be changed manually or electronically. Such signs shall be located, sized and operated based on restrictions set forth throughout Article 22 of this Resolution.

22.5.5.1 All changeable copy signs shall be adequately maintained and in good repair at all times AND permanently mounted to the side of a building or on the ground using prescribed standards for installation, size and location. Changeable Copy signs are not permitted on any type of motor vehicle or other temporary structure except as provided in 22.5.5.2.

22.5.5.2 So called A-frame or temporarily placed, changeable copy sign panels shall be permitted for short term promotions of events, sales, announcements, etc on any one parcel for a period not to exceed 5 days consecutively or 21 days cumulatively for any calendar year.

Such signs that have been in place and in use on the effective date of this Resolution shall be permitted to remain in place

and in use on a daily basis for a period of two (2) years at which time the use of the sign shall comply with the above prescribed restrictions, be updated to a permanently installed sign or removed.

If the parcel that such a sign is located becomes split, combined with another parcel or the property or business is sold to any other entity or person, the sign shall be removed immediately upon transfer.

22.5.5.3 Changeable copy signs shall be sized, located and operated in those Zoning Districts as prescribed in Section 22.10 of this Resolution.

22.5.5.4 Content of all Changeable Copy signs shall pertain to the on-premise advertising only except those images and messages relevant to the promotion of community wide events for non-profit purposes.

22.5.6 Business or Manufacturing Display Signs: All display signs shall be mounted on the building that houses the business establishment advertised by such signs, EXCEPT as otherwise specifically authorized by this Resolution. Such signs shall be located on or along one (1) wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall that is an extension of a building wall that faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building and such wall does not extend beyond any required building setback line of the building to which such extension wall is attached. The display area of the sign must be located either on the wall or extension. It may not be located on both and shall not exceed sixty-four (64) square feet. All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall.

22.5.7 Free Standing Signs in Business and Manufacturing Districts: A sign supported by posts, pillars, and columns or other structures shall be permitted based on the following conditions:

22.5.7.1 The maximum height of such sign does not exceed fifteen (15) feet above the established grade line or 15' above the grade at the nearest edge of the street, whichever is greater, but in no case shall the height exceed twenty (20) feet.

22.5.7.2 Not more than one (1) free standing sign may be authorized for any one (1) operation or establishment. Where more than one (1) operation or establishment is located on a single tract

of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determine by community of use, rather than by the ownership thereof, it being intended by this provision to limit each operation, establishment of similar joint operation to one (1) free standing sign, EXCEPT in the case of an operation or establishment that is contiguous to two (2) streets in which case one (1) free standing sign, fronting on each street, may be authorized by the Bath Township Zoning Inspector.

22.5.7.3 No part of such sign will be closer to any street right-of-way line than fifteen (15) feet. No sign or its supporting structure shall be any closer to any other property line than the applicable building setback line.

22.5.7.4 The function of such sign shall be relevant to the use of the property on which it is located.

22.5.8 Signs for Home Occupations: One (1) sign per residence no larger than four (4) square feet shall be permitted for the purpose of announcing a home occupation which has complied with all of the requirements of the Bath Township Zoning Resolution. There shall be no fees charged for the Zoning Certificate with this use.

22.6 **Conditionally Permitted Signs - Zoning Certificate Required:** Any sign not specifically permitted in this Article 22 shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in Article 29 and 30 of the Bath Township Zoning Resolution.

22.7 **Prohibited Signs:** The following signs shall be prohibited in Bath Township:

22.7.1 Signs mounted and/or painted upon the roof of any building or structure, except identification signs on agricultural buildings.

22.7.2 Signs not otherwise specifically authorized by this Resolution.

22.7.3 Moving or rotating signs, portable signs, portable billboards, pennants, streamers, spinners, banners, "A" frame signs and billboards or inflatable and/or floating attraction devices, physical animation of signs and other similar devices as specifically used for advertising purposes.

22.7.4 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

22.7.5 (This section intentionally left blank)

- 22.7.6 Advertising devices that attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
 - 22.7.7 No signs shall be posted, attached, mounted or otherwise applied on utility poles, or any other unapproved supporting structure.
 - 22.7.8 No vehicle, trailer, or equipment of any type, in whole or part, not intended or used in the normal operations of any business or service in question, may be parked for more than ten (10) days annually (whether consecutively or cumulatively) in the Township for the purposes of advertising any business, product, service, event, object, location, organization or the like.
 - 22.7.9 No sign shall be located on a vacant lot, EXCEPT for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of a present danger or the prohibition of trespassing.
- 22.8 **Abandoned Signs:** If any sign is determined to be unmaintained, abandoned or defective in any manner defined herein, such signs are hereby declared to be a public nuisance by reason that continued lack of use and maintenance results in a blighting influence on nearby properties and is considered to be an overall detriment to the Township. An abandoned or defective sign is any sign or billboard that meets any of the following criteria:
- 22.8.1 A sign associated with an abandoned non-conforming use.
 - 22.8.2 Any sign that remains after a business has ceased operations or is closed to the public for one hundred eighty (180) consecutive days. Seasonable businesses are exempt from this determination.
 - 22.8.3 Any sign that is not maintained in accordance with this Resolution.
 - 22.8.4 Any sign that is structurally defective, in need of repair, or is otherwise a hazard to public safety or aesthetically incompatible with the surrounding property as permitted by law.

When the Zoning Inspector finds, upon investigation, that a sign has been abandoned or defective as defined herein, the Inspector shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign and its supporting structure has been declared abandoned or is in need of repair and must be removed or repaired within thirty (30) days from the date of the said notice at the owner's expense. The owners may appeal such decision to the Board of Zoning of Appeals as provided in Article 28.

Any abandoned or defective sign and its supporting structure that is not removed or repaired within the thirty (30) day window may not be replaced or repaired without

obtaining a new Zoning Certificate and complying with all of the requirements of Article 22.

It shall be the duty of the Zoning Inspector to maintain a photograph and file of said sign together with the written report of any findings for submission to the Board of Zoning Appeals upon request. If the sign is not removed by the property owner or responsible party as ordered, the same shall be removed by the Township at the expense of the property owner or responsible party.

- 22.9 **Non-Conforming Signs:** Any sign in existence within the Township prior to the effective date of this Resolution that does not conform with the provisions of this Article is considered to be non-conforming.

Any sign that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign shall not be relocated unless it is brought into compliance with the provisions of this Article. A non-conforming sign shall be maintained or repaired in accordance with the following provisions:

- 22.9.1 The size and structural shape shall not be changed or altered in any manner which would exaggerate or increase a non-conforming aspect of the sign.
- 22.9.2 The copy may be changed provided that the sign structure and components are brought into compliance with the provisions of this Resolution within five (5) years of the copy being changed in any manner. The copy area shall not be enlarged and a Zoning Certificate must be issued for any changes.
- 22.9.3 In a case of damage occurring to a sign, the supporting structure or other elements critical to the function of the sign, the Zoning Inspector will determine if the extent of the damage is more or less than 50% to the structure or replacement value of the sign and/or the critical components. When damage exceeds 50%, the sign shall be brought into compliance with current standards or deemed abandoned. When the damage to the sign is less than fifty percent (50%), the sign shall be repaired within one hundred twenty (120) days or deemed abandoned.

Article 22.10 - Table of Sign Area, Height and Setback Requirements

Sign Type	Zoning Districts:							Requirements:					
	RU	R-1	R-2	R-3, PUD, MHP	B-1 & B-2	PBO	MFG	Max. Size	Max. Height	Setback from R.O.W	Permit Req'd	No. of Signs Allowed	Notes
For Sale, Lease or Rent	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	2	Non-illuminated
Real Estate on 15 acres +	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	Yes	1	Non-illuminated
Vehicular Signs	N	N	N	Y	Y	Y	N	4 SF	4	1'	No	-	
Vehicular Signs - Manufacturing	N	N	N	N	N	N	Y	8 SF	8	1'	No	-	
Off Premises Directional Signage	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	10'	No	2/business	
Name & Address Signs	Y	Y	Y	Y	Y	Y	Y	2 SF	8'	1'	No	1	
Political Signs	Y	Y	Y	Y	Y	Y	Y	32 SF	4'	1'	No	-	
Temporary Announcement Signs	Y	Y	Y	Y	Y	Y	Y	32 SF	5	10'	No	-	Refer to 22.4.4
Farm Signs	Y	N	N	N	N	N	N	6 SF	4'	1'	No	See notes	2 total
Advertising Signs on Farms	Y	N	N	N	N	N	N	32 SF	8'	10'	No	See notes	See above
Business/Professional Signs	Y	Y	Y	Y	Y	Y	Y	4 SF	8'	on bldg.	No	1	
Historical/Commemorative Signs	Y	Y	Y	Y	Y	Y	Y	9 SF	8'	1'	No	1	Non-illuminated
Yard, Garage or Moving Sale Signs	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	7 days maximum
Construction Signs - single residence	Y	Y	Y	Y	Y	Y	Y	6 SF	4'	1'	No	1	
Construction Signs - major structure	Y	Y	Y	Y	Y	Y	Y	32 SF	8'	10'	No	1	
Home Occupation Signs	Y	Y	Y	Y	Y	Y	Y	4 SF	8'	Note 1.	Yes	1	Non-illuminated. See Note 1 below
Property Control Signs	Y	Y	Y	Y	Y	Y	Y	2 SF	3'	1'	No	-	
Window Signs w/ hours & credit Info.	N	N	N	N	Y	Y	Y	2 SF	8'	on bldg.	No	1	
Signs in Window Display	N	N	N	N	Y	Y	Y	4 SF	8'	on bldg.	No	1/window	
Subdivision Sale Signs	N	Y	Y	Y	Y	Y	N	32 SF	8'	10'	Yes	1	
Model Home Signs	N	Y	Y	Y	Y	Y	N	6 SF	6'	10'	Yes	1	
Permanent Subdivision Ident. Signs	N	Y	Y	Y	N	N	N	32 SF	8'	10'	Yes	2	
Business or Manuf. Display Signs	N	N	N	N	Y	Y	Y	See note	15'	on wall	Yes	1	See Note 3
Free Standing Sign	N	N	N	N	Y	Y	Y	See note	15'	15'	Yes	1	See Note 3

N = Not Permitted Y = Permitted

Revised: March 6, 2012

22-12

Article 22.10 - Table of Sign Area, Height and Setback Requirements													
Sign Type	Zoning Districts:							Requirements:					
	RU	R-1	R-2	R-3, PUD, MHP	B-1 & B-2	PBO	MFG	Max. Size	Max. Height	Setback from R.O.W	Permit Req'd	No. of Signs Allowed	Notes
Permanent Changeable Copy Signs	Y	N	Y	Y	Y	Y	Y	12 SF	8'	15'	Yes	1	Refer to 22.5.5
Temporary Changeable Copy Signs	Y	N	Y	Y	Y	Y	Y	12 SF	5'	15'	Yes	1	Refer to 22.5.5.2
N = Not Permitted Y = Permitted													

Notes:

1. Home occupation signs may be allowed in the front yard in cases where the dwelling structure is located more than thirty (30) feet behind the normal setback location for the dwelling structure or in those cases where the State of Ohio requires placement in the front yard for licensing of specific businesses. Such signs placed in front yards are required to be ten (10) feet from the right of way line.
2. Changeable Copy Signs are permitted in Rural and Residential Zoning Districts only for the following uses or entities: Churches, schools, colleges, government uses, non-profit organizations, or as required by law.
3. Maximum square footage total of ALL Business or Manufacturing Display Signs and Free Standing Signs not to exceed sixty-four (64) square feet.

ARTICLE 23

AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS

- 23.0 Entrance - Distance Requirements:** No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks or buses, or parking garage or automobile repair shop, shall have an entrance exit for vehicles within 200 feet along the same side of a street of any school public playground, the entrance to a public park or cemetery, monastery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
- 23.1 Oil Draining, Etc.:** No automobile service station or public garage shall be permitted where any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances, other than filling caps, are located within 12 feet of any street lot line or within 25 feet of any R-District except where such appurtenances are within a building.
- 23.2 Automobile Service Station - Enclosure:** Except in integrated shopping centers and in M-Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located shall be enclosed in the rear and on the sides by a solid masonry wall not less than 6 feet high. The first 10 foot section of such wall, measured from the street right-of-way line, may be stepped down to 2 feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE 24

(ARTICLE NOT USED – RESERVED FOR FUTURE USE)

ARTICLE 25

EXTRACTION OF MINERALS

25.0 General Requirements: Any owner, or lessee or other person, firm or corporation having an interest in mineral lands in any FP and Rural Districts may file with the Board an application for authorization to mine minerals there from, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

25.0.1 Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than seventy five (75) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to fifty (50) feet by written consent of the owner or owners of the abutting property;

25.0.2 Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way;

25.0.3 Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;

25.0.4 Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Township Trustees;

25.0.5 Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use provided, however, that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

25.1 Applicant - Financial Ability: In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

25.2 Application - Contents, Procedure: An application for such operation shall be set for the following information:

25.2.1 Name of the owner or owners of land from which removal is to be made.

25.2.2 Name of the applicant making request for such permit.

- 25.2.3 Name of the person or corporation conducting the actual removal operation.
- 25.2.4 Location, description and size of the area from which removal is to be made.
- 25.2.5 Location of processing plant used.
- 25.2.6 Type of resources or materials to be removed.
- 25.2.7 Proposed method of removal and whether or not blasting or other use of explosives will be required.
- 25.2.8 Description of equipment to be used.
- 25.2.9 Method of rehabilitation and reclamation of the mined area.

25.3 Public Hearing: Upon receipt of such application, the Board of Zoning Appeals shall set the matter for a public hearing in accordance with the provisions of Article 29.

25.4 Rehabilitation: To guarantee the restoration, rehabilitation and reclamation of mined-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township, in an amount of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the following minimum requirements:

- 25.4.1 Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with no noxious, non-inflammable and noncombustible solids, to secure:
 - 25.4.1.1 That the excavated area shall not collect and permit to remain therein stagnant water; or,
 - 25.4.1.2 That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- 25.4.2 Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.

25.5 Additional Requirements: In addition to the foregoing the Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board of Zoning Appeals prior to issuance of the permit.

25.6 Gas and Oil Wells: In any and all Districts of the Township a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

25.6.1 Compliance with all applicable laws of the State of Ohio.

25.6.2 A Surety Bond in the amount of ten thousand dollars (\$10,000) has been obtained and is attached to the drilling permit applications to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalk, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

25.6.3 No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located neither within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential dwelling.

25.7 Excavation for Fill: Excavation for fill (borrow-pits) may be permitted in any District, however, shall be subject to the approval and specifications of the Board of Zoning Appeals.

ARTICLE 26

MOTELS AND MOTOR HOTELS

26.0 General Requirements: The following requirements shall be complied with:

- 26.0.1 Area and Yard Requirements: Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- 26.0.2 Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Resolution.
- 26.0.3 Entrance: No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
- 26.0.4 Landscaping - Unused Area: All areas not used for access, parking circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than 10 feet in width, shall be established and maintained along its exterior boundaries when adjoining any "R" District.
- 26.0.5 Enclosure: Motels and motor hotels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than 6 feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Commission.
- 26.0.6 Enlargement - Permit: Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate, as if it were a new establishment.

ARTICLE 27

ZONING CERTIFICATES

- 27.0 Zoning Certificates:** It shall be unlawful for an owner to use, or permit the use of, any structure, building, land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building, premises, or the proposed use thereof, conforms to all the requirements of this Resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.
- 27.1 Conditions under which Certificates are Required:** A zoning certificate shall be required for any of the following, except as herein provided:
- 27.1.1 Construction or structural alteration of any structure.
 - 27.1.2 Change in use of an existing structure to a use of a different classification.
 - 27.1.3 Occupancy and use of vacant land.
 - 27.1.4 Change in the use of land to a use of a different classification.
 - 27.1.5 Any change in the use of a nonconforming use.
- 27.2 Application and Issuance of Zoning Certificates:** The following shall apply in the application and issuance of zoning certificates:
- 27.2.1 Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector or his agency, provided such construction or alteration is in conformity with the provisions of this Resolution.
 - 27.2.2 Written application for a zoning certificate for the use of vacant land or for a change in the use of land of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use in conformity with the provisions of this Resolution, the certificate therefore shall be issued within thirty (30) days after the application for same has been made.

- 27.2.3 Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where constructions or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey. Where necessary because of technical complexity or to protect the health and safety of townships residents, any such application ay be required to contain such detailed or engineering or construction plans, drawings, and other such geologic, hydro geologic, or other engineering, scientific, or technical information which may be necessary and useful in the review, assessment, and evaluation of any such application.
- 27.2.4 Failure to notify the applicant in case of such refusal within the said thirty (30) days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.
- 27.2.5 No time limits provided in this Article shall commerce until such time as the application or zoning certificate shall be deemed administratively complete by the zoning inspector. The zoning inspector may, from time to time, request such supplemental information as may be necessary to completely and properly review any applications submitted pursuant to these zoning regulations. In the event that the review of any such application cannot or will not be completed within the thirty days specified above, the zoning inspector shall notify the applicant of such fact.

27.3 General Provisions

- 27.3.1 Each plan shall show:
- 27.3.1.1 The street provided access to the lot and the exact location of the lot in relation to the nearest cross street.
 - 27.3.1.2 The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - 27.3.1.3 The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - 27.3.1.4 The location and size of the proposed structure, and/or the proposed enlargement of the existing structure.
 - 27.3.1.5 Any other information which in the judgment of the zoning inspector may be necessary to provide for the enforcement of

this resolution, including, but not limited to, detailed, engineering, or construction plans for any building, facility, or use; appropriate geological, hydro geological, or any other technical or scientific information which the zoning inspector shall from time to time deem necessary for the proper and complete review of the application for zoning certificate.

27.3.2 Each plan shall bear statement declaring:

27.3.2.1 That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.

27.3.2.2 Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfers.

27.3.3 Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require applicant to furnish a survey of the lot by a registered engineer or surveyor.

27.3.4 Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

27.3.5 A file of such applications and plans shall be kept in the office of the Zoning Inspector.

27.3.6 The Zoning Inspector shall not issue a zoning certificate for any application requiring site review by the Zoning Commission, such as:

27.3.6.1 Planning Unit Developments (Article 18).

27.3.6.2 Mobile Home Parks (Article 19).

27.3.6.3 Extraction of Minerals (Article 25).

27.4 Appeal of Decision of Zoning Inspector: An appeal of the decision of the Zoning Inspector may be made to the Board of Zoning Appeals as provided in Article 28.

27.5 Fees: Fees shall be charged in accordance with the orders and directions of the Township Trustees.

27.6 Violations and Penalties: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Township Trustees. Any person, firm or corporation violating any of the

provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

27.7 Violations - Remedies: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, any amendment or supplement thereto, the Township Trustees, the County Prosecutor, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 28

ADMINISTRATION

28.0 Purpose

This Article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

28.1 General Provisions

The formulation, administration and enforcement of this Resolution are hereby vested in the following offices and bodies:

- 28.1.1 Zoning Inspector (See Section 28.2);
- 28.1.2 Zoning Commission (See Section 28.4);
- 28.1.3 Board of Zoning Appeals (See Section 28.6); and,
- 28.1.4 Township Trustees (See Section 28.7).

28.2 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. Assistance may be provided by such other persons as the Board of Township Trustees may authorize and direct.

28.3 Responsibilities of Zoning Inspector

For the purpose of this Resolution the Zoning Inspector shall have the following duties:

- 28.3.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provisions;
- 28.3.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;
- 28.3.3 Issue zoning permits and zoning certificates as provided by this Resolution and keep a record of same with a notation of any special conditions involved;
- 28.3.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the

applicant in writing of such refusal or disapproval of said application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the request to the Board of Zoning Appeals;

- 28.3.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible specifying the nature of the violation and ordering corrective action;
- 28.3.6 Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the township office;
- 28.3.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, occupancy permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses;
- 28.3.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
- 28.3.9 Review and approve site plans pursuant to this Resolution;
- 28.3.10 Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed to address such violations; and,
- 28.3.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

28.4 Township Zoning Commission

A Zoning Commission, designated by the Board of Township Trustees, shall assist in the amendment, interpretation, administration and enforcement of this Resolution. The Zoning Commission may, within the limits appropriated by the Board of Township Trustees, employ or contract with such planning consultants and other assistants as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

28.5 Responsibilities of the Zoning Commission

For the purpose of this Resolution the Zoning Commission shall have the following duties:

- 28.5.1 Recommend the proposed Zoning Resolution, including text and Official Zoning District Map representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption.
- 28.5.2 Initiate advisable Official Zoning District Map changes or changes in the text of this Resolution where same will promote the best interest in of the public in general.
- 28.5.3 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

28.6 Board of Zoning Appeals

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory within the township. The terms of all members shall be so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

28.7 Responsibilities of the Board of Zoning Appeals

For the purpose of this Resolution the Township Board of Zoning Appeals shall have the following duties:

- 28.7.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;
- 28.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest;
- 28.7.3 Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution; and,
- 28.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

28.8 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal

It is the intent of the Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 28.10 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code or in such statute as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

28.9 Board of Township Trustees

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- 28.9.1 Approve the appointments of members to the Zoning Commission;
- 28.9.2 Approve the appointments of members to the Board of Zoning Appeals;
- 28.9.3 Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,
- 28.9.4 Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

28.10 Schedule of Fees

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be

altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

(See section 519 of the **Ohio Revised Code** for further clarification if necessary)

ARTICLE 29

CONDITIONAL USE CERTIFICATE

29.0 Nature of Conditional Uses: The conditional uses for each zoning district are contained within the Article regulating each such zoning district. Only the conditional uses specified therein may be considered for use in those districts and such conditional uses can be made only upon the approval of the Board of Zoning Appeals and only upon the terms and conditions set by them.

29.1 Procedure: No Conditional Uses Certificates shall be issued without the Board of Zoning Appeals authorization and approval. Application for such certificate shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The Board may require such other and such additional information including, but not limited to, detail, engineering, or construction plans, or such other technical information as the Board shall deem necessary to properly review and consider said application.

Prior to the issuance of any such Conditional Use Certificate the Board shall fix a reasonable time for a public hearing on such application. The Board shall give at least ten days notice of such hearing, in writing, to the parties in interest and shall give notice of such public hearing by no less than one publication in one or more newspapers of general circulation in the County, no less than ten (10) days before the date of such hearing. After any such hearing, giving due regard to the positions of the parties in interest, the Board shall grant or deny, in writing, within fifteen days thereafter, the Conditional Use Certificate applied for along with any applicable terms and conditions. No Conditional Use Certificate approved by the Board shall be effective until a lapsed period of no less than ten days from the date the written determination is made.

29.2 Nature and Conditions of Surroundings: The Board of Zoning Appeals, in considering an application for a Conditional Use Certificate, shall give due regard to the nature and condition of all adjacent areas, uses and structures in the areas surrounding the proposed conditional uses area before authorizing such Conditional Use Certificate and may impose such requirements, terms and conditions with respect to location, duration, construction, maintenance and operation as the Board may deem necessary for the protection of adjacent properties and the public health, safety, morals and general welfare.

29.3 Disapproval: The Board of Zoning Appeals may disapprove an application for conditional use permit for any one or more of the following reasons:

29.3.1 The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met therein.

- 29.3.2 The proposed development is not in accordance with appropriate plans of the areas.
- 29.3.3 The proposed development will have undesirable effects on the surrounding areas and is not in keeping with the existing land use character and physical development potential of the area.
- 29.3.4 The proposed development represents an unreasonable threat to the health, safety, morals, or general welfare of the residents of Bath Township.

ARTICLE 30

VARIANCE AND GENERAL PROCEDURE

- 30.0 Nature of Variance:** Recognizing that on any particular property, extraordinary circumstances may exist which make a strict enforcement of the applicable zoning resolution standards unreasonable, the following variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which will not ordinarily involve a change of the primary use of the district within which the variance is being sought.
- 30.1 Appeals, Authorization and Approval:** Application for any such variance shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information.
- 30.1.1 The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
 - 30.1.2 An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
 - 30.1.3 A clear and concise statement of the special circumstances or conditions applying to the land or the structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
 - 30.1.4 An explanation of the special circumstances and conditions, which demonstrates and show that these special conditions and circumstances are not the result of the applicant, or the operation of applicant's facilities.
 - 30.1.5 Such other information as the Board of Zoning Appeals may deem necessary from time to time for the proper evaluation and consideration of the application for variance.
- 30.2 Approval of Variance:** The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
- 30.2.1 That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.
 - 30.2.2 That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.

- 30.2.3 That the special conditions and circumstances applicable to applicant's property or facility do not in any fashion result from the actions or operations of the applicant or applicants agents or assigns.
 - 30.2.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning resolution to other lands or structures in the same zoning district.
 - 30.2.5 That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development; will not be materially detrimental to the public welfare, nor injurious to private property of public improvements in the vicinity nor will the variance unreasonably threaten the environment, ground water, nor the health, safety, welfare, or morals of the residents of Bath Township.
- 30.3 Fees:** Fees for application for amendment of this resolution, conditional use certificate, or a variance shall be set and fixed by the Township Trustees. Such fees shall be set to cover the cost of processing such application.
- 30.4 Records:** In the event of any proceedings before either the Zoning Commission or the Board of Zoning Appeals, all stenographic records made shall be the responsibility of the person so requesting a record, and entire cost thereof shall be charged thereto.
- 30.5 Physical Plans:** Physical plans are to be presented to the Zoning Inspector.

ARTICLE 31

AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP

31.0 GENERAL

This Resolution and the Zoning Map may be amended by utilizing the procedures specified in Sections 31.1 through 31.13 inclusive of this Resolution.

31.1 PURPOSE

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may, by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, boundaries, or classification of property.

31.2 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

- 31.2.1 Adoption of a motion by the Zoning Commission;
- 31.2.2 Adoption of a resolution by the Board of Township Trustees; or,
- 31.2.3 Filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

31.3 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official Zoning Map adopted as part of this Resolution by **Article 6 and Articles 10 through 19** shall contain at least the following information:

- 31.3.1 The name, address, and telephone number of applicant;
- 31.3.2 A statement of the reason(s) for the proposed amendment;
- 31.3.3 Present use;
- 31.3.4 Present zoning district;
- 31.3.5 Proposed use;
- 31.3.6 Proposed zoning district;

- 31.3.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- 31.3.8 A list of all property owners, their telephone numbers, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;
- 31.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 31.3.10 A fee as established by resolution of the Board of Township Trustees.

31.4 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the official Zoning Map, shall contain at least the following information:

- 31.4.1 The name, address, and telephone number of the applicant;
- 31.4.2 The proposed amending resolution;
- 31.4.3 A statement of the reason(s) for the proposed amendment;
- 31.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 31.4.5 A fee as established by resolution of the Board of Township Trustees.

31.5 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

31.6 SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission

shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

31.7 PUBLIC HEARING BY ZONING COMMISSION

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

31.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing as required in Section 31.7, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in Bath Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

31.9 NOTICES TO PROPERTY OWNERS BY ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 31.8. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

31.10 RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 31.7, the Zoning Commission shall recommend to the Board of Township Trustees that the

amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

31.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 31.8.

31.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required by Section 31.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees is required.

31.13 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the unincorporated area of Bath Township equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electorate of such area, for approval or rejection, at the next primary or general election.

APPENDIX

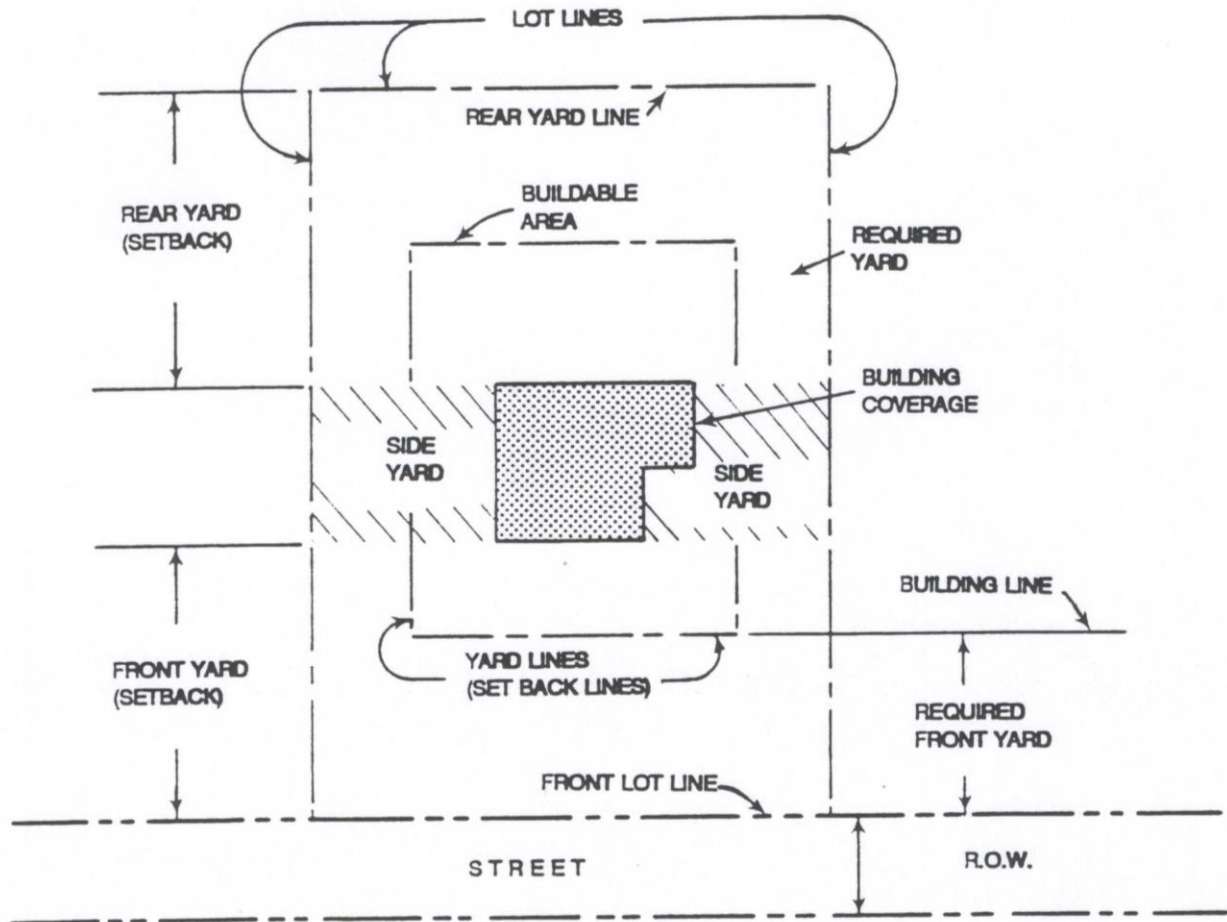
A.1 RESOLUTION VALIDITY:

Each section, sub-section, provision, requirement, regulation, or restriction established by the Resolution or any amendment thereto, is hereby declared to be independent, and the holding by a Court of any part thereof to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Resolution or amendments thereto as a whole or any part thereof than that portion so declared to be invalid.

Approved by the Bath Township Zoning Commission	Dec. 19, 1965
Approved by the Bath Township Trustees	Jan. 31, 1966
Approved by the Voters of Bath Township	May 3, 1966
Amended by Bath Township Board of Trustees	July 13, 1972
Amended by Bath Township Board of Trustees	June 3, 1976
Amended by Bath Township Board of Trustees	Oct. 16, 1979
Amended by Bath Township Board of Trustees	Feb. 17, 1981
Amended by Bath Township Board of Trustees	July 5, 1985
Amended by Bath Township Board of Trustees	Mar. 6, 1986
Amended by Bath Township Board of Trustees	Mar. 3 1988
Amended by Bath Township Board of Trustees	Feb. 2, 1989
Amended by Bath Township Board of Trustees	Sept. 6, 2000
Amended by Bath Township Board of Trustees	Dec. 5, 2000
Amended by Bath Township Board of Trustees	April 6, 2004
Amended by Bath Township Board of Trustees	June 1, 2004
Amended by Bath Township Board of Trustees	August 15, 2006
Amended by Bath Township Board of Trustees	March 6, 2012

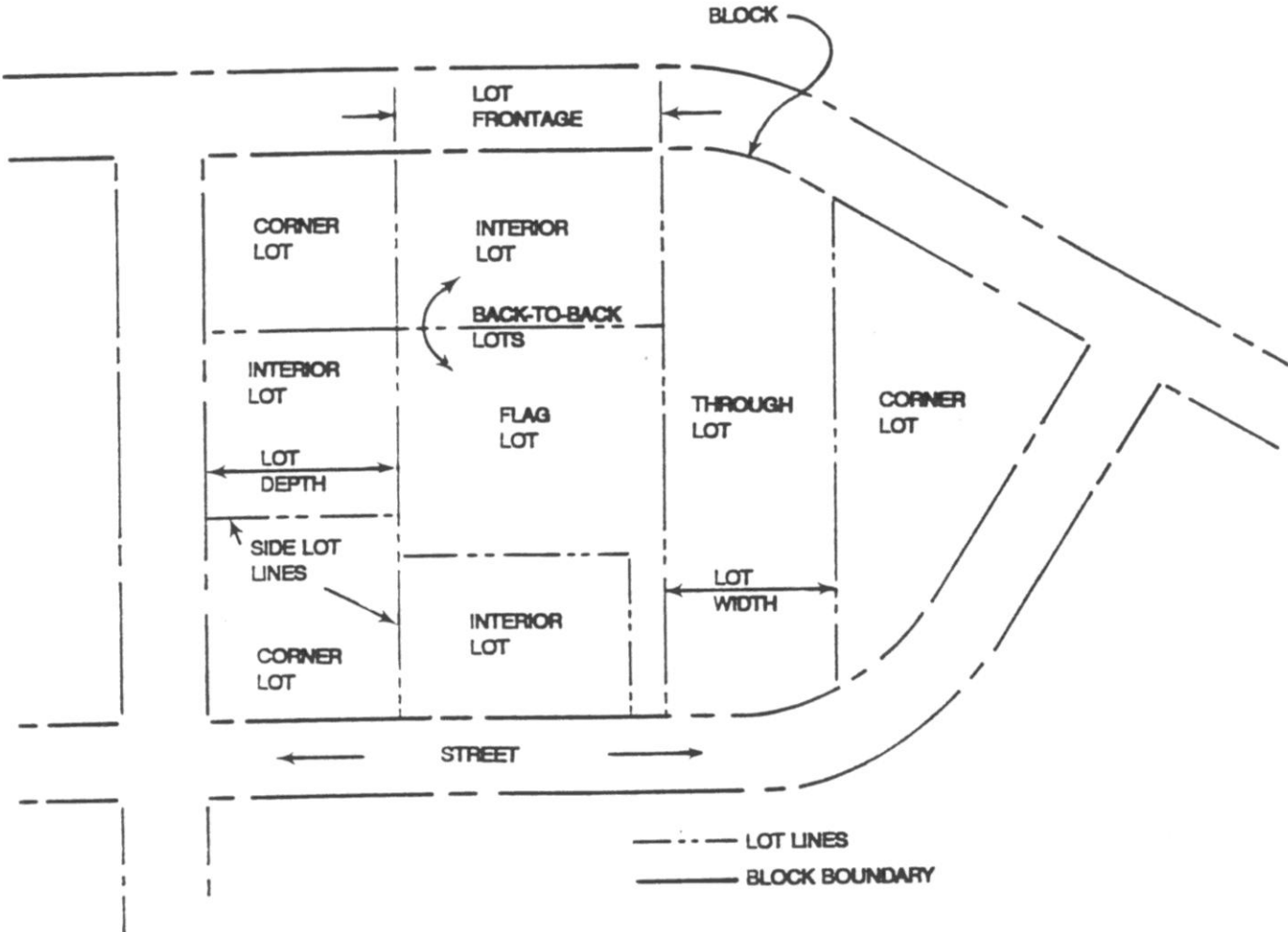
A.2 Illustrations

ILLUSTRATION A:
SETBACK DIMENSIONS



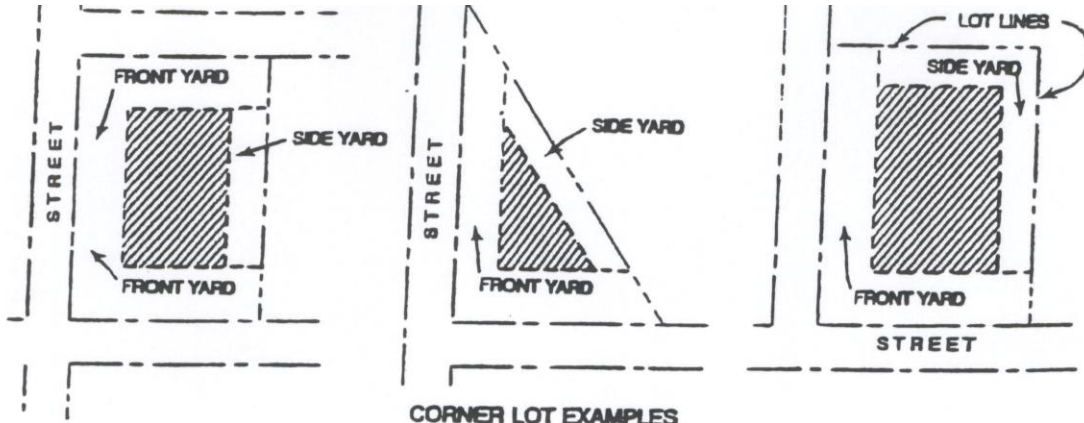
(For informational purposes only.)

**ILLUSTRATION B:
LOT TYPES**

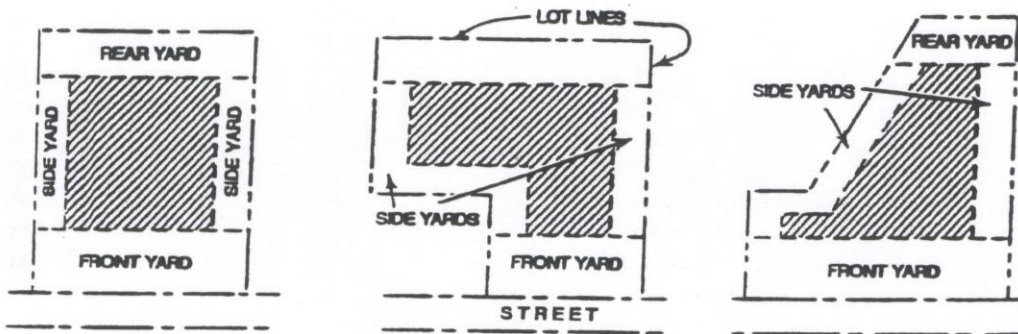


(For informational purposes only.)

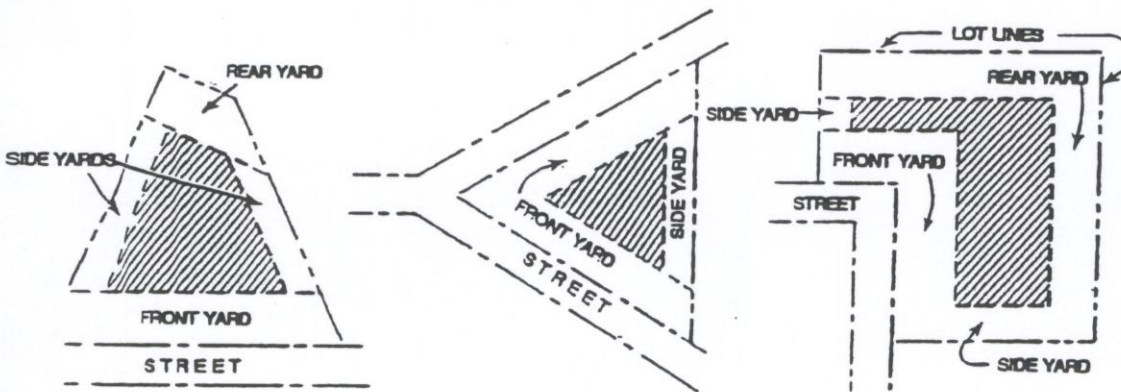
ILLUSTRATION C: ODD SHAPED LOT EXAMPLES



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES

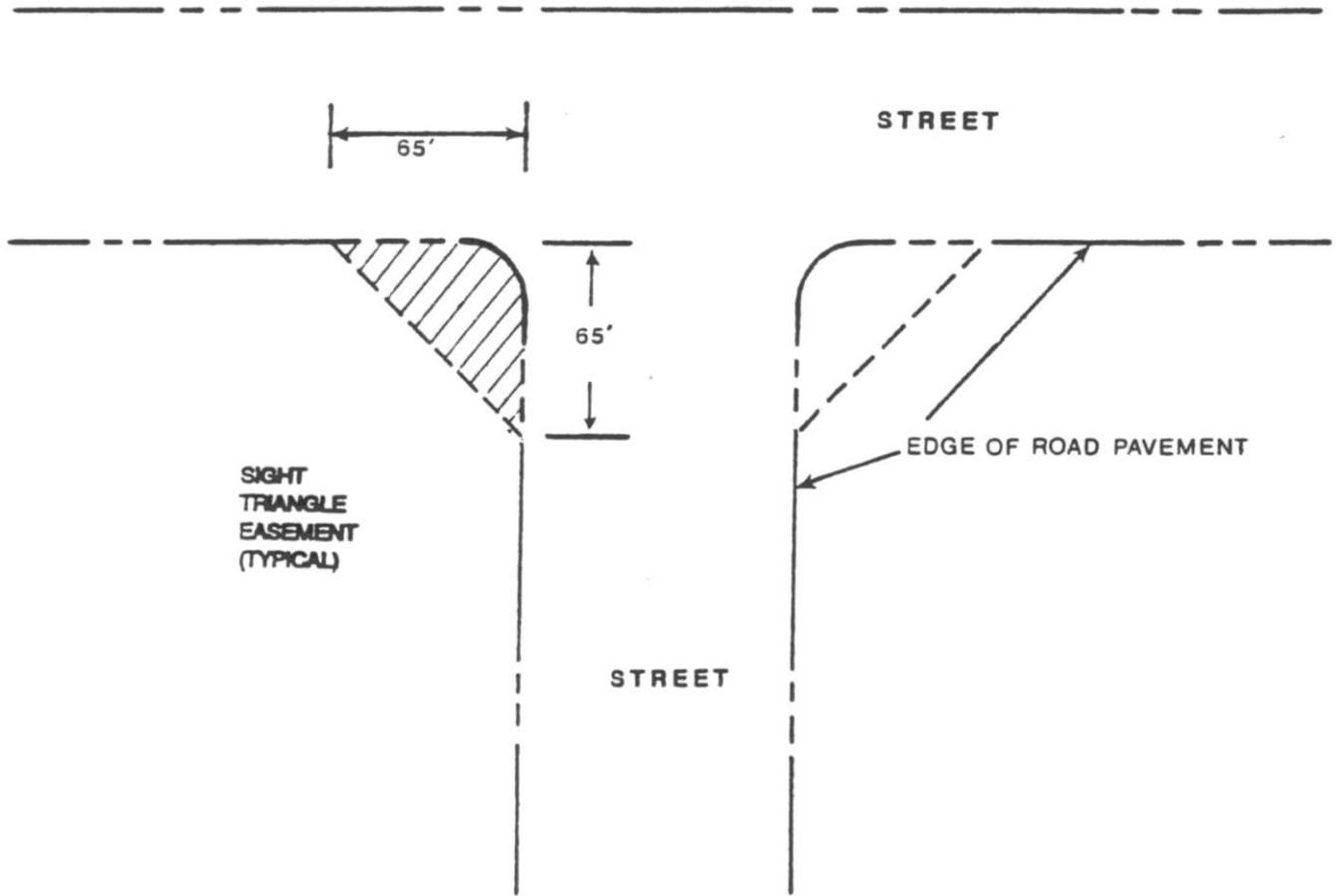


REQUIRED YARDS



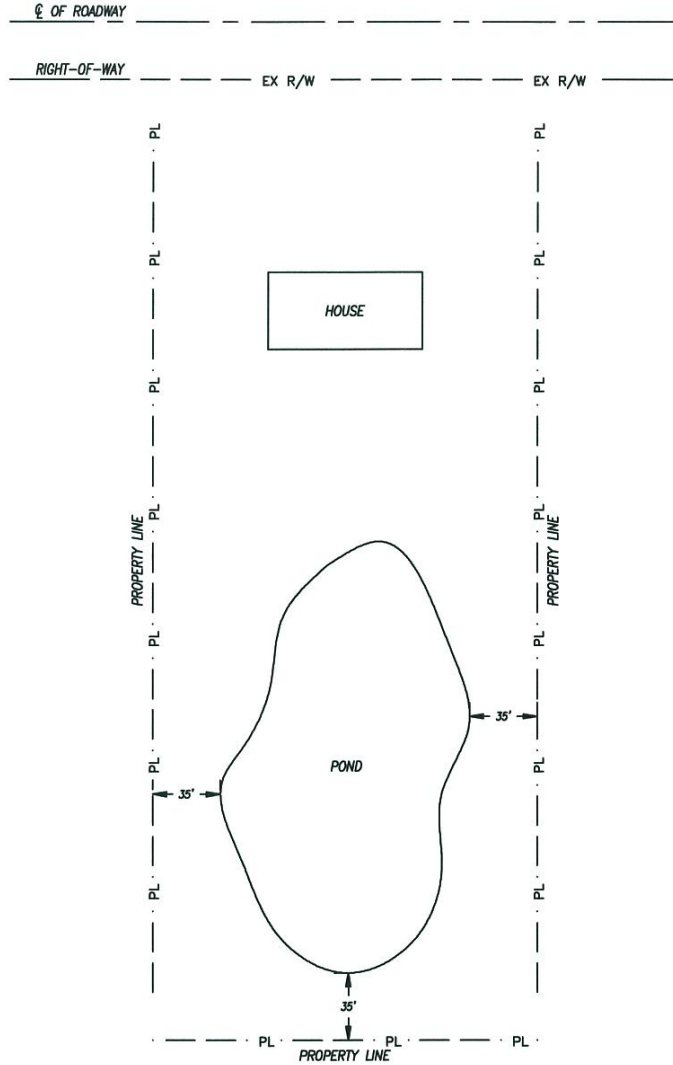
(For informational purposes only.)

**ILLUSTRATION D:
SIGHT TRIANGLE EASEMENT**



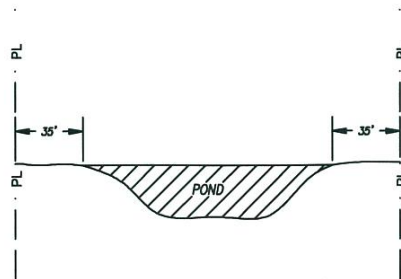
(For informational purposes only.)

ILLUSTRATION E: POND SETBACK DIMENSIONS



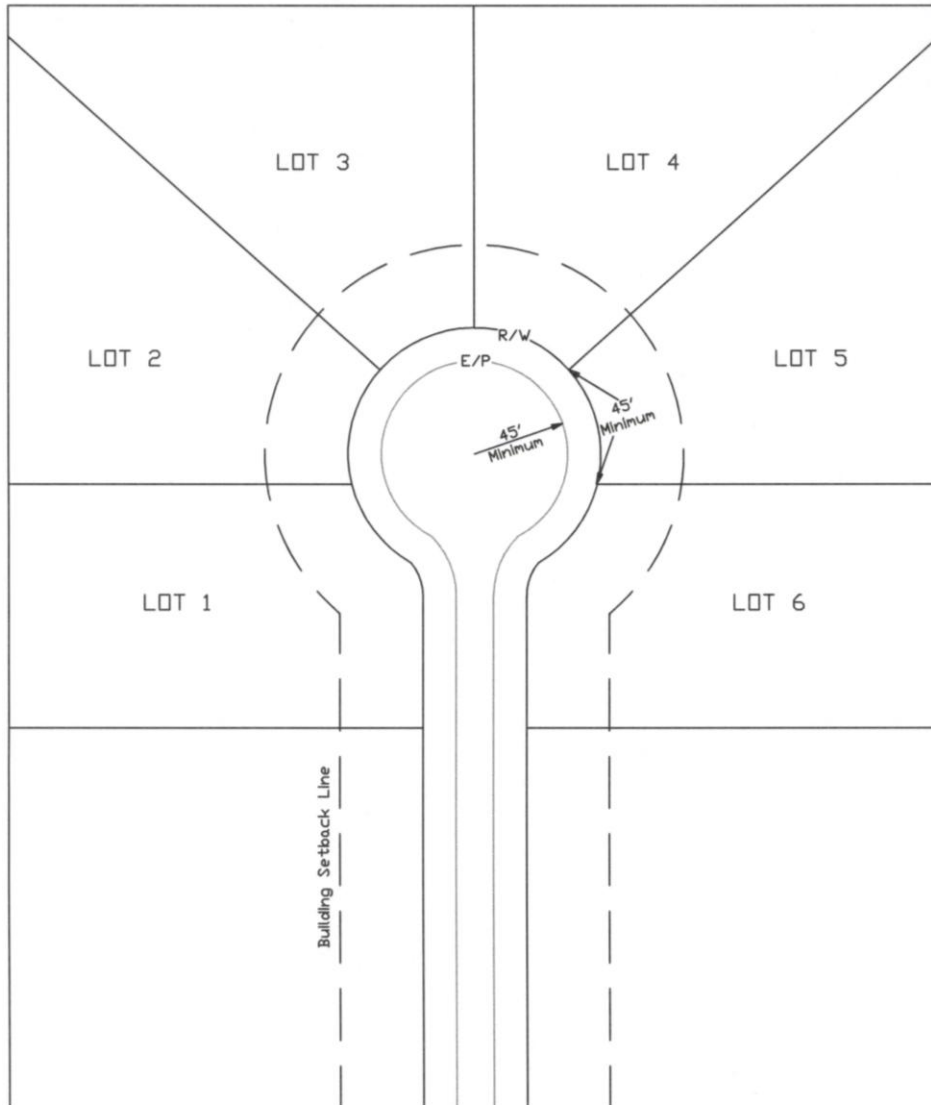
PLAN VIEW

NOTE: NOT TO SCALE
& FOR INFORMATIONAL
PURPOSES ONLY



ELEVATION VIEW

**ILLUSTRATION F:
CUL-DE-SAC MINIMUM DIMENSIONS**



R/W = Right of Way
 E/P = Edge of Pavement
 Maximum cul-de-sac length = 600'
 Maximum # of lots on cul-de-sac bulb = 6
 Driveways shall not surpass more than 53% of the total frontage.

(For Information Purposes Only)