

## INTRODUCTION

### ZONING RESOLUTION FOR CANTON TOWNSHIP STARK COUNTY, OHIO

WHEREAS, the Board of Trustees of Canton Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, and morals for the residents of said township; and,

WHEREAS, a zoning resolution for the building and land use within the unincorporated territory of the township was adopted in 1959, in accordance with Section 519.10 and related sections of the OHIO REVISED CODE: and

WHEREAS, five (5) Persons have been duly appointed by the Board of Trustees of Canton Township to serve as a Zoning Commission for said Township; and

WHEREAS, said Zoning Commission has recommended the addition to the text of the Canton Township Zoning Resolution, and have submitted recommendations to the Board of Trustees of Canton Township under Section 519.12 of the OHIO REVISED CODE on February 13, 2012.

THEREFORE, the Board of Trustees of Canton Township did adopt the addition to the text with modifications to the Zoning Resolution February 13, 2012, under the authority and in accordance with the provisions of the OHIO REVISED CODE and said text additions became effective on March 14, 2012.

THEREFORE, this Resolution and Zoning Map shall be known as and shall be cited and referred to as the Zoning Resolution of Canton Township, Stark County, Ohio.

## ARTICLE 1

### SECTION 100 PURPOSE

\*519.02 TOWNSHIP TRUSTEES MAY REGULATE BUILDING AND LAND USE  
IN UNINCORPORATED TERRITORY FOR PUBLIC PURPOSE.

Except as otherwise provided in this section, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, the Board of Township Trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins and trailer coaches, percentage of lot areas that may be occupied, setback building lines, size of yards, courts, and other spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches, and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and establish reasonable residential landscaping standards, excluding exterior building materials, for the unincorporated territory of the township; and for all these purposes, the board may divide all or part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Board determines. All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulations or zone may differ from those in other districts or zones.

### INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS

### SECTION 101 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to the minimum requirements. Where this Resolution imposes a greater restriction than is imposed by the other provisions of law, or by other rules or regulations or resolutions the provisions of this Resolution shall control.

### SECTION 102 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

\*519.21 USE OF LAND AND/OR BUILDING FOR AGRICULTURE NOT  
AFFECTED PURSUANT TO SECTION 519.01 OF THE REVISED CODE.

(A) Except as otherwise provides in division (B) of this section, sections 519.02 to 519.25, inclusive of the Revised Code confer no power on any Board of Township Trustees or Board of 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 for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

A Township Zoning Resolution, or an amendment to such Resolution, may in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots/approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

- (1) Agriculture on lots of one (1) acre or less;
- (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by setback building lines, height and size;
- (3) Dairying, animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five (35) percent of the lots are so developed, dairying, animal and poultry husbandry shall be considered nonconforming use of the land and buildings or structures pursuant to Section 519.09 of Revised Code.

Division (B) of this section confers no power on any Township Zoning Commission, Board of Township Trustees or Board of Appeals to regulate agriculture, buildings or structures and dairying, animal and poultry husbandry on lots greater than five (5) acres.

Such sections confer no power on any Township Zoning Commission, Board of Trustees, or Board of Appeals to prohibit in a district zoned for agricultural, industrial, residential or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market is derived from the produce raised on farms owned and operated by the market operator in a normal crop year. However, a Board of Township Trustees may regulate such factors pertaining to farm market as to size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulations is necessary to protect the public health and safety.

Canton Township can enforce the Canton Township Zoning Resolution regarding agriculture under one (1) acre in all districts by regulations for that district, except as provided by ORC 519.01 or text in Article 1, Section 102. **Article 1, section 102 amended 5/22/1998.**

**SECTION 103 PUBLIC UTILITIES AND RAILROADS**

\*519.211 All governed by ORC 519.211 and any amendments may there too, and any other local, state and federal laws pursuant to public utilities. **Amended 9/9/1998.**

**SECTION 104 RETAIL ESTABLISHMENTS**

\*519.21 Such sections do not confer any power on any Township Zoning Commission, Board of Trustees or Board of Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted.

**SECTION 105 OIL OR GAS DRILLING**

\*519.21 Such sections do not confer any power on any Township Zoning Commission, Board of Trustees or Board of Appeals to prohibit the use of any land owned or leased by and industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operations of its own plants.

**SECTION 106 CONFORMANCES**

\*519.23 PROHIBITION AGAINST VIOLATING RESOLUTION. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintain, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any Board of Township Trustees under Section 519.02 to 519.25, inclusive, of Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

**SECTION 108 LIMITATION OF RESTRICTIONS ON THE LOCATION OF LICENSED RESIDENTIAL FACILITIES TO INCLUDE DEVELOPMENTALLY DISABLED PERSON.**

Licensed family homes and license group homes for developmentally disabled persons are provided for under ORC Section 5123. 19. Such facilities shall be permitted and regulated in accordance with this Resolution and in accordance with the laws of the State of Ohio.

**SECTION 109 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

\*5511.01 Before any zoning permit is issued affecting any land with three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land with a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice by registered mail to the Director of Transportation, and he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Resolution.

## ARTICLE II

### DEFINITIONS

For the purpose of this Resolution, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used" and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

ABANDONED CELLULAR COMMUNICATION TOWER: A tower erected for cellular communications which is no longer being used for that purpose, and which has not been used for that purpose for an uninterrupted period of 180 days or more. **(Adopted 9-9-98)**

ACCESSORY BUILDINGS OR USE: A subordinate building or use customarily incidental to and located upon the same lot occupied by the main building and use.

ACRE: Land area, equal to 43,560 square feet, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscaping.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or genital areas.

ADULT CABARET: A nightclub, juice bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

ADULT DAY CARE CENTER: A facility that provides a program of nonresidential care assistance and supervision of functionally impaired adults that includes such services as personal care, nursing, social, nutrition, emergency, transportation and planned activities.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, x-rated films, motion pictures, video cassettes, slides, or similar photographic productions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT RETIREMENT COMMUNITY: A residential facility to provide for the needs of individuals who are elderly or handicapped, who do not require medical care and the intensive services of a nursing home, but desire the security and safety of a residential environment of peers, which can accommodate productive care and independent living. The facility shall consist of independent residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and food preparation facilities. Any change in use of such a facility shall require the issuance of a new zoning permit by the Zoning Inspector after review by the Zoning Inspector for determination that the parking required for such other use is met.

**ADVERTISEMENT:** The act of using the techniques of radio, television, films, handbills, etc.

**ADVERTISING:** To make known, proclaim publicly, in order to promote sales.

**AGRICULTURE:** The use of the land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal husbandry, poultry husbandry, aquatic plants, fish hatchery, and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

**ALLEY:** A public or private right-of-way affording secondary means of access to abutting property.

**ANIMAL HUSBANDRY:** The keeping or raising of domestic animals incidental to the use of land for agricultural purposes permitted under the above definition of agriculture.

**APARTMENT:** See Dwelling, "Town House, Row House, or Multi-Family".

**ARTERIAL THOROUGHFARE:** A highway primarily for through vehicular traffic usually on a continuous route. This thoroughfare provides for through traffic movement between areas across the county and to and from expressways. Arterial streets shall be as designated in the records of Stark County Regional Planning Commission, including any amendments thereto.

**ASSISTED LIVING FACILITY:** A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but not including drug or alcohol rehabilitation or court adjudicated felons or misdemeanants.

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

**AUTOMOBILE SERVICE STATION:** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

**AUTOMOBILE WRECKING YARD:** The use of more than twenty-five (25) square feet of any land, building or structure for the purpose of wrecking, dismantling, or storing, for private and/or commercial purposes any discarded motor vehicle.

**BAKERY:** The processing, assembling, packaging, and distributing of baked goods.

**BASEMENT:** A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

**BED AND BREAKFAST INN:** A facility that provides overnight accommodations and is operated primarily for a business even though the owner may live on the premises. Bed and Breakfast Inns must obtain all required commercial licenses.

**BED AND BREAKFAST RESIDENTIAL:** A private, owner-occupied residence where overnight accommodations are available and compensation is paid by guests for overnight stay.

**BILLBOARD:** Same as "Outdoor Advertising Sign", See Section 501.1.

**BOARD:** The Board of Zoning Appeals as created by the Resolution.

**BOARDING HOUSE:** A building other than a hotel or motel where for compensation by the week or month, meals and/or lodging are provided for at least three (3) but not more than twenty (20) persons.

**BUFFERYARD:** A strip of ground at least ten (10) feet in width running along the property line between adjacent districts designed to improve the quality of the district and to protect any adjacent neighbor from offensive, unsafe or unhealthy conditions.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattels.

**BUILDING, HEIGHT OF:** 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 for mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINES:** The line defining the minimum front, side, and yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

**BUILDING PRINCIPAL:** The building on a lot used to accommodate the primary use to which the premises are devoted.

**BUILDING SIGNS:** A sign which identifies the business or profession conducted or the principal products sold upon the premises.

**CARPORT:** A covered vehicle parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in these regulations for a private garage or accessory building.

**CAR WASH FACILITY:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or mechanical device and/or which may employ hand labor.

**CEMETERY:** Land used or intended to be used for the burial of 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.

CENTRAL SEWER SYSTEM: A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.

CENTRAL WATER SYSTEM: A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

CERTIFICATE OF OCCUPANCY: Certificate required to be obtained from the Zoning Inspector before the occupancy or change of occupancy of any a use permitted in the business or industrial district of Canton Township.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

CHILD DAY-CARE CENTER: Any place where child day-care is provided, with or without compensation, for 3 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

- TYPE A FAMILY DAY-CARE HOME: A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are less than 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- TYPE B FAMILY DAY-CARE HOME: A permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHIMNEY: Flue or flues that carry off exhaust from an Outdoor Furnace firebox or burn chamber. **(Added 4-22-10)**

CHURCH (PLACE OF WORSHIP): Any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

CLINIC: Any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.



**CLUB:** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

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

**COMMEMORATIVE PLAQUE:** To serve as a memorial.

**COMMISSION:** The Township Zoning Commission.

**COMMUNICATIONS TOWER:** Any tower used for the purpose of communications.

**COMPLEX STRUCTURE:** Two (2) or more primary business uses within single structure located in B-1, B-2, B-3, I-1 and I-2 districts.

**CONDITIONAL USE:** A use permitted within a district other than principally permitted use, requiring a conditional use certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.

**COURT:** An open, unoccupied space other than a yard on the same lot with a building, unobstructed from the lowest level to the sky.

**DEMOLITION MATERIALS:** Waste materials removed from the alteration, construction, destruction or repair of any man-made physical structures including, but not limited to houses, buildings and industrial or commercial facilities or roadways. This does not exclusively include paving materials, or materials recycled on the premises. This does not include solid wastes or hazardous wastes as pursuant to ORC #3734 of the Revised Code.

**DENSITY:** The number of families residing on, or dwelling units developed on an acre of land.

**DEVELOPMENT AREA:** Any contiguous or abutting areas owned by one (1) partnership, or corporation or operated as one (1) development unit and used or being developed for non-farm, commercial, industrial, residential or other non-farm purposes upon which earth disturbing activities are planned or underway.

**DEVELOPMENTAL DISABILITY:** Means a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services ORC 5123.19(A)(2)

**DISCARDED MOTOR VEHICLES:** Any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.

DISTRICTS: A section or sections of the unincorporated territory of Canton Township for which the regulations governing use of building and premises or the height and areas of buildings are uniform.

DRIVE THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such transactions. The term “drive-thru” shall also include “drive-up” and “drive-in.”

DWELLING: Any building, or structure, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily, manufactured, modular, and factory built homes, but not including house trailers, mobile homes, basement dwellings, hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling. All such dwellings whether built on site or off premises shall be constructed in accordance with local and/or state building codes and shall be certified for permanent residential purposes. **(Amended 5-22-98)**

DWELLINGS, GROUP: More than one (1) dwelling, whether single-family, two-family or a combination thereof, located on one lot or tract of ground and having common open space and/or parking and driveway facilities.

DWELLING, INDUSTRIALIZE UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

DWELLING, SINGLE-FAMILY: A dwelling designed for or used exclusively for residence purposes by one (1) family.

DWELLING, STUDIO UNIT: A small apartment consisting typically of a main room, kitchenette and bathroom.

DWELLING, TWO FAMILY: A building designed and used exclusively by two (2) families living independently of each other.

DWELLING UNIT: One (1) or more rooms providing complete living facilities for one (1) family, including equipment for heating provisions for the same, and including room or rooms for living, sleeping and eating.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such municipal or other governmental agencies for the public health, safety, and general welfare. **(Amended 9-9-98)**

EPA OWHH PHASE 1 PROGRAM: Environmental Protection Agency Outdoor Combustible material-fired Hydronic Heater Program, Phase 1 Program administered by the United States Environmental Protection Agency. **(Added 4-22-10)**

EPA OWHH PHASE 1 PROGRAM QUALIFIED MODEL: An Outdoor Combustible-fired Hydronic Heater that has been EPA OWHH Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying seal, label and tag. **(Added 4-22-10)**

EX OFFENDER REENTRY HOUSING: Any residential, dwelling unit, housing two (2) or more people, not related by blood or marriage, and who are released from any prison, jail or other detention facility, and including a residential facility licensed by the Ohio Department of Rehabilitation and Corrections, providing transitional, reentry or interim, housing, and whether or not providing, education, training or other social services for any persons who were previously convicted of any crime, including but not limited to, ex-felons, sex offenders of either a misdemeanor or a felony classification, persons on parole or a former prisoner.” **(Added 4-22-10)**

FACTORY BUILT HOUSING: A residential dwelling unit designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery, to and installation upon a site. For the purpose of this Resolution, "factory-built housing" shall include the following: Manufactured Home, Modular Home.

FAMILY: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, provided that unless all members are related to each other by blood, adoption, or marriage, no such family shall contain over five (5) persons.

FAMILY HOME: Means a residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than eight (8) persons with developmental disabilities. ORC 5123.19(A)(3).

FARM MARKET: A temporary vehicle or stand used for the sale of agricultural products where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on the farm owned or operated by the market operator in a normal crop year.

FLEET VEHICLES: Trucks, vans, and other vehicles, including motorized equipment, which is used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

FLOOD PLAIN: That portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage as established by Federal Emergency Management Agency.

FLOOR AREA: The sum of the gross horizontal areas of the one (1) or several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, elevator and stair bulkheads, attic space, terraces breezeways, open porches, and uncovered steps.

**FOUNDATION - PERMANENT:** That portion of a structure extending below grade beyond frost line, and supporting the upper portion of a structure and extending in a continuous perimeter of the structure, consisting of materials such as concrete, brick, block or tile.

**FOUNDATION - TEMPORARY:** Materials supporting a structure not embedded below the frost line and not being continuous to the perimeter of the structure.

**FRONTAGE:** The portion of a lot nearest the street right-of-way. For the purpose of these regulations, corner lots and double frontage lots, all sides of the lot adjacent to streets shall be considered frontage, for the purpose of determining yard requirements only.

**FUNERAL HOME:** An establishment for viewing of the body and for funerals with facilities for the preparation of human dead for burial or cremation at a place other than the subject premises.

**GASOLINE STATION:** A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operating vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

**GARAGES, PRIVATE:** An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles or personal property and located on the same lot as the dwelling to which it is accessory. Garages and/or storage buildings containing more than twelve hundred (1200) square feet shall require a Conditional Use Certificate in a R-1, R-2 and R-3 Districts.

**GARAGE, AUTO SERVICE SHOP:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales are made:

1. Sales and services of spark plugs, batteries and distributor parts.
2. Tire services and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings mirrors, and the like;
4. Radiator Cleaning and flushing;
5. Radiator welding and repair;
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 adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco and similar convenience goods to service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections;

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding and storage of automobiles not in operating condition. A service station is neither a repair garage nor a body shop.

GARAGE, PUBLIC: A building, or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements with the patrons for renting or leasing such space and accommodation, and in which no repair work is carried on.

GRADE, FINISHED: For buildings abutting one (1) street only, the elevation of the sidewalk at the center of the wall facing the street (or the elevation of the centerline of the street where no sidewalk exists); for buildings having walls facing more than one (1) street, the average elevation of the sidewalk and the centers of all walls facing the street; for buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. (Any wall approximately parallel to a street line is to be considered as facing the street.)

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

GREENHOUSE: A glass or plastic enclosed structure in which plants requiring controlled temperature are grown or stored.

- (Personal) A greenhouse used for personal use only with no products for sale.
- (Commercial) A greenhouse for storage and sale of plants as a commercial business.
- (Temporary) A greenhouse used for the seasonal sales of plants and plant products for a period of no more than 6 months in a one-year period.

GROUP DWELLING DEVELOPMENT: Two or more structures of multi-family dwellings located on the one lot.

GROUP HOME: Means a residential facility that provides room and board, personal care, habitation services and supervision in a family setting for at least nine (9) but no more than sixteen (16) persons with developmental disabilities. ORC 5123.19 (A)(4).

HANDICAPPED PERSON: A person with a physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.

HAZARDOUS/INFECTIOUS WASTE: As defined under Chapter 3745-51 / 3745-27 of the Ohio Administrative Code.

HEDGES: A fence of bushes, a protecting barrier planted by the property owner, excluding any form of trees. **(Adopted 5-22-98)**

**HOME OCCUPATION:** Any use or profession customarily conducted entirely within a dwelling, and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling and which does not change the character thereof.

**HOSPITAL:** Any building or other structure containing beds for at least (4) patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

**HOTEL:** A building in which lodging is provided and offered to the public for compensation and which is designed primarily for use by transient guests, as distinguished from a boarding house or a lodging house.

**INCINERATOR BURNING:** As defined under Chapter 3745-17 of the Ohio Administrative Code.

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

**INSTORE BAKERY DISTRIBUTION CENTER:** The facility within a retail establishment which not only processes, assembles, packages and sells baked goods for its own purposes, but for the purposes of distributing baked goods to off premises establishments owned by the proprietor of the store in which the bakery is located.

**JUNK/SCRAP YARD:** Is the use of more than twenty-five (25) square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled, for more than fifteen (15) days. This includes all non-hazardous demolition materials.

**KENNEL:** An establishment where dogs or cats are bred, trained, or boarded.

**LANDSCAPED:** Sod, seeded, mulch, shrubs, and other appropriate material.

**LANDSCAPE STRIP:** The area of ground required between nonresidential properties consisting of grass, flowers, shrubs, trees or other vegetation. Gravel alone is not adequate landscape material.

**LATTICE TOWER:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LODGING HOUSE:** A building other than a motel or hotel, where for compensation by the week or month, lodging is provided for at least three (3) but not more than twenty (20) persons.

LOT: A place, parcel, or plot of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and frontage on a public street, as required by these regulations.

LOT AREA: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of these regulations.

LOT, CORNER: A lot at the junction of and abutting upon two (2) intersecting streets.

LOT COVERAGE: The portion of the lot area that is covered by any buildings or structures.

LOT DEPTH: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT INTERIOR: A lot other than a corner lot, or a double frontage lot.

LOT LINES: The property lines defining the limits of a lot.

LOT LINE, FRONT: The line separating a lot from the street on which the lot fronts.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Stark County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

LOT, WIDTH OF: The width measured along the front lot line.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections which in the traveling mode is eight (8) feet or more in width or forty (40) feet or more in length or, when erected on site is 820 or more square feet, and which built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that is built in compliance with federal manufactured housing construction and safety standards.  
**(Amended 5-22-98)**

MANUFACTURED HOME, PERMANENTLY SITED: A manufactured home that meets all of the following criteria: a) The structure is affixed to a permanent foundation and is connected to appropriate facilities; b) The structure, excluding any addition, has width of at least twenty-two

feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least eleven hundred square feet; c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a six-inch minimum eave overhang, including appropriate guttering; d) The structure was manufactured after January 1, 1995; e) The structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

**MANUFACTURE:** The process of making something from raw or semi-finished materials whether by hand or by mechanized process. These regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.

**MANUFACTURING, HEAVY:** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, 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 discharge, and water discharge, 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.

**MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

**MASSAGE:** Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

**MASSAGE ESTABLISHMENT:** Any fixed place of business where a person offers massages; 1) in exchange for anything of value; or 2) in connection with the provision of another legitimate service.

**MASSEUR OR MASSEUSE:** Any individual who performs massages at a massage establishment. The definitions of massage establishment, masseur or masseuse does not include the practice of any limited branch of medicine or surgery in accordance with ORC 4731.15 and 4731.16 or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrists, a licensed nurse, licensed massotherapist, or any other licensed health professional. As used in this division, "licensed: means licensed, certified, or registered to practice in this state.

**MINERALS:** Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, non-metalliferous ore, other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat, or top soil.

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot.



MINI STORAGE: A limited storage facility for private and commercial use with limited access. Maximum compartment storage to be no more than five hundred (500) square feet.

MODEL HOME: A residential dwelling which has been constructed in compliance with the Stark County Building Code for residential dwellings, is not presently for sale, and is temporarily used for the purpose of displaying and promoting the sale of other homes within a subdivision or other residential development in which the model home is located and does not promote other activities of the property owner.

MODULAR HOME: Factory built housing certified as meeting the local or state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes. **(Amended 5-22-98)**

MOBILE HOME: A transportable, factory-built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such act but not certifiable to compliance with it. **(Amended 5-22-98)**

MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

MORTUARY: An establishment with facilities for the preparation of human dead for burial or cremation at a place other than the subject premises, for the viewing of the body, and for funerals.

MOTOR VEHICLES: Any vehicle, including a recreational vehicle, propelled by power other than muscular power or power collected from overhead electric trolley wires.

NATURAL WOOD: Wood that has not been painted varnished or coated with a similar material has not been pressure-treated with preservatives and does not contain resins or glues such as plywood or other composite wood products. **(Added 4-22-10)**

NON-COMMERCIAL MOTOR VEHICLES: Any motor vehicle, including a farm truck as defined in Section 4503-04 of the Revised Code, designed by the manufacturer to carry a load of no more than one (1) ton and used exclusively for residential family dwelling purposes.

NON-COMFORMING BUILDING OR STRUCTURE: Any building or structure lawfully existing on the effective date of these regulation or any amendments there to, which, on such effective date, does not conform to the area, height, coverage, or yard regulations; parking requirements; sign regulations; landscaping or screen requirements; or other development standards of the district in which it is situated.

NON-CONFORMING LOT: A lot lawfully existing on the effective date of these regulations or any amendment thereto; which on said date, does not conform to the lot area, width or frontage requirements of the district in which it is located.

NON-CONFORMING USE: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

NURSING HOME: An extended or intermediate care facility that cares for individuals who by reason of illness or physical or mental impairment requires skilled nursing care and of individuals who require personal care services by non-skilled nursing care.

NUDITY: The showing of either of the following: the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the female breast with less than a fully opaque covering on any part of the nipple.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building or buildings. The area may include along with the natural environmental features, water areas, swimming pools, walking or bike paths, and tennis courts, or any other similar recreational facilities provided within the development to the occupants of such a development. Streets, parking areas, structures for habitation, trash collection sites and the like shall not be included. Land devoted to conservation or recreational purposes and/or land designated by the Township to remain undeveloped.

OUTDOOR ADVERTISING SIGN (BILLBOARD): A fixed or portable off premises sign which advertises a business, profession or service not conducted or offered upon the premises where such sign is placed.

OUTDOOR DISPLAY: The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping, packaging and is representative of merchandise that is available for the purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor Furnace: Any equipment, device, apparatus, or any part thereof, that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Furnace may also be referred to as an Outdoor Boiler, Outdoor Wood Burning Furnace or Outdoor Hydronic Heater. **(Added 4-22-10)**

OUTDOOR STORAGE: The keeping, in an area outside of a building, of any goods, materials, merchandise, vehicles, or junk in the same place for more than 24 hours, except merchandise placed in an area for outdoor display.

OUTLOT: A single-use building and its requisite parking that is placed on a shopping center site in an independent location that has no or little convenient pedestrian connection or visual continuity with the primary shopping center building(s) and function(s). Outlots are typically, but not required to be, located at the front of the site near existing public streets. An outlot may be delineated by lot lines or lease lines and shall constitute a separate site for zoning purposes.

OVERBURDEN: All of the earth materials which cover a natural deposit of minerals, coal and peat. Also means such earth and other materials after removal from their natural state in the process of surface and strip mining.

PARKING LOT: An off-street parking area where the principal use of the tract or lot is for vehicular parking.

PARKING SPACE: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

PEAT: Partially carbonized vegetable matter formed by partial decomposition of various plant life in water in a natural habitat.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, barber and beauty shop and similar activities.

PLANNED COMMERCIAL COMPLEX: Two (2) or more primary use structures placed on a common lot in B-1, B-2, B-3, or I-1 and I-2 Districts.

PLANNED OFFICE COMPLEX: Two (2) or more primary use structures placed on a common lot in B-1, B-2, B-3 or I-1 and I-2 Districts.

POLITICAL SIGNS: A temporary sign used in connection with local, state, or national election or referendum. **(Adopted 4-13-00)**

PRINCIPAL BUILDING: The building on a lot used to accommodate the primary use to which the premises are devoted.

PRINCIPALLY PERMITTED USE: The main permitted use for which the land or building is primarily occupied.

PUBLIC BUILDINGS: Any structure owned and operated by a Government Agency or public school which is certified and/or licensed by the State of Ohio excluding Trade Schools defined herein. **(Amended 4-18-01)**

PUBLIC PARK: Land owned by a governmental entity which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the township which is under control, operation, or management of the township, county, or state.

PUBLIC UTILITY: Any entity deemed a public utility for the purpose of ORC 519.211. **(Amended 9-9-98)**

RECREATIONAL EVENTS: Temporary activities including fairs, festivals, block parties and various entertainments.

RECREATIONAL VEHICLES: Vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classed as follows:

(1) "Travel Trailer" means a non-self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division(s) of Section 4517.01 of the Revised Code.

(2) "Motor Home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

(3) "Truck Camper" means a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but does not have floors and facilities for using same as a dwelling.

RECYCLING TRANSFER FACILITY: A facility for the collection of products such as paper, glass, plastic, metals, rubber, wood and synthetic products.

REPAIR GARAGE: A facility in which major auto repair, rebuilding and reconstruction of motor vehicles are performed. For the purpose of this Resolution, major auto repair includes collision service, spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.

RESEARCH FACILITIES: 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 such building.

RESIDENTIAL FACILITY: A home or facility in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides. ORC 5123.19(A)(1)

RESIDUAL SOLID WASTE OR RESIDUAL WASTE: As defined under Chapter 3745-27-01 of the Ohio Administrative Code.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Section 519.21, as amended June 29, 1982.

SANITARY LANDFILL: A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily. Does not include hazardous materials.

SATELLITE SIGNAL RECEIVER: "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations" whether functioning as part of basic service system, direct broadcast satellite system, or multi-point distribution service system designed, constructed or modified to bring in or receive satellite television signals.

SCHOOL: Buildings for the education of children grades K-12, and colleges and universities. Includes both general public use and private institutions, excluding; however, trade and other types of schools not listed herein. **(Amended 5-17-97)**

SEMI-TRAILERS: Any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division and includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly designed or used for the conversion of a semi-trailer into a trailer.

SEPTAGE: Means the liquid or solid material removed from a septic tank or similar domestic or commercial sewage treatment system when the system is serviced.

SETBACK LINE: A line established by this Zoning Resolution generally parallel to and measured from the lines, defining the limits of the required front, side, and rear yards in which no building or structure may be located, except as otherwise provided in this Zoning Resolution.

SEXUAL ACTIVITIES: Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) or excretory functions as part of or in a connection with any of the activities above.

SEXUALLY ORIENTED BUSINESS: Includes any of the following; adult arcade, adult cabaret, adult motion theater, and massage establishment operating without a licensed massotherapist.

SEXUALLY ORIENTED-ADULT CABARET: Refer to Article IV Section 422.2-B.10, 422.7.

SIGN: Any visual communication display, object, device, graphic structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations. (REFER TO ARTICLE V SECTION 501.1)

SKILL BASED AMUSEMENT MACHINES: Shall have the same definition as set forth in Ohio Revised Code section 2915.01(UU), as amended from time to time. **(Amended 2-23-21)**

**SLUDGE:** Thick suspension of solid matter in a liquid, e.g., the mud on a riverbed, or carbonaceous mixture of oil as the waste product of an internal-combustion engine; the treated solid matter of sewage after drying used as a fertilizer; floating (partly melted) ice or snow sludge.

**SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to reduce on-site consumption of utility power.

- **NACELLE:** The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.
- **POWER CENTER:** Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.
- **ROTOR:** The rotating part of a turbine, including the blades.
- **TOWER:** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
- **TOWER HEIGHT:** The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.
- **WIND TURBINE:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades." **(Added 4-22-10)**

**SPOIL BANK:** A deposit of removed overburden.

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor areas is finished off for use.

**STREET COLLECTOR:** A street providing for traffic movement between major arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

STREET, MAJOR OR ARTERIAL: A general term denoting a highway primarily for through-traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity for moving traffic.

STREET, PUBLIC: A public or private dedicated thoroughfare subject to public easements thereto, and which affords the principal means of access to abutting property.

STREET, PRIVATE: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements.

STREET RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes or if no right-of-way is established, the right-of-way shall be assumed to be sixty (60) feet. However, for the following major or arterial streets in Canton Township, right-of-way shall be considered as 80 ft.: State Routes: #800 (Cleveland Ave. S.), #43 (Zwallen Way), #30 (Lincoln St.), #627 (Faircrest), #791 (Raff Road).

STRIP MINING: All or any part of the process followed in the production of coal from a natural deposit whereby the coal may be extracted after removing the overburden.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including advertising signs, billboards, and farmers roadside stands.

STRUCTURAL ALTERATIONS: Any change on the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any increase in the area or cubical contents of the building.

SURFACE MINING: All or any part of a process followed in the production of minerals or peat from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, placering or quarrying.

SWIMMING POOL, FAMILY: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.

SWIMMING POOL, COMMERCIAL: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined whether they be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

SWIMMING POOL, 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.

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

TEMPORARY: Intended to last only a short time unless otherwise specified in these regulations.

TEMPORARY: As related to tents, uses not to exceed 30 days; as related to signs not to exceed 30 days twice per calendar year.

THOROUGHFARE: A street or alley.

TOPSOIL: Superficial soil capable of sustaining plant life indigenous to this area, ordinarily rich in organic matter or humus debris.

TOP SOIL REMOVAL: Removal of top soil from the premises.

TOURIST: A person visiting, touring.

TOURIST DWELLING: A dwelling where overnight accommodations are provided for tourists.

TRADE SCHOOLS: Schools for the education in a trade or for the furtherance in obtaining employment. **(Amended 5-17-97)**

TRAILER/COMMERCIAL OR CONSTRUCTION: The conducting of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motive power.

TRAILER PARK OR MOBILE HOME PARK: A tract of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

TRAILERS: Any vehicle without motive power designed or used for carrying property wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of dolly type such as that commonly known as a trailer dolly, or a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour.



TRANSFER STATION: A facility for the purpose of temporary collection of solid waste or recyclable materials, (garbage, demolition materials, aluminum, plastic and/or paper for the purpose of recycling; to be transferred to a permanent location for disposal).

TRUCK TRACTOR: Any vehicle with greater than six tires and a fifth wheel.

TRUSTEES: The Board of Trustees of Canton Township.

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a building or on the premises, or the name of a building, place, or thing which name indicates that use or intended use.

VARIANCE: A variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done.

VEHICLES: Everything on wheels, runners or tracks including motorized bicycles.

VETERINARY CLINIC: Any building or structure devoted to the veterinarian diagnosis, treatment and care of non-human out-patients.

VETERINARY HOSPITAL: A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.

WALL: A structure of brick, stone, concrete, etc., serving as fence. **(Amended 5-22-98)**

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure in which the electronic receiving the relay equipment for a wireless telecommunications facility is housed.

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

WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals including mono-poles, and lattice construction steel structures. The tower shall be self supporting and no guy wires are permitted. **(Amended 5-17-97)**

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot.

YARD, SIDE: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

ZONING CERTIFICATE: Document issued by the Township Zoning Inspector authorizing the use of lots or structures in accordance with the Zoning Resolution.

ZONING CERTIFICATION: An endorsement prepared by the Zoning Department specifying that the use of a particular piece of property is in compliance with the Zoning Resolution or, in the alternative, listing actions which may be taken to bring the property into compliance.

ZONING MAP: The "Zoning Map of Canton Township, Stark County, Ohio".

## **ARTICLE III**

### **GENERAL PROVISIONS**

#### **SECTION 300 ESTABLISHMENT OF DISTRICTS**

The unincorporated territory of Canton Township, Stark County, Ohio is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

#### **SECTION 300.1 DISTRICTS**

- R-R Rural Residential District
- R-1 Single Family Low Density Residential District
- R-2 Single Family Residential District
- R-3 Two-Family Residential District
- R-4 Low Density Multi-Family Residential District
- R-5 High Density Multi-Family Residential District
- R-7 Mobile Home Park Residential District
- B-1 Suburban Office and Limited Business District
- B-2 Neighborhood Business District
- B-3 Commercial Business District
- I-1 Industrial District
- I-2 Industrial District

#### **SECTION 300.2 ZONING DISTRICTS MAP**

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Canton Township, Stark County, Ohio", which said map is made a part of this Resolution. The said Zoning Map together with all notations, references, and other matters shown thereon are hereby declared a part of this Resolution.

If changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map on the effective date of the amendment.

#### **SECTION 300.3 INTERPRETATION OF DISTRICT BOUNDARIES**

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

- a. **WHERE BOUNDARIES APPROXIMATELY FOLLOW STREETS, ALLEYS OR HIGHWAYS**

Where district boundaries are indicated as approximately following the centerline or right-of-way line streets, the centerline or alley line of alleys, or the centerline or right-of-ways constructed lines of highways; such lines shall be construed to be such district boundaries.

b. WHERE BOUNDARIES PARALLEL STREET RIGHT-OF-WAY LINES, ALLEY LINES, OR HIGHWAY RIGHT-OF-WAY LINES

Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.

c. VACATION OF PUBLIC WAYS

Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.

**SECTION 300.4 SUPPLEMENTARY REGULATIONS**

a. PERMITTED USE

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all the District provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these regulations.

b. PERMITTED HEIGHT EXCEPTIONS

No structure shall exceed height limitations as specified in each district with the exception of the following accessory and incidental parts of such structure, which may be erected no more than fifteen (15) feet above the height limits of a district:

- structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building
- fire or parapet walls
- Skylights, towers, steeples
- stage lofts and screens
- flagpoles, chimneys, smokestacks
- radio and television aerials, wireless masts
- water tanks or similar structures

Churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.

c. FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

In any "R" District where the average depth of at least two (2) existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front *is less* than the least front yard depth prescribed elsewhere in these regulations, the required depth of the front yard on such lot may be modified. In such cases, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on any lot shall not be less than twenty-five (25) feet.

d. CORNER LOT

For corner lots, either street may be designated to meet the required front yard setback, as required for such district. A minimum setback of twenty-five (25) feet will be required on the other street for all structures.

e. ZONING CERTIFICATE

No zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested. No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the township which has ingress or egress to the street until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications or other adequate method of providing proper road drainage and to provide for the safe ingress or egress to the property required by the State Highway Department, County engineer or proper local township official (whichever authority has jurisdiction) and completed proper safety precautions and the installation of such culvert or drainage facility.

f. SEWAGE FACILITIES

Where central sanitary sewage facilities are not available, the minimum lot size shall be twenty thousand (20,000) square feet for a single-family dwelling, unless a larger area is required by these regulations and/or the responsible Health Authority.

g. ESSENTIAL SERVICES

Essential services as defined by these regulations shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio; it being the intention hereof to exempt such essential services from the application of these regulations.

h. CONSTRUCTION

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where a permit was previously issued and construction has started before the permit's expiration date, and provided further that such building shall be completed within two (2) years from the date of passage of these regulations or issuance of a Zoning Certificate.

i. PRINCIPAL BUILDING

No more than one (1) principal building shall be permitted on any lot in any residential district unless otherwise specifically stated in these regulations, or as permitted in the R-3 District.

j. SUBSTANDARD LOTS - Residential

Any lot or parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations and containing less than seven thousand five hundred (7,500) square feet in area shall not be issued a permit for residential dwelling use except upon approval of the Board of Appeals.

Any lot or parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations and containing seven thousand-five hundred (7,500) square feet or more, conforming to all front, side, and rear yard requirements and permitted uses of that Residential District may be issued for residential use upon review by the Zoning Inspector.

SUBSTANDARD LOTS - Business and Industrial

Any lot or parcel being a lot of record or lot for which a land contract has been issued before the effective date of these regulations and containing less than fifteen thousand (15,000) square feet in area shall not be issued a permit for Business or Industrial use except upon approval of the Board of Appeals.

Any lot or parcel being a lot of record or a lot for which land contract has been issued before the effective date of these regulations and containing fifteen thousand (15,000) square feet or more, conforming to all front, side, and rear yard requirements and permitted uses of that Business or Industrial District may be issued a permit for Business or Industrial use upon review by the Zoning Inspector.

"Approval of any substandard lot shall be subject to the Stark County Board of Health's approval." (RPC)

k. LOTS, YARDS, AND OPEN SPACE

All Residential, Business, Commercial, and Industrial Districts must be free of debris. **(Amended 7-31-02)**

I. PROJECTIONS INTO YARD AREA

Every part of a required yard shall be free from structures except for accessory buildings in a rear yard, or as permitted in accordance with Section 300.4 (a), and except for the ordinary projections of skylights, sills, cornices, and ornamental features projecting not to exceed twenty-four (24) inches. This requirement shall not prevent the construction of fences not exceeding fifteen (15) feet in height in Business, Commercial and Industrial Districts and not exceeding ten (10) feet in height in all Residential Districts except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

m. VISIBILITY AT CORNER LOTS

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct a clear view by motor vehicle drivers.

n. ACCESSORY BUILDINGS

All accessory buildings attached to the principal building on a lot shall be structurally a part thereof, and shall comply in all respects with the requirements of these regulations applicable to the principal building.

A. Residential Districts

Accessory buildings, structures, and uses which are not a part of the principal building shall not be located closer than fifteen (15) feet from the principal or adjacent building or structure and shall comply with the setback requirements of the district in which this is located. There will be a denial of a zoning permit for an accessory building on a parcel without a primary dwelling. (**Amended on 12-14-15**)

Accessory buildings not being part of the main building shall not occupy more than thirty (30) percent of the rear yard area.

Accessory buildings one hundred twenty (120) sq. ft. or less shall be located no closer than five (5) feet to the rear and side yard lot line and comply to all other side and front yard requirements of the Residential Districts, and shall not exceed (15) feet in height.

Accessory buildings one hundred twenty-one (121) square feet or larger shall be limited to eighteen (18) feet in height and shall comply to the side, rear and front set back requirements of their respective districts and shall be located no

closer than the minimum front yard set back and minimum side yard setback of a corner lot of the prospective districts in which they are located.

All unattached accessory buildings shall not exceed the square foot area of the primary use structure on the premises. No accessory building shall be built on a lot without a primary dwelling unless lot is a substandard lot.

The total of all unattached accessory buildings shall not exceed one thousand two hundred (1,200) square feet in R-1, R-2 and R-3 districts.

A farm market structure shall be construed as accessory building for purposes of these regulations and shall meet the requirements of an accessory building in the district in which it is located except that it may be located within twenty (20) feet of the road right-of-way in any district.

**B. B-1, B-2, B-3 and I-1 and I-2 Districts**

All accessory buildings, structures and uses shall comply with the front, side, and rear yard set back requirements of the respective districts.

An accessory building shall be twenty (20) feet from any adjacent structure upon the premises.

Accessory buildings shall not exceed the maximum building height of the respective district.

**C. SATELLITE DISHES**

Satellite dishes shall be permitted under the following conditions:

1. Rooftop dishes exceeding four (4) feet in diameter shall not be permitted in R-R, R-1, R-2 and R-3 districts. Dishes which extend above the roof-line and are attached to a pole which is securely attached to the side of a residential dwelling shall be permitted. Rooftop dishes in commercial and industrial districts shall be permitted provided the dish is securely attached to the main roof supports of the building.
2. Dishes shall not be permitted in the front yard area.
3. Satellite dishes shall meet the setback requirements of the respective district.
4. Ground- mounted and roof-mounted satellite dishes eighteen (18) inches in diameter or less are considered incidental to the principal structure and do not require zoning permits. However, they must comply with all other provisions provided for accessory satellite dishes



except maximum diameter permitted which shall be eighteen (18) inches. **(Amended 5-22-98)**

o. TEMPORARY BUILDINGS

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any of the zone districts herein established; however, such temporary buildings shall be removed upon the completion or abandonment of the construction work.

p. INCONSISTENCIES

In the event that the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

q. PROHIBITED USES

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, electrical interference, refuse matter, or water carried wastes.

r. COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS

All structures shall comply with the standards and requirements of the building regulations, adopted and administered by the Stark County Building Department; and, where applicable, the Subdivision Regulations as adopted and administered by the Stark County Regional Planning Commission and the Stark County Commissioners.

s. SWIMMING POOLS

Public or private in-ground or above-ground swimming, wading or other pools with a water depth more than thirty (30) inches shall be considered as structures for the purpose of certificates and shall conform to all required yard setback lines. The construction, plumbing and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state codes.

The swimming pool or the entire property on which it is located shall be walled or fenced having a minimum height of four (4) feet and be equipped with suitable locking devices to prevent uncontrolled access from adjacent properties. Above ground pools with a wall height of four (4) feet or greater measured from the surrounding grade shall not require fencing, but shall have all access steps in a locked position when pool is not in use.

All enclosures shall be maintained in good condition.

t. THE MINIMUM SIZE OF A SINGLE FAMILY DWELLING

It shall have a first floor area of not less than eleven hundred (1100) square feet, outside dimensions, exclusive of breeze-ways, garages, terraces, attics, basements and porches, or a combined area of sixteen hundred (1600) square feet for a full two (2) story single family dwelling. **(Amended 7-8-99)**

u. BUSINESS DISPLAYS

In all Business Districts, all businesses, services and merchandise displays shall be conducted within a completely enclosed building except as otherwise provided in this Resolution.

v. PARKING AND STORAGE OF CERTAIN VEHICLES

No person shall park, store or leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a rusted, wrecked, junk, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any property within the township unless the same is completely enclosed within a building, unless otherwise specifically permitted by these regulations.

Parking or storage of semi tractors or tractor-trailers in any residential district shall be prohibited. The parking or storage of any trailer used for commercial purposes greater than fifteen (15) feet in length in any residential district shall be prohibited.

No more than two (2) recreational vehicles, such as a trailer home, motor home, or boat, may be stored on a side or rear lot in a residential district provided a dwelling does exist and the vehicles have current license plates.

The parking, only, of one (1) commercial vehicle in connection with the residential use of the property within any residential district shall be permitted provided said vehicle does not exceed 9,000 lbs. GVW (gross vehicle weight) and is currently used by the occupant of the dwelling as transportation to or from work. The parking and storage of excavating equipment in any residential district shall be prohibited.

w. CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy shall be required to be obtained from the Zoning Inspector before occupancy of any permitted to conditionally permitted use in all Business and Industrial Districts. Any change in use from one use to another or from one owner/tenant to another will require a new Certificate of Occupancy to be issued.

x. MOBILE HOMES

Where a Conditional Use Certificate was issued by the Canton Township Board of Appeals for mobile home use, prior to the effective date of the Amended Resolution, such mobile homes shall be considered as nonconforming uses as governed by Article VII of these regulations.

y. TOP SOIL REMOVAL AND SURFACE MINING

The purpose is to safeguard health and safety, environmental quality, off-site property damage, land use compatibility, and site monitoring. These regulations are designed to:

- (1) Supplement the efforts of the Division of Reclamation
- (2) Address problems of local concern that are not within the purview of State Law.

EXCEPTIONS: A top soil removal certificate or surface mining certificate is not required where:

- (a) A Zoning Certificate has been issued for construction of a structure or structures on a development area providing those plans specify the affected areas approved for said structure or structures, including parking, driveway or driveways and roadways in compliance with Article X of the Canton Township Zoning Regulations.
- (b) The removal of soils, peat, and minerals are from those areas needed to develop public or private roadways on a final subdivision plat that has been approved by the Stark County Commissioners for development of residential housing, business or industrial complex development.

**SECTION 300.5 FENCES, WALLS, AND HEDGES: (Adopted May 22, 1998.)**

Fences, walls, hedges shall be permitted in any required yard, or along the edge of any yard in any residential district. The maximum height of fence, wall, or hedge in any residential district shall be ten (10) feet.

Fences, walls, or hedges shall be permitted in any required yard in any business and industrial district. The maximum height of a fence, or hedge in any business and industrial district shall be fifteen (15) feet, with an additional two (2) feet of barb wire permitted if applicable.

Any fence, wall, or hedge located in or along the edge of any yard abutting a public or private thoroughfare in any zoning district shall be located a minimum of ten (10) feet from any street right-of-way line.

Fences, wall, or hedges on any lot shall be located so they **do not** impair vision of traffic in any way.

Zoning permits are required for fences and walls. **(Amended 2-23-21)**

**SECTION 300.6 MANUFACTURED OR FACTORY BUILT HOMES (Adopted 5-22-98)**

Any manufactured or factory-built housing proposed to be located in any district shall comply with the following:

1. The structure shall be installed upon and properly attached to a permanent foundation system approved by the Stark County Building Department.
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The sitting of the structure shall comply with all yard and setback requirements for the district for which it is proposed.
4. The sitting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
5. Evidence of an approved means of sanitary sewage disposal must be submitted.
6. The site shall be serviced by adequate essential utilities.

**SECTION 300.7 FAMILY/CHILD DAY-CARE HOMES & CENTERS (Adopted 9-01)**

Such facilities are limited from zoning control under the Ohio Revised Code 5104.054. Any Type "B" family day care home, whether certified or not certified by the County Director of Human Services shall be considered to be residential use of the property for the purposes of municipal, county, and township zoning and shall be a permitted use in all districts in which residential uses are permitted, R-R, R-1, R-2, R-3, R-4, R-5. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exceptions certifications for any such Type "B" family day-care home.

Evidence of licensing by the County Director of Human Services must be provided for operation of child day-care center or Type "A" day-care home.

The provider of child day care in a Type "B" family home that is not certified by the County Director of Human Services shall request an inspection of the Type "B" home by the fire Marshall who shall inspect the Type "B" home pursuant to Ohio Revised Code 3737.22 to determine that is in compliance with rules established pursuant to Ohio Revised Code 5104.052.

**SECTION 300.8 OUTDOOR FURNACES**

**SECTION 300.8 (A) INTENT**

Even though there are many unregulated burning appliances including fireplaces, indoor wood stoves, and many more indoor wood furnaces, barrel stoves and other unregulated

wood burning devices, those appliances are contained within a structure. Recently, outdoor furnaces have become prevalent and since the content of the Outdoor Furnace meets the zoning definition of "structure" the Canton Township Zoning Resolution shall be applied to encourage environmentally sound practices and responsible utilization that prevents and/or corrects Outdoor Furnace misuse and to encourage cleaner burning efficiencies and environmentally sound practices through implementation of best burn practices. Based on experiences in other communities that have implemented legislation regulating Outdoor Furnaces these requirements shall be followed for the implementation, construction and installation of an Outdoor Furnace within Canton Township, Stark County.

## SECTION 300.8 (B) USE REGULATIONS

[Derived from the U.S. EPA Phase I, outdoor Wood-fired Hydronic Heater Program for the Outdoor Furnace Industry, eff. January 29, 2007]

### 1. General Regulations:

Every Outdoor Furnace shall be laboratory tested and listed to appropriate safety standards such as Underwriters Laboratories UL, Canada and National Standard/Canadian Standards Association CAN/CSA or American National Standards Institute ANSI, standards or other appropriate safety standards. An Applicant shall submit a site plan to show where the unit will be located on the property and to confirm compliance with all zoning setback requirements. Any Outdoor Furnace shall be installed, operated and maintained according to the manufacturer's instructions. Only natural wood or the manufacturers listed fuels may be burned in any Outdoor Furnace. Burning of any and all other materials is prohibited. Items that are specifically prohibited and that shall never be burned include, but are not limited to; trash, plastics, gasoline, rubber, naphtha, household garbage, materials treated with petroleum products (particleboard, rail road ties and pressure-treated wood), leaves, paper products and cardboard.

### 2 Specific Regulations:

a. Only an Outdoor Furnace that has been EPA OWHH Phase 1 Program qualified (The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying seal, label and tag.) shall be permitted.

b. Every Outdoor Furnace shall meet the following setback requirements:

1. Minimum lot size of two (2.0) acres;
2. Shall be prohibited in any front or side yard [shall only be permitted in the rear yard];
3. Shall be no closer than 50 feet from the rear lot line;
4. Shall be no closer than 50 feet from the side lot line;
5. Shall be no closer than 25 feet from the principal structure or any ancillary structure on the parcel;

6. Shall be no closer than 100 feet from any building not being served by the Outdoor Furnace and located within a 100 feet radius of the Outdoor Furnace, whether on the subject parcel of real property or on an adjacent parcel of real property;
7. If located within 300 feet of any building located on adjacent parcels the Outdoor Furnace chimney shall be not less than 2 feet higher than the peak of the roof of that building.
8. Shall be subject to all applicable Stark County Building codes.

### 3. General Regulations:

- a. Every Outdoor Furnace shall be constructed, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Zoning Resolution.
- b. The Applicant of any Outdoor Furnace permit shall produce the manufacturer's owner's manual or installation instructions for the Zoning Inspector's review and approval prior to the Zoning Inspector issuing the applicable permit.
- c. The Applicant of any Outdoor Furnace permit shall produce a site plan to clearly show where the unit will be located on the property and to confirm compliance with all zoning setback requirements.
- d. No permit shall be issued for any Outdoor Furnace that has not been laboratory tested and listed to appropriate safety standards such as UL, CAN/CASA, ANSI or other applicable safety standards.
- e. No permit shall be issued for and Outdoor Furnace that shall be used to burn:
  1. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives or contains resins or glues such as are contained in plywood or other composite wood products;
  2. Rubbish or garbage, including but not limited to, food wastes, food packaging, food wraps;
  3. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers;
  4. Rubber including tires or other synthetic rubber-like products;
  5. Newspaper, and cardboard, or any paper with ink or dye print;

6. Any other items that are not Natural Wood or Natural Wood-based fuels (wood pellets, corn, or other palletized biomass) as specifically manufactured for an Outdoor Furnace.

7. Chimney height for every Outdoor Furnace shall extend at least 2 feet above the peak of any building not served by the Outdoor Furnace and located within 300 feet of the Outdoor Furnace.

#### 4. Nuisance Condition:

If an Outdoor Furnace is, through the course of a proper investigation by local authorities (health department, building, department, EPA, fire department, etc.), creating a verifiable nuisance, as defined by law, the following steps shall immediately be taken by the owner and the Zoning Inspector shall refer the complaint to the appropriate, local authorities having jurisdiction:

a. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, relocating the Outdoor Furnace or both;

b. Cease and desist operating the unit until necessary steps are completed to ensure that the Outdoor Furnace will no longer be a nuisance.

(Added 4-22-10)

### SECTION 300.9 SMALL WIND ENERGY SYSTEMS

#### 300.9 (A) INTENT

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems that are installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system may be permitted in all districts as a conditionally permitted use.

No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a conditional zoning certificate from the Board of Zoning Appeals.

#### 300.9 (B) REGULATIONS

Application for a conditional zoning certificate shall be submitted to the zoning inspector and forwarded to the Board of Zoning Appeals in accordance with Article VIII Conditional Zoning Certificates. (Added 4-22-10)

## ARTICLE IV

### DISTRICT REGULATIONS

#### SECTION 400 R-R RURAL RESIDENTIAL DISTRICT

##### SECTION 400.1 PURPOSE

The purpose of this district is to accommodate residential development in areas which are not serviced by central water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a high density.

##### SECTION 400.2 USES

Within an R-R Rural Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

###### N. PERMITTED USES

1. Single Family dwelling and/or a family home licensed under ORC Section 5123.19.
2. Public Building. **(Amended 4-18-01)**
3. Churches and other buildings for the purpose of religious worship.
  - a. See sub-Section 153 **(Adopted 12-18-00)**
4. Farm Market.
5. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article V.
7. Off-street parking as permitted and regulated in Article VI
8. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five (5) acres or more.
9. Tents not to exceed ten (10) consecutive days (No permit required).
10. School.



## B. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Surface mining or strip mining subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
3. Cemetery subject to Subsections 103, 121, 127.
4. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 135, 136, 139.
5. Home occupation subject to Subsection 116.
6. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
7. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131. **(Amended 5-17-97)**
8. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, riding academies, and other similar outdoor recreational facilities and/or uses subject to Subsections 101, 102, 103, 104, 105, 114, 123, 124, 127, 128.
9. Mobile home subject to Subsection 138.
10. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoor and/or recreational oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 108, 114, 124, 125, 126, 127, 128, and 131.
11. Top Soil Removal, subject to Article VIII, Section 800.3, Subsection 111 (exceptions, Article III, Section 300.4y).

12. Septage shall only be approved as a Conditional Use in R-R Residential District and comply to the following Subsections;108, 114, 127, 133, 150.
13. Sludge shall only be approved as a Conditional Use in R-R Residential District and comply to the following Subsections; 108, 114, 127, 150.
14. Bed and breakfast subject to Subsection 151 and Section 600.1 (H)
15. Dog Training Subject to Subsection 104, 124, 142.
16. Small wind energy systems subject to Subsection 157.(**Added 4-22-10**)

### **SECTION 400.3 LOT REQUIREMENTS**

- A. Minimum Lot Area - Twenty thousand (20,000) square feet without central sewer system; Fifteen thousand (15,000) square feet with central sewer system
- B. Minimum Lot Width at one hundred (100) foot Set-Back-Line - One hundred (100) feet.
- C. Minimum Lot Frontage -  
  
Straight or Curvilinear Street - Sixty (60) feet.  
Cul-De-Sac Street - Fifty (50) feet.

### **SECTION 400.4 YARD AND SET-BACK REQUIREMENTS**

- A. Minimum Front Yard Depth - Fifty (50) feet.  
1. Prior to 1994 resolution all dwellings within R-R district will have a forty (40) foot set-back requirement for non-enclosed porches, decks, and patios. (**Adopted May 22, 1998.**)
- B. Minimum Rear Yard Depth - Fifteen (15) feet.
- C. Minimum Side Yard Width - Ten (10) feet.
- D. Minimum Side Yard Width on Corner Lot - Twenty-five (25) feet.

### **SECTION 400.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 400.6 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-R district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 400.7 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9-9-98)**

**SECTION 400.8 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET (Adopted 7-8-99)**

## **SECTION 401 R-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT**

### **SECTION 401.1 PURPOSE**

This district is established to accommodate single-family residential dwellings in areas that are provided with central sewer facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage systems, streets, schools and other community facilities.

### **SECTION 401.2 USES**

Within an R-1 Low Density Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A. PERMITTED USES**

1. Single Family dwelling and/or a family home licensed under ORC Section 5123.19.
2. Public Building. **(Amended 4-18-01)**
3. Churches and other buildings for the purpose of religious worship.
  - a. See Sub-Section 153 **(Adopted 12-18-00)**
4. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
5. Signs as permitted and regulated by Article V.
6. Off-street parking as permitted and regulated in Article VI.
7. Tents not to exceed ten (10) consecutive days (No permit required).
8. School.

#### **B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
2. Home occupation subject to Subsection 116.

3. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
4. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131. **(Amended 5-17-97)**
5. Mobile home subject to Subsection 138.
6. Top Soil Removal, subject to Article VIII, Section 800.3 Subsection 111 (exceptions, Article III, Section 300.4y).
7. Bed and breakfast subject to Subsection 151 and Section 601.H
8. Small wind energy systems subject to Subsection 157.**(Added 4-22-10)**

### **SECTION 401.3 LOT REQUIREMENTS**

- A. Minimum Lot Area - Twenty thousand (20,000) square feet without central sewer system; Thirteen-Five thousand (13,500) square feet with central sewer system.
- B. Minimum Lot Width at one hundred (100) foot Set-Back-Line - Ninety (90) feet.
- C. Minimum Lot Frontage. -  
  
Straight or Curvilinear Street - Fifty (50) feet.  
Cul-De-Sac Street - Forty (40) feet.

### **SECTION 401.4 YARD AND SET-BACK REQUIREMENTS**

- A. Minimum Front Yard Depth - Forty (40) feet.
- B. Minimum Rear Yard Depth - Fifteen (15) feet.
- C. Minimum Side Yard Width - Ten (10) feet.
- D. Minimum Side Yard Width on Corner Lot - Twenty-five (25) feet.

### **SECTION 401.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 401.6 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-1 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 401.7 ABANDONED CELLULAR COMMUNICATION TOWER PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**SECTION 401.8 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

## **SECTION 402 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

### **SECTION 402.1 PURPOSE**

The purpose of this district is to provide for single family residences at a density of two to three (2 to 3) dwelling units per acre in areas that are provided with central sewer facilities and are in close proximity to urban centers or adjacent to existing development of such density.

### **SECTION 402.2 USES**

Within an R-2 Single Family Residential District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A. PERMITTED USES**

1. All uses permitted in R-1 Single Family Residential District.
2. Single Family dwelling and/or a family home licensed under ORC Section 5123.19.
3. Public Buildings. **(Amended 4-18-01)**
4. Churches and other buildings for the purpose of religious worship.
  - a. See Sub-Section 153 **(Adopted 12-18-00)**
5. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article V.
7. Off-street parking as permitted and regulated in Article VI.
7. Tents not to exceed ten (10) consecutive days (No permit required).
8. Schools

#### **B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
2. Home occupation subject to Subsection 116.

3. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
4. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131. **(Amended 5-17-97)**
5. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, riding academies, and other similar outdoor recreational facilities and/or uses subject to Subsections 101, 102, 103, 104, 105, 114, 123, 124, 127, 128, 131.
6. Mobile home subject to Subsection 138.
7. Bed and breakfast subject to Subsection 151 and Section 600.1 (H)
8. Small wind energy systems subject to Subsection 157.**(Added 4-22-10)**

### **SECTION 402.3 LOT REQUIREMENTS**

- A. Minimum Lot Area - Twenty thousand (20,000) square feet without central sewer system; twelve thousand (12,000) square feet with central sewer system.
- B. Minimum Lot Width at one hundred (100) foot Set-Back-Line - Seventy (70) feet.
- C. Minimum Lot Frontage -  
 Straight or Curvilinear Street - Fifty (50) feet.  
 Cul-De-Sac Street - Forty (40) feet.

### **SECTION 402.4 YARD AND SET-BACK REQUIREMENTS**

- A. Minimum Front Yard Depth - Forty (40) feet.
- B. Minimum Rear Yard Depth - Fifteen (15) feet.
- C. Minimum Side Yard Width - Ten (10) feet.
- D. Minimum Side Yard Width on Corner Lot - Twenty-five (25) feet.



**SECTION 402.5      MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 402.6      REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-2 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 402.7      ABANDONED CELLULAR COMMUNICATION TOWERS**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9-9-98)**

**SECTION 402.8      MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

**SECTION 403 R-3 TWO FAMILY RESIDENTIAL DISTRICT**

**SECTION 403.1 PURPOSE**

This district is intended to provide for two-family dwellings at a maximum density of six (6) dwelling units per acre in areas served with a central sewer system.

**SECTION 403.2 USES**

Within an R-3 Two-Family Residential District, no building, structure, or premises shall be used, arranged to be used, or designated to be used except for one or more of the following uses:

**A. PERMITTED USES**

1. All permitted uses in R-1 Single Family Low Density Residential District, and R-2 Single Family Residential District.
2. Two-family dwelling including, but not limited to a Family Home licensed under ORC Section 5123.19.
3. Public Building. **(Amended 4-18-01)**
4. Churches and other buildings for the purpose of religious worship.
5. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article V.
7. Off-street parking as permitted and regulated in Article VI.
8. Tents not to exceed ten (10) consecutive days (No permit required).
9. School.

**B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
2. Home occupation subject to Subsection 116.

3. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
4. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131. **(Amended 5-17-97)**
5. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to Subsections 107, 109, 114, 128, 131
6. Group dwelling developments of two-family, subject to Subsections 105, 107, 109, 1881, 129, 130, 131 and site plan requirements of Section 403.6.
7. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 141, 142.
8. Bed and breakfast subject to Subsection 151 and Section 600.1 (H)
9. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**

### **SECTION 403.3 LOT REQUIREMENTS**

#### **A. MINIMUM LOT AREA**

1. Two-Family Dwelling - Fourteen Thousand Five Hundred (14,500) square feet.
2. Other permitted uses - Eighteen Thousand (18,000) square feet.

#### **B. MINIMUM LOT WIDTH AT MINIMUM FRONT YARD SETBACK LINE**

1. Two-Family Dwelling - Eighty (80) feet.
2. Other permitted uses - One Hundred (100) feet.

#### **C. MINIMUM LOT FRONTAGE**

Straight or Curvilinear Street - Fifty (50) feet.  
 Cul-De-Sac Street - Forty (40) feet.

## **SECTION 403.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH
  - 1. Two-Family Dwelling or Group Dwelling Development - Forty (40) feet.
  - 2. Other permitted uses - Forty (40) feet.
- B. MINIMUM REAR YARD DEPTH
  - 1. Two-Family Dwelling Twenty-Five (25) feet.
  - 2. Group Dwelling Development - Thirty-Five (35) feet.
  - 3. Other permitted uses - Thirty-Five (35) feet.
- C. MINIMUM SIDE YARD WIDTH.
  - 1. Two-Family Dwelling - Fifteen (15) feet.
  - 2. Group Dwelling Development - Thirty Five (35) feet.
  - 3. Corner lot - all uses - Twenty-Five (25) feet.
  - 4. Other permitted uses - Thirty Five (35) feet.

## **SECTION 403.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

## **SECTION 403.6 SITE PLAN REQUIREMENTS**

All Group Dwelling Developments under Section 403.2-B-6 shall be permitted only after the review and approval of the site plans by the Board of Appeals and upon finding that:

- 1. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- 2. Grading and surface drainage provisions are reviewed and approved by the County's Subdivision Engineer, and a total plan has been prepared by a registered engineer.
- 3. This site plan is so designed to permit adequate access by fire and police and ambulance vehicles.
- 4. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan.

**SECTION 403.7 OFF-STREET PARKING AND LOADING** as regulated by Article VI.

**SECTION 403.8 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-3 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 403.9 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**SECTION 403.10 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

**SECTION 404      R-4 LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT  
(Adopted 5-22-98)**

**SECTION 404.1    PURPOSE**

The purpose of this district is to permit two-family, multi-family or group dwelling developments at densities of up to ten (10) dwelling units per acre. Development shall provide for the efficient development and utilization of community facilities such as water, central sewers, and streets.

**SECTION 404.2    USES**

Within an R-4 Low density Multi-family Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be except for one or more of the following uses:

**A.      PERMITTED USES**

1. Two -family dwellings including, but not limited to, a Family Home licensed under ORC Section 5123.19.
2. Multi-family dwelling of the townhouse, row-house, and garden apartment type, including adult retirement community. Subject to the site plan requirements of Section 404.6.
3. Public Buildings. **(Amended 4-18-01)**
4. Churches and other buildings for the purpose of religious worship.
5. Accessory buildings incidental to the principal use which do not include any activity as a business.
6. Signs as permitted and regulated in Article V.
7. Off-street parking as permitted and regulated in Article VI.
8. Tents not to exceed ten (10) consecutive days. (No permit required.)

**B.      CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to general requirements of Article VIII< Section 800.3, referred to below:

1. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Sub-sections 103, 105, 140.

2. Home occupations subject to Sub-section 116.
3. Institutions for human medical care-hospitals, sanitariums, convalescent homes, and nursing homes, subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
4. Institutions for education subject to subsections 101, 102, 103, 104, 105, 106, 109, 127, 131.
5. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to subsections 107, 109, 114, 128, 131
6. Group dwelling developments, subject to subsections 105, 107, 109, 118, 129, 130, 131, and site plan requirements of Section 406. 6.
7. Child day care centers, subject to subsections 102, 103, 104, 109, 114, 127, 128, 141, 142.
8. Bed and breakfast subject to subsections 151, and Section 600.1 H.
9. Small wind energy systems subject to Subsection 157.(Added 4-22-10)

### **SECTION 404.3 LOT REQUIREMENTS**

#### **A. Minimum Lot Area**

1. Two-Family Dwelling - Fourteen Thousand Five Hundred (14,500) square feet.
2. Multi-Family Dwelling or Group Dwelling Developments - Twelve Thousand (12,000) square feet plus Four Thousand (4,000) square feet for each dwelling unit over three (3).
3. Other permitted uses - Eighteen Thousand (18,000) square feet.

#### **B. Minimum Lot Width at Minimum Front Yard Set-back Line**

1. Two-Family Dwelling - Eighty (80) feet.
2. Multi-Family Dwelling and Group Dwelling Developments - One Hundred (100) feet.
3. Other permitted uses - One Hundred (100) feet.

- C. Minimum Lot Frontage
  - 1. Straight or Curvilinear Street - Fifty (50) feet.
  - 2. Cul-de-Sac Street - Forty (40) feet.

**SECTION 404.4 YARD REQUIREMENTS**

- A. Minimum Front Yard Depth
  - 1. Two-Family Dwelling - Forty (40) feet
  - 2. Multi-Family Dwelling or Group Dwelling Developments - Forty (40) feet.
  - 3. Other permitted uses - Forty (40) feet.
- B. Minimum Rear Yard Depth
  - 1. Two-Family Dwelling - Twenty-Five (25) feet.
  - 2. Multi-Family Dwelling or Group Dwelling Developments - Thirty-Five (35) feet from any R-R, R-1, or R-2 Districts, Thirty-Five (35) from any other districts.
  - 3. Other permitted uses - Thirty-Five (35) feet.
- C. Minimum Side Yard Width
  - 1. Two-Family Dwelling - Fifteen (15) feet.
  - 2. Multi-Family Dwelling or Group Dwelling Developments - Thirty-Five (35) feet.
  - 3. Other permitted uses - Thirty-Five (35) feet.
  - 4. Corner Lot - all uses - Twenty-Five (25) feet.

**SECTION 404.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 404.6 SITE PLAN REQUIREMENTS FOR LOW DENSITY MULTI-FAMILY AND GROUP DWELLING DEVELOPMENTS**

- 1. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- 2. The site plan includes adequate provisions for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence. Active recreation areas shall include picnic pavilions, tennis and basketball courts, swimming pools and similar recreational facilities.
- 3. Grading and surface draining provisions to be prepared by a registered engineer or reviewed and approved by the Stark County Subdivision Engineer.
- 4. At dead-ends, turnarounds shall consist of a Forty-Four (44) feet paved radius, measured from center of roadway, for adequate movement of safety vehicles.



Obstructions, including, but not limited to planters, islands, and/or landscaping shall not be built within roadbeds. Any group swelling development or multi-family dwelling of Fifty (50) Units or more shall provide at least two (2) access points.

5. In large parking areas of fifty (50) spaces or more, visual relief shall be provided through the use of trees or shrubs planted along the perimeter of the parking areas. No parking or service areas shall be permitted between any streets and the main building.

6. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, or any other facilities, shall conform to and be constructed on accordance with the approved site plan.

7. Parking and loading as required in Article VI.

8. Signs as permitted in Article V.

**SECTION 404.7 OFF-STREET PARKING AND LOADING as regulated by Article VI.**

**SECTION 404.8 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-4 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 404.9 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**SECTION 405 R-5 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT  
(Adopted 5-22-98)**

**SECTION 405.1 PURPOSE**

The purpose of this district is to permit multi-family or group swelling developments at densities of up to twenty-five (25) dwelling units per acre in the community where high density housing may be desirable. Development shall provide for the efficient development and utilization of the community facilities such as water, central sewers and streets.

**SECTION 405.2 USES**

Within an R-5 High Density Multi-family Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. PERMITTED USES:**

1. Multi-family Dwelling subject to site plan requirements of Section 405.5 including, but not limited to a Family Home licensed under ORC Section 5123. 19, and adult retirement community.
2. Public Buildings. **(Amended 4-18-01)**
3. Churches and other buildings for the purpose of religious worship.
4. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
5. Signs as permitted and regulated by Article V.
6. Off-street parking as permitted and regulated in Article VI.
7. Tents not to exceed ten (10) consecutive days, (No permit required)

**B. CONDITIONALLY PERMITTED USES:**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3. referred to below:

1. Parking Lots, accessory to a use permitted in an adjacent zoning district, subject to subsections 103, 105, 140.
2. Home occupations subject to subsection 116.

3. Institutions for human medical care - hospitals, sanitariums, convalescent homes, and nursing homes, subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 131.
4. Institutions for education subject to subsections 101, 102, 103, 104, 105, 106, 109, 127, 131.
5. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to subsections 107, 109, 114, 128, 131.
6. Group dwelling development subject to subsections 105, 107, 109, 118, 129, 130, 131, and site plan requirements of Section 405.6.
7. Child day care centers, subject to subsections 102, 103, 104, 109, 114, 127, 128, 141, 142.
8. Bed and breakfast subject to subsections 151, and 600.1 H.
9. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**

### **SECTION 405.3 LOT REQUIREMENTS:**

- A. Minimum Lot Area
  1. Two-Family Dwelling - Fourteen thousand Five hundred (14,500) square feet.
  2. Multi-Family Dwelling or Group Dwelling Developments - Ten thousand (10,000) square feet plus Fifteen Hundred (1,500) square feet for each dwelling unit over three (3).
  3. Other permitted uses - Eighteen thousand (18,000) square feet.
- B. Minimum Lot Width at Minimum Front Yard Setback Line
  1. Two-family Dwelling - Eighty (80) feet
  2. Multi-family Dwelling or Group Dwelling Developments - One Hundred (100) feet.
  3. Other permitted uses - One Hundred (100) feet.

- C. Minimum Lot Frontage
  - 1. Straight or Curvilinear Street - Fifty (50) feet
  - 2. Cul-de-Sac - Forty (40) feet.

**SECTION 405.4 YARD REQUIREMENTS**

- A. Minimum Front Yard Depth
  - 1. Multi-Family Dwelling or Group Dwelling Developments - Fifty (50) feet.
  - 2. Other permitted uses - Fifty (50) feet.
- B. Minimum Rear Yard Depth
  - 1. Multi-Family Dwelling or Group Dwelling Developments - Fifty (50) feet from any R-R, R-1, or R-2 districts Thirty-Five (35) feet from any other district.
- C. Minimum Side Yard Width
  - 1. Multi-Family Swelling or Group Dwelling Developments - Forty (40) feet from any R-R, R-1, R-2 districts, Thirty-Five (35) feet from any other districts.
  - 2. Other permitted uses - Thirty-Five (35) feet.
  - 3. Corner Lot - All uses - Twenty-Five (25) feet.

**SECTION 405.5 MAXIMUM BUILDING HEIGHT - Six (6) stories or Seventy-Five (75) feet.**

**SECTION 405.6 SITE PLAN REQUIREMENTS FOR HIGH-DENSITY MULTI-FAMILY AND GROUP DWELLING DEVELOPMENTS.**

- 1. All the development features including the principal building, open space, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- 2. The site plan includes adequate provisions for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence. Active recreation areas shall include picnic pavilions, tennis and basketball courts, swimming pools and similar recreational facilities.
- 3. Grading and surface draining provisions to be prepared by a registered engineer and reviewed and approved by the Stark County Subdivision Engineer.
- 4. In large parking areas of fifty (50) spaces or more, visual relief shall be provided through the use of trees or shrubs planted along the perimeter of

the parking areas. No parking or service areas shall be permitted between any street and main building.

5. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas shall conform to and be constructed in accordance with the approved site plan.

6. Parking and loading as required by Article VI

7. Signs as permitted in Article V.

**SECTION 405.7 OFF-STREET PARKING AND LOADING** as regulated by Article VI.

**SECTION 405.8 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

A. For each cellular communication tower to be erected in R-5 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 405. ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9-9-98)**

**SECTION 407 R-7 MOBILE HOME PARK RESIDENTIAL DISTRICT**

**SECTION 407.1 PURPOSE**

The purpose of this district is to provide for logical and well-planned locations for mobile homes.

**SECTION 407.2 USES**

Within an R-7 Mobile Home Park District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. PERMITTED USES**

1. Mobile Home (trailer) in a park only, as permitted and regulated in Section 407.6.
2. Accessory Building incidental to the principal use which does not include any activity conducted as business.
3. Agricultural Buildings and uses, and farm market.
4. Signs as permitted and regulated in Article V.
5. A Family Home licenced under ORC Section 5123. 19.
6. Tents not to exceed ten (10) consecutive days (No permit required).

**B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII, Section 800.3 referred to below:

1. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, subject to Subsections 101, 102, 103, 104, 105, 114, 123, 124, 127, 128, 131.

2. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoor and/or recreational oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 108, 114, 124, 125, 126, 127, 128, 131.
3. Home occupations subject to Subsection 116.

### **SECTION 407.3 LOT REQUIREMENTS**

- A. MINIMUM AREA FOR:  
Mobile Home Park - Twelve (12) acres.  
Mobile Home Lot - Five Thousand (5,000) Sq. Ft.
- B. MINIMUM LOT WIDTH AT BUILDING LINE  
Mobile Home Park - Two Hundred (200) feet.  
Mobile Home Lot - Fifty (50) feet.
- C. MINIMUM LOT FRONTAGE  
Mobile Home Park - Two Hundred (200) feet.

### **SECTION 407.4 YARD REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH  
Mobile Home Park - Fifty (50) feet.
- B. MINIMUM REAR YARD DEPTH  
Mobile Home Park - Twenty-Five (25) feet
- C. MINIMUM SIDE YARD WIDTH  
Mobile Home Park - Fifty (50) feet.

D. MOBILE HOMES

A minimum of twenty-five (25) feet clearance between individual mobile homes or trailers, both at the sides and ends. The front setback line for each mobile home located on the mobile home park roadway shall be at least twenty (20) feet from the paved edge of the roadway.

**SECTION 407.5 MAXIMUM BUILDING HEIGHT** Thirty-Five (35) feet.

**SECTION 407.6 SITE PLAN REQUIREMENTS**

All mobile home parks permitted under 407.2 shall be permitted only after the following requirements have been met:

- A. The applicant shall have permission in writing from the State and County Health Departments, approving the site and plans for the proposed mobile home park.
- B. A mobile home park shall consist of a minimum of ten (10) units.
- C. Each trailer unit shall have a minimum of five hundred (500) square feet of living space per family for each mobile home.
- D. All mobile home lots shall abut upon a bituminous concrete road of not less than twenty-five (25) feet in width, which shall have unobstructed access to a public street. On-street parking shall be permitted on one side only.
- E. All trailers shall be parked on a concrete slab within minimum area of 14 x 50 (feet).
- F. Each mobile home lot shall provide underground services and utilities for each mobile home and service center.
- G. Every mobile home lot shall provide a minimum of two (2) automobile parking spaces, contained on the individual mobile home lot, and in addition, the operator of the park shall provide a separate parking lot, providing a minimum of six (6) parking spaces for every one hundred (100) individual mobile home lots. Said parking lot shall conform to all yard requirements and shall be suitably paved to eliminate dust and dirt.
- H. A safe, usable recreation area shall be conveniently located in every mobile home park and shall be not less than twenty (20) percent of the total area of the trailer park.
- I. All mobile homes must be enclosed from the ground to the floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.



- J. Fees for trailer parks shall be in accordance with Article X, Section 1000.5.
- K. The operator shall provide a separate area for trailers, campers and boats.

**SECTION 407.7 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in R-7 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 407.8 ABANDONED CELLULAR COMMUNICATION TOWER**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

## **SECTION 411      B-1 SUBURBAN OFFICE AND LIMITED BUSINESS DISTRICT**

### **SECTION 411.1      PURPOSE**

This district is established to create an environment conducive to well-located and designed office building sites to accommodate professional offices. Non-profit organizations and limited business service activities.

### **SECTION 411.2      USES**

Within a B-1 Suburban Office and Limited Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A.      PERMITTED USES**

1.      All permitted uses in R-1 Single Family Low Density Residential District, R-2 Single Family Residential District, and R-3 Two Family Residential District.
2.      Public Building. **(Amended 4-18-01)**
3.      Churches and other buildings for the purpose of religious worship.
4.      Administrative or executive offices
5.      Professional Offices
6.      Financial institutions, including drive-in facilities with a minimum access of five vehicles.
7.      Radio and Television broadcasting station, not including transmission towers.
8.      Accessory uses clearly incidental to the uses permitted on the same premises.
9.      Signs as permitted and regulated in Article V.

#### **D.      CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1.      Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.

2. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 106, 107, 109, 114, 131.
3. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 109, 127, 131. **(Amended 5-17-97)**
4. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 107, 109, 114, 128, 131.
5. Planned Office Complex for two or more uses as permitted in this district, subject to Subsection 122.
6. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 141, 142.
7. Top Soil Removal, subject to Article VIII, Section 800.3 Subsection 111, (exceptions, Article III, Section 300.4y)
8. Mortuary subject to Subsections 103, 127.
9. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**
10. Ex Offender Reentry Housing subject to Section 800.3, Subsections 102, 104, 105, 106, 107, 108, 114, 118, 124, 127, 128, 129, 140, 156, and 158. **(Added 4-22-10)**

**SECTION 411.3 LOT REQUIREMENTS**

- A. Minimum Lot Area - Fifteen thousand (15,000) square feet.
- B. Minimum Lot Width at Building Line - Seventy-Five (75) feet.
- C. Minimum Lot Frontage - Fifty (50) feet.

**SECTION 411.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH - Thirty (30) feet. Minimum of Ten (10) percent to be landscaped.
- B. MINIMUM SIDE YARD WIDTH
  1. Adjacent to a residential district - Fifty (50) feet.

2. Adjacent to a public street - Twenty-Five (25) feet.
3. Adjacent to B-1, B-2, B-3, I-1 or I-2 District - Sixteen (16) feet.

C. **MINIMUM REAR YARD DEPTH -**

1. Adjacent to a residential district - Fifty (50) feet.
2. Adjacent to a public street - Twenty-Five (25) feet.
3. Adjacent to B-1, B-2, B-3, I-1, I-2 District - Sixteen (16) feet.

**SECTION 411.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 411.6 PARKING AND LOADING REQUIREMENTS - As Required by Article VI hereof.**

**SECTION 411.7 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in B-1 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 411.8 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**SECTION 411.9 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

## **SECTION 412      B-2 NEIGHBORHOOD BUSINESS DISTRICT**

### **SECTION 412.1      PURPOSE**

This district is established to provide for principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design in this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

### **SECTION 412.2      USES**

Within a B-2 Neighborhood Business District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A.      PERMITTED USES**

1. All uses permitted in the R-1 Single Family Low Density Residential District, R-2 Single Family Residential District, R-3 Two Family District, and B-1 Suburban Office and Limited Business District.
2. Convenience retail uses and personal service stores, being defined as food sales, drug store, barber shop, beauty shop, shoe repair shop and other similar uses, provided the floor area devoted to such use or store is no greater than five thousand (5,000) square feet.
3. Restaurant, not including drive-in facilities, or curbside service. **(Amended 7-31-02)**
4. Farm Market.
5. Public Building. **(Amended 4-18-01)**
6. School

#### **B.      CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
2. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 106, 107, 109, 114, 131.

3. Trade Schools subject to Subsections 101, 102, 103, 104, 106, 109, 127, 131. **(Amended 5-17-97)**
4. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsection 107, 109, 114, 128, 131.
5. Planned Office Complex for two or more uses as permitted in this district, subject to Subsection 122.
6. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 127, 128, 141, 142.
7. Top Soil removal, subject to Article VIII, Section 800.3 Subsection 111 (exceptions, Article III Section 300.4y).
8. Mortuary, subject to Subsections 103, 127.
9. Storage of landscaping vehicles and equipment, subject to Subsections 103, 105, 129 and 148.
10. Indoor and outdoor recreational facilities including, but not limited to theaters, tennis and racquet clubs, health spas and physical exercise facilities subject to Subsections 101, 102, 103, 104, 105, 109, 114, 124, 125, 127, 128, 131, 140, 141, 142.
11. Automobile, Non-Commercial vehicle sales and rental subject to subsections 103, 105, 124, 140e, 154, 155 and 156. **(Adopted 2-15-05)**
12. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**
13. Ex Offender Reentry Housing subject to Section 800.3, Subsections 102, 104, 105, 106, 107, 108, 114, 118, 124, 127, 128, 129, 140, 156, and 158. **(Added 4-22-10)**

**SECTION 412.3 LOT REQUIREMENTS**

- A. Minimum Lot Area - Fifteen thousand (15,000) square feet
- B. Minimum Lot Width at Building Line - Seventy-Five (75) feet.
- C. Minimum Lot Frontage. - Seventy-Five (75) Feet.

**SECTION 412.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH - Thirty (30) feet. Minimum of ten (10) percent to be landscaped.
- B. MINIMUM SIDE YARD WIDTH
  - 1. Adjacent to a residential district - Fifty (50) feet.
  - 2. Adjacent to a public street - Twenty-Five (25) feet.
  - 3. Adjacent to B-1, B-2, B-3, I-1 or I-2 Districts - Sixteen (16) feet.
- C. MINIMUM REAR YARD DEPTH
  - 1. Adjacent to a residential district - Fifty (50) feet.
  - 2. Adjacent to a public street - Twenty-Five (25) feet.
  - 3. Adjacent to B-1, B-2, B-3, I-1 or I-2 Districts - Sixteen (16) feet.

**SECTION 412.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.**

**SECTION 412.6 PARKING AND LOADING REQUIREMENTS - as regulated by Article VI hereof.**

**SECTION 412.7 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in B-2 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 412.8 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this Resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9-9-98)**

**SECTION 412.9 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

## **SECTION 413      B-3 COMMERCIAL BUSINESS DISTRICT**

### **SECTION 413.1      PURPOSE**

The purpose of this district is to provide for a variety of retail, service, and administrative establishments which are required to service a large trading area population. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a neighborhood business district development. This district also includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers, create special problems, and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.

### **SECTION 413.2      USES**

Within a B-3 Commercial Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A.      PERMITTED USES (Amended 12-14-15)**

1.      All uses permitted in the R-1 Single Family Low Density Residential District, R-2 Single Family Residential District, R-3 Two Family District, and B-1 Suburban Office and Limited Business District, and B-2 Neighborhood Business District.
2.      Retail stores, including but not limited to clothing, stationary, home furnishings, drugs, jewelry, and sporting goods.
3.      Indoor and outdoor recreational facilities including, but not limited to theaters, tennis and racquet clubs, health spas and physical exercise facilities.
4.      Off-Street public parking lots.
5.      Veterinary hospital and veterinary clinic.
6.      Tents (temporary) not to exceed 30 days per calendar year - Subject to State Fire Prevention Code 1301-7-7-29.
7.      Automobile service stations to include motor tune-ups, muffler shops, and tire repairing services, and service shops, subject to Subsections 103, 105, 106, 119 b, c, d, 129, and 132. **(Amended May 22, 1998.)**
8.      Car Wash
9.      Garden Supply Sales.



10. Hotel, motel, tourist home.
11. Mini Storage
12. Planned Commercial Complex for two or more uses as permitted in this district, subject to Subsections 122, 131.
13. Farm Market.
14. Public Buildings. **(Amended 4-18-01)**
15. School.

**B. CONDITIONALLY PERMITTED USES (Amended 12-14-15)**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

1. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 135, 136, 139.
2. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 140.
3. Cemetery subject to Subsections 103, 121, 127.
4. Institutions for human medical care--hospitals, clinics, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 106, 107, 109, 114, 131.
5. Drive-in theaters, subject to Subsections 101, 102, 103, 105, 108, 129, 131.
6. Public or private transportation agency and terminal, including bus and taxi, subject to Subsections 102, 103, 105, 127, 129, 131.
7. Automobile, truck, trailer, and farm implement sales and storage, subject to Subsections 103, 105, 129 and 140e. **(Amended 7/18/00)**
8. Mortuary subject to Subsections 103, 127.
9. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 141, 142.
10. Top Soil removal, subject to Article VIII, Section 800.3 Subsection 111 (exceptions, Article III Section 300.4y).
11. In-store bakery distribution center subject to Subsection 147.

12. Trade Schools subject to Subsections 101, 102, 103, 104, 105, 109, 127, 131. **(Amended 5-17-97)**
13. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**
14. Ex Offender Reentry Housing subject to Section 800.3, Subsections 102, 104, 105, 106, 107, 108, 114, 118, 124, 127, 128, 129, 140, 156, and 158. **(Added 4-22-10)**
15. Drive-in establishments for food and beverage sales. Minimum eight (8) cars per lane back-up required. **(Added 12-14-15)**

**SECTION 413.3 LOT REQUIREMENTS**

- A. MINIMUM LOT AREA - Twenty thousand (20,000) square feet
- B. MINIMUM LOT WIDTH AT BUILDING LINE - One Hundred (100) feet.
- C. MINIMUM LOT FRONTAGE - One Hundred (100) Feet.

**SECTION 413.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH - Fifty (50) feet.
- B. MINIMUM SIDE YARD WIDTH
  1. Adjacent to a residential district - Fifty (50) feet.
  2. Adjacent to a public street - Twenty-Five (25) feet.
  3. Adjacent to B-1, B-2, B-3, I-1 or I-2 Districts - Sixteen (16) feet.
- C. MINIMUM REAR YARD DEPTH
  1. Adjacent to a residential district - Fifty (50) feet.
  2. Adjacent to a public street - Twenty-Five (25) feet.
  3. Adjacent to B-1, B-2, B-3, I-1 or I-2 Districts - Twenty-Five (25) feet.

**SECTION 413.5 MAXIMUM BUILDING HEIGHT - Eighty (80) feet.**

**SECTION 413.6 PARKING AND LOADING REQUIREMENTS - as regulated by Article VI hereof.**

**SECTION 413.7 OUTDOOR DISPLAY AREAS**

Merchandise to be sold at retail on the premises may be displayed out of doors except that no such display area shall be within fifty (50) feet of any residential (R) district. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

**SECTION 413.8 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in B-3 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 413.9 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**SECTION 413.10 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING IS 1100 SQUARE FEET. (Adopted 7-8-99)**

## **SECTION 421 I-1 INDUSTRIAL DISTRICT**

### **SECTION 421.1 PURPOSE**

The purpose of this district is to provide an environment for and conducive to the development and protection of modern industrial and administrative facilities, research institutions and other similar uses. This district shall also provide for light industrial uses in the field of repair, storage, retailing, wholesaling and distribution, limited manufacturing and processing, free from the encroachment of all residential uses. All residential uses and structures used for residential purposes are prohibited in this district.

### **SECTION 421.2 USES**

Within the I-1 Industry District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A. PERMITTED USES**

1. All uses permitted in the B-1, B-2, and B-3 Business Districts, except residential uses and Schools.
2. Administrative, executive, financial, professional accounting, clerical, drafting and other similar offices.
3. Experimental testing and research facilities, providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
4. Motor freight garage, truck, or transfer terminal, including office, warehouse, storage. **(Amended 5-22-98)**
5. Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packing.
6. The manufacture, compounding, processing, assembling and packaging as follows:
  - a. Baking and dairy goods, candy, and other food products, cosmetics, pharmaceuticals, and toiletries. This does not include meat and fish processing plants which render and refine fats and oils. This does not include plants which manufacture sauerkraut and yeast.
  - b. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs and household appliances.
  - c. Musical instruments, toys, novelties, and other similar rubber, plastic, or metal products.

- d. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operation shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
- e. Professional and scientific instruments; clerical and office equipment.

- 7. Printing and publishing
- 8. Accessory buildings and uses incidental to the principle uses only.
- 9. Public building. **(Amended 4-18-01)**
- 10. Off-street public parking lot and garage as regulated in Article VI.
- 11. Signs as permitted and regulated in Article V.
- 12. Farm Market.

**B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

- 1. Surface mining or strip mining subject to Subsections 105, 110, 112, 113, 117, 124, 127.
- 2. Top Soil Removal, subject to Article VIII, Section 800.3 Subsection 111, (exceptions: Article III, Section 300.4y)
- 3. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding facilities, and other similar recreation facilities and/or uses, subject to Subsections 101, 102, 103, 104, 105, 108, 114, 123, 124, 127, 128, 131.
- 4. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 135, 136, 139.

5. Any other lawful use or purpose which is not objectionable to near-by property by reason of odor, dust, smoke, fumes, gas, glare, noise, or vibrations, or is not hazardous to the health and property of the neighborhood because of the danger of fire or explosion.
6. Trade Schools subject to Subsections 101, 102, 103, 104, 109, 127, 131. **(Amended 5-17-97)**
7. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**
8. Ex Offender Reentry Housing subject to Section 800.3, Subsections 102, 104, 105, 106, 107, 108, 114, 118, 124, 127, 128, 129, 140, 156, and 158. **(Added 4-22-10)**
9. Skill Based Amusement Machine operators or business, subject to Subsections 101, 102, 103, 104, 105, 109, 114, 124, 127, 128, 131, 140, 141, 142, 156 and 159. **(Amended 2-23-21)**

**SECTION 421.3 LOT REQUIREMENTS**

- A. MINIMUM LOT AREA - Twenty thousand (20,000) square feet.
- B. MINIMUM LOT WIDTH AT 100 FEET FRONT SET BACK LINES - One Hundred (100) feet.
- D. MINIMUM LOT FRONTAGE - One Hundred (100) feet.

**SECTION 421.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH - Fifty (50) feet. Minimum of Ten (10) percent to be landscaped.
- B. MINIMUM REAR YARD DEPTH  
Twenty-Five (25) feet except as otherwise required in Section 421.4(D)
- C. MINIMUM SIDE YARD WIDTH  
  
Twenty-Five (25) feet except as otherwise required in Section 421.4(D)
- D. YARDS ADJOINING ANY RESIDENTIAL DISTRICT

Where the boundary of an I-1 District adjoins the boundary line of any residential (R) district, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet.

NOTE: The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

**SECTION 421.5      MAXIMUM BUILDING HEIGHT** - Eighty (80) feet.

**SECTION 421.6      PARKING AND LOADING REQUIREMENTS** - As Required by Article VI hereof.

**SECTION 421.7      REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in I-1 district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 421.8      ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

## **SECTION 422 I-2 INDUSTRIAL DISTRICT**

### **SECTION 422.1 PURPOSE**

The purpose of this district is to provide an environment for and conducive to the development and protection of modern industrial and administrative facilities, research institutions and other similar uses. This district shall also provide for heavy industrial uses in the field of repair, storage, retailing, wholesaling and distribution, manufacturing and processing, free from the encroachment of all residential uses. All residential uses and structures used for residential purposes are prohibited in this district.

### **SECTION 422.2 USES**

Within an I-2 Industrial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

#### **A. PERMITTED USES**

1. All uses permitted in the B-1, B-2, and B-3 Business Districts, also I-1 District, except residential uses and School.
2. Administrative, executive, financial, professional accounting, clerical, drafting and other similar offices.
3. Experimental testing and research facilities, providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
4. Motor freight garage, truck, or transfer terminal, including office, warehouse, storage and auto repair.
5. Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packing.
6. The manufacture, compounding, processing, assembling and packaging as follows:
  - a. Baking and dairy goods, candy, and other food products, cosmetics, pharmaceuticals, and toiletries. This does not include meat and fish processing plants which render and refine fats and oils. This does not include plants which manufacture sauerkraut and yeast.
  - b. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs and household appliances.



- c. Musical instruments, toys, novelties, and other similar rubber, plastic, or metal products.
  - d. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operation shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
  - e. Professional and scientific instruments; clerical and office equipment.
- 7. Printing and publishing
  - 8. Accessory buildings and uses incidental to the principle uses only.
  - 9. Public building. **(Amended 4-18-01)**
  - 10. Off-street public parking lot and garage as regulated in Article VI.
  - 11. Signs as permitted and regulated in Article V.
  - 12. Farm Market.

**B. CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 800.3 referred to below:

- 1. Surface mining or strip mining subject to Subsections 105, 110, 112, 113, 117, 124, 127.
- 2. Steel or similar manufacturing process subject to Subsections 101, 102, 103, 105, 108, 127, 131, 140.
- 3. Sanitary/Demolition/Hazardous Infectious Waste/Residual Solid Waste Landfill Sites, including Incinerator Burning subject to Subsections 101, 103, 104, 108, 113, 124, 133, and 149.
- 4. Junk Yards subject to Subsections 102, 103, 104, 105, 108, 115, 134.
- 5. Top Soil Removal, subject to Article VIII, Section 800.3 Subsection 111, (exceptions: Article III, Section 300.4y)

6. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding facilities, and other similar recreation facilities and/or uses, subject to Subsections 101, 102, 103, 104, 105, 108, 114, 123, 124, 127, 128, 131.
7. Recycling and/or transfer facility, subject to Subsections 114, 124, 137, 131, 142, 143, 145.
8. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 135, 136, 139.
9. Sexually Oriented Adult Cabaret subject to Subsections 101, 102, 103, 104, 105, 106, 107, 108, 114, 124, 127, 128, 129, 152 and definitions stated in Section 422.7.
10. Any other lawful use or purpose which is not objectionable to near-by property by reason of odor, dust, smoke, fumes, gas, glare, noise, or vibrations, or is not hazardous to the health and property of the neighborhood because of the danger of fire or explosion.
11. Trade Schools subject to Subsections 101, 102, 103, 104, 109, 127, 131.
12. Small wind energy systems subject to Subsection 157. **(Added 4-22-10)**
13. Ex Offender Reentry Housing subject to Section 800.3, Subsections 102, 104, 105, 106, 107, 108, 114, 118, 124, 127, 128, 129, 140, 156, and 158. **(Added 4-22-10)**
14. Skill Based Amusement Machine operators or business, subject to Subsections 101, 102, 103, 104, 105, 109, 114, 124, 127, 128, 131, 140, 142, 156 and 159. **(Amended 2-23-21)**

**SECTION 422.3 LOT REQUIREMENTS**

- A. MINIMUM LOT AREA - Twenty thousand (20,000) square feet.
- B. MINIMUM LOT WIDTH AT 100 FEET FRONT SET BACK LINES – One Hundred (100) feet.
- C. MINIMUM LOT FRONTAGE - One Hundred (100) feet.

**SECTION 422.4 YARD AND SET-BACK REQUIREMENTS**

- A. MINIMUM FRONT YARD DEPTH - Fifty (50) feet. Minimum of Ten (10) percent to be landscaped.
- B. MINIMUM REAR YARD DEPTH  
Twenty-Five (25) feet except as otherwise required in Section 422.4(D)
- C. MINIMUM SIDE YARD WIDTH  
Twenty-Five (25) feet except as otherwise required in Section 422.4(D)
- D. YARDS ADJOINING ANY RESIDENTIAL DISTRICT  
Where the boundary of an I-2 District adjoins the boundary line of any residential (R) district, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet.

NOTE: The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

**SECTION 422.5 MAXIMUM BUILDING HEIGHT - Eighty (80) feet.**

**SECTION 422.6 PARKING AND LOADING REQUIREMENTS - As Required by Article VI hereof.**

**SECTION 422.7 SEXUALLY ORIENTED ADULT CABARET**

DEFINITIONS:

- A. A nightclub, bar, restaurant, club, juice bar, or similar establishment which features persons in the state of nudity, semi-nude, live performances, films, motion pictures, video cassettes, slides, or other photographic reproductions which characterize depiction or description of sexual activities or erogenous anatomical areas.
- B. Nudity: State of being undraped-Naked.
- C. Semi-Nude: The state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

- D. Erogenous Anatomical Areas: Erogenous anatomical area include, but are not limited to nudity or a state of nudity wherein the appearance of the human bare buttocks, anus, male genitals, female genitals, female breasts, or a state of dress which fails to opaquely cover a human bare buttocks, anus, male genitals, female genitals, or areola of the female breast.

**SECTION 422.8 REGISTRATION OF CELLULAR COMMUNICATION TOWERS**

- A. For each cellular communication tower to be erected in I-2 district, the owner of the property upon which the tower is to erected must complete a registration form to be maintained in the records of the zoning inspector. There shall be no charge for registering a cellular tower. A sample form may be found in Article XIV of this resolution. **(Adopted 9-9-98)**

**SECTION 422.9 ABANDONED CELLULAR COMMUNICATION TOWERS PROHIBITED**

- A. Notwithstanding any other section of this resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in Article II, definitions. **(Adopted 9- 9-98)**

**T-1 WIRELESS TELECOMMUNICATIONS FACILITY  
(Adopted 4-13-00)**

<b>Section 1 Intent</b>	<b>Section 6 Standards Applicable to all Wireless Telecommunications Facilities</b>
<b>Section 2 Definitions</b>	
<b>Section 3 Permitted Locations</b>	
<b>Section 4 Locations Requiring Conditional Use Approval</b>	<b>Section 7 Abandoned Telecommunications Facilities</b>
<b>Section 5 Collocation Covenant of Good Faith</b>	<b>Section 8 FCC Compliance</b>

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**Section 1 INTENT**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of Canton Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of Canton Township in regulating wireless telecommunication towers and related facilities for the following purposes:

- A. To protect property values;
- B. To regulate a commercial use as so as to provide for orderly and safe development within Canton Township;
- C. To provide for and protect the health, safety, morals and general welfare of the residents of Canton Township;
- D. To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of Canton Township from the adverse effects of towers and related facilities;
- E. To promote collocation of wireless telecommunication facilities in order to decrease the number of towers in Canton Township; and
- F. To maintain, where possible, the integrity of the existing regulations contained in the Canton Township Zoning Resolution.

**Section 2 DEFINITIONS**

- A. Collocation: The use of a wireless telecommunication facility by more than one wireless telecommunication provider or by one provider for more than one type of telecommunication technology.

B. Lattice Tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

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

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

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

G. Wireless Telecommunication Tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopole, guyed and lattice construction steel structures.

### **Section 3 PERMITTED LOCATIONS**

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate, or letter from the Zoning Inspector. Efforts shall be made to locate in the areas listed in order of priority listed.

A. First Priority: New wireless antennas may collocate on existing towers or on existing structures which have been constructed for the purposes, such as but not limited to water towers, church steeples, chimneys, and cooling towers.

B. Second Priority: A wireless telecommunication tower and/or antenna facility may be located in an I-1, I-2, B-1, B-2, B-3 zoning district as set forth on Canton Township Zoning Map.

### **Section 4 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL**

A wireless telecommunications tower or facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 800.2 and the procedures set forth in Section 800.

A. Locations : Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas, in order of priority listed;

1. First Priority: In a R-R District, (minimum 5 acres) located at least 300 feet from an existing residential swelling;
2. Second Priority: In a R-4, R-5, Districts located at least 300 feet from an existing residential dwelling;
3. Third Priority: In a R-1, R-2, R-3, R-7 Districts located at least 300 feet from an existing residential dwelling.

B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that;

1. There is no technically suitable space for the applicant's antenna (s) and related facilities reasonably available in a permitted location as set forth in Section 3 or;
2. If another tower, building or structure set forth in Section 3 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure or;
3. If an area set forth in Section 3 is technically suitable, the applicant must demonstrate that a technically suitable location is not available in any area set forth in Section 3 and shall list the location of every tower, building or structure and all of the areas set forth in Section 3 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

## **Section 5 COLLOCATION COVENANT OF GOOD FAITH**

A. All towers, owned by a licensed carrier, upon which this section permits collocation, of additional antennae, shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically collocated thereon. However, such licensed carrier may charge a reasonable fee for collection of additional antennae upon said tower.

B. All licensed carriers shall cooperate with each other in collocating additional antennae upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation. In event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to collocate upon its tower, the Zoning Inspector may require a third party technical study to evaluate the feasibility of collocation at the expense of either or both licensed carriers. This

covenant of good faith and fair dealing shall be condition of any permit issued pursuant to this Section for a new tower.

C. Any licensed carrier that allows collocation upon a tower permitted pursuant to this Section may condition said collocation antennae does not cause electronic or radio-frequency interference with existing antennae. In the event that the collocated licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow collocation of the interfering antennae upon its structure.

## **Section 6     STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS TOWER FACILITIES**

All wireless telecommunication towers and facilities shall comply with the following standards and conditions:

A. Towers shall be located, to the extent possible to minimize any adverse impacts on or abutting residential property.

B. The minimum setback of the tower from all property lines shall be:

1. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum set back shall be:

a. To avoid any damage to adjacent structures;

b. 75 feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure shall comply with the front yard setbacks for the district in which it is located.

C. Towers located as a conditional use in accordance with Section 4 shall not exceed a height of 200 feet and shall be a monopole structures.

D. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet and shall not exceed 50 square feet in area, either above or below ground

E. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.

F. Prior to approving a new tower, a tower height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to Canton Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications for collocation impact on residents, impact on service levels, etc. Canton Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).



G. The base of the tower, including any guy wires, and all related facilities shall be completely enclosed with a secure fence having a minimum height of 8 feet. The fence shall include three strands of barbed wire along the top and shall be equipped with a locked gate. The fence shall be completely screened from view by at least one of the following:

1. A row of evergreens trees spaced not less than ten (10) feet on center. The initial planting shall be no less than six (6) feet tall.
2. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
3. Other appropriate landscaping that achieves the screen objective.

H. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration (FAA).

I. The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.

J. The tower shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Authority (FAA). Any lighting so required shall be installed to minimize the impact on adjoining properties. A standard red beacon shall be used during the hours of 6:00pm to 6:00am, strobe or similar high intensity lighting is permitted during day light hours only, being the hours of 6:00am to 6:00pm

K. Any accessory building shall comply with the location regulations set forth for the district in which the tower is located.

L. "NO TRESPASSING" signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include a local or toll free telephone number of whom to contact in the event of an emergency. The warning sign shall be 12 inches by 12 inches. No other sign or advertising shall be located anywhere on the facility.

M. The applicant shall submit a reclamation plan at the time of the development plan review. All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

## **Section 7 ABANDONED TELECOMMUNICATION FACILITIES**

A. The owner or operator of a tower shall, on an annual basis, submit a written report to the Zoning Inspector, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the tower for a period of three months during the prior year. Annual compliance reports shall be submitted by January 1<sup>st</sup> of each calendar year.

Provided, however, that a tower permitted and installed within nine months prior to January 1<sup>st</sup> shall not be required to submit the first compliance report until the following January 1<sup>st</sup>.

B. Any tower that has had no antenna mounted upon it for a period of six (6) months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within 180 days after receipt of notice from the Zoning Inspector to do so.

C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provide in this Section.

D. If a tower and facilities are not removed within the 90 days after receipt of a notice from Canton Township requiring said removal, Canton Township may seek and obtain a court order directing such removal and imposing a lien upon which such tower is situated in an amount equal to the cost of removal.

## **Section 8 FCC COMPLIANCE**

Prior to receiving final inspection by the Zoning Inspector, documentation shall be submitted to the Zoning Inspector certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

## ARTICLE V

### SIGN REGULATIONS

#### SECTION 500 SIGNS

##### SECTION 500.1 PURPOSE

The purpose of the following regulations is to protect property values, create a more attractive economic and business climate, enhance and protect physical appearance of the community, and promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types.

##### SECTION 500.2 LIMITATION ON THIS SECTION

The Township's authority and regulation of the following signs is limited in accordance with the OHIO REVISED CODE.

1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation are exempt from these regulations.
2. Signs along interstate and primary highways shall conform to the requirements of the OHIO REVISED CODE, Chapter 5516, and regulations adopted thereto, in addition to conforming to the Canton Township Zoning Regulations.
3. Outdoor Advertising (Off-premises) signs shall be classified as a business use and be permitted in all districts zoned for Business, Industrial, or lands Used for Rural Residential purposes, subject, however, to additional requirements as listed in Article V.
4. For the purpose of these regulations, the word "sign" does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, education, or similar organization.

##### SECTION 501.1 DESCRIPTIONS

Awning or canopy sign - a sign painted on, printed on, or attached flat against the surface of an awning or canopy.

Banner sign - a sign made of fabric or any nonrigid material with no enclosing framework.

Civic organization - any organization operating as a non-profit activity and serving a public purpose or service, and which shall include such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities and schools.

Decorations (holiday) - decorations erected for the purpose of celebrating a legal holiday or local festival.

Directional sign - an on-premises sign giving directions, which may contain only the name or logo of an establishment.

Festoons - a string of ribbons, tinsel, small flags, or pinwheels.

Flag - a piece of fabric with a distinctive design or advertisement used to attract attention to a business or permitted Use.

Government sign - any temporary or permanent sign erected and maintained by the Township, County, State, or Federal Government for traffic direction, or for designation of or direction to any school, hospital, historical site, public service, property or facility.

Incidental sign - a small sign, emblem or decal such as a sign indicating hours of business.

Mansard - a sloped roof or roof-like facade.

Marquee - permanent canopy of rigid materials supported by and extending from the facade of a building.

Nameplate - a non-electric on-premises identification sign giving only the name, address and/or occupation.

Off-premises sign - a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the said sign is located, e.g., billboards.

On-premises sign - a sign advertising an establishment, merchandise, service, or entertainment, which is sold, produced, manufactured, or furnished at the property on which the said sign is located, e.g., billboards.

Outdoor Advertising Sign - A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected-upon the ground or wall of a building or above the roof of a building and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business, or cause not residing or located on the lot or on the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: Any card, cloth, paper, metal, painted glass, wood, plaster, stone, plastic, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush rock, Post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "Outdoor

Advertising Sign" and "Outdoor Advertising Structure" shall include: erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

Political sign - a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign - a temporary sign designed to be moved easily.

Real estate sign - a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof sign - any sign erected over or on the roof of a building.

Sign – Any structure, whether fixed or portable, or natural object such as a tree, rock, bush, and ground itself, or part thereof, or device attached thereto or painted or represented thereon, which will be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device or representation used as, or which is in nature of an announcement, direction, or advertisement. For the purpose of these regulations, the word “sign” does not include the flag, pennant, or insignia of any governmental agency or charitable, religious, education, or similar organization.

Temporary sign - a sign not designed for long-term use and which is not permanently mounted.

Wall Sign - a sign attached to the wall of a building. For the purpose of this definition, wall sign shall refer to awning signs, under-canopy signs, projecting signs, painted, individual letter, cabinet signs and signs on a mansard roof.

Yard sign - sign erected in the yard area of a property for the purpose of advertising a business or product(s) provided on that property.

## **SECTION 501.2 SIGNS PROHIBITED**

The following signs are prohibited in all districts:

1. Signs imitating or resembling official traffic or governmental signs or signals.
2. All signs attached to trees, utility poles, public benches, streetlights, street sign poles.
3. Signs placed on motor vehicles, trucks or trailers which are parked or located for the primary purpose of displaying said sign.
4. Rooftop signs except as provided in Section 501.7(3).
5. Any sign not specifically authorized by these regulations.

**SECTION 501.3 SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE.**

1. Directional signs: such signs, ground or wall, shall not contain any advertising material, shall be located on the premises of the business for which the sign is used to direct traffic to and from, and are limited to the name of the business or establishment on said premises. Directional ground signs shall not be higher than five (5) feet from the ground to the bottom of the sign and no more than five (5) feet in width. Directional signs shall not exceed fifteen (15) square feet in size. Canopies or awnings located directly over a doorway for the purpose of indicating entrance into an establishment shall be permitted and considered directional signs. The wording on such directional sign shall not exceed fifteen (15) square feet in size.
2. Holiday decorations and local festival signs: such holiday decorations or festival signs shall be removed immediately after the holiday has passed, and such signs shall contain nothing in the way of advertisement for the building or property upon which it is located.
3. One (1) nameplate of four (4) square feet or less per occupancy. Such nameplates are limited to name and street address only and shall not contain any advertisement. Signs giving property identification names or numbers, signs on mail boxes or newspaper tubes and shall be limited to one (1) square foot in total sign area.
4. Political signs.
5. Public signs or notices or any sign relating to an emergency.
6. Interior window signs.
7. Commemorative plaques not more than eight (8) square feet in size.
8. Signs posted on private property relating to private parking, no dumping, or warning the public against trespassing or danger from animals or other elements.
9. One (1) flag and pole, in addition to poles with governmental flags thereon, shall be permitted per business.

The above named signs shall not be located within the road right-of-way.

**SECTION 501.4 SIGNS PERMITTED IN ANY DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE**

1. One (1) unlighted nameplate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a home occupation.

2. One (1) unlighted sign not more than thirty-two (32) square feet in area in conjunction with a farm market, which shall be used to advertise seasonal agricultural sales. Such signs shall be removed at the conclusion of the seasonal sales.

**SECTION 501.5 SIGNS PERMITTED IN RESIDENTIAL ZONES UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE**

1. All signs as permitted in Section 501.4.
2. Two (2) subdivision identification signs per neighborhood or entrance into a subdivision or development, not to exceed thirty-two (32) square feet each in sign area.
3. Two (2) identification signs per apartment or condominium complex, not to exceed thirty-two (32) square feet each in sign area.
4. For permitted nonresidential uses, including churches, synagogues, schools and public institutional buildings, one (1) yard sign not to exceed thirty-two (32) square feet each in sign area, and one (1) wall sign not to exceed thirty-two (32) square feet in sign area.
5. Billboards located on lands used for agriculture and zoned residentially shall be located so as to maintain a minimum one hundred (100) feet setback from the front property line, twenty-five (25) feet from the side property lines or fifty (50) feet minimum side yard setback from public streets, and shall not exceed a height of thirty (30) feet nor exceed a gross area of two hundred (200) square feet. No billboard shall be located within five hundred (500) feet of a residence or a driveway thereto, any public park, public or parochial school, library, church or similar institution. The above yard signs in residential districts shall have a maximum height limit of ten (10) feet and shall not be located closer to any street right-of-way lines than ten (10) feet.

**SECTION 501.6 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE.**

1. All signs permitted in section 501.4.
2. YARD SIGN: (a). One (1) for each street frontage.  
(b). Maximum height of thirty-five (35) feet.  
(c). Maximum of three hundred (300) square feet.
3. WALL SIGN: (a). One (1) wall sign per occupancy (business).  
(b). Maximum of four hundred (400) square feet.  
(c). Corner occupants are permitted to have sign facing the secondary street not to exceed four hundred (400) square feet.

4. BILLBOARDS AND OFF-PREMISES ADVERTISING SIGNS:

- (a). Must maintain minimum setbacks as required for buildings in that district.
- (b). All such signs shall be a minimum of fifty (50) feet from any building.
- (c). All such signs shall be a minimum of one thousand (1,000) feet from another such sign.
- (d). All such signs shall be a minimum of two hundred fifty (250) feet from the right-of-way of any major thoroughfare intersection.
- (e). All such signs shall be a minimum of five hundred (500) feet from the premises of a park, school, church, library, or similar institution.
- (f). B-1 and/or B-2 Districts:
  - 1. Maximum height - thirty-five (35) feet.
  - 2. Maximum gross area - three hundred (300) square feet.
- (g). B-3, I-1, and/or I-2 Districts:
  - 1. Maximum height - fifty (50) feet.
  - 2. Maximum gross area - six hundred seventy five (675) square feet.
- (h). B-3 District:
  - 16. One thousand (1,000) foot setback from Residential, B-1 and/or B-2 Districts.
- (i). Written authorization from the owner of the property (sign location) shall be required prior to issuance of a permit.

Billboards and other off-premises advertising signs located within B-1 and I-1 & I-2 Districts shall not exceed a height of fifty (50) feet and shall not exceed a gross area of six hundred seventy five (675) square feet.

Billboards and other off-premises advertising signs located in the B-3 District shall maintain a one thousand (1,000) foot setback from any adjoining residential, B-1 and B-2 districts.

Billboards and other off-premises signs shall not be located in such a manner that would reduce the available number of parking spaces below the minimum required parking spaces per building occupancy.

Written authorization from the owner of the property upon which any billboard or other off-premises advertising sign will be located shall be required prior to issuance of a permit.

5. ADDITIONAL ON-PREMISES POLE SIGN (LOCATED WITHIN SEVEN HUNDRED FIFTY (750) FEET OF THE RIGHT-OF-WAY OF INTERSTATE 77:

- (a). Maximum height - fifty (50) feet.
- (b). Maximum gross area - three hundred (300) square feet.
- (c). Setback - ten (10) feet from the right-of-way, or property line.

One (1) additional on-premises pole sign shall be permitted on property located within seven hundred fifty feet (750) of the right-of-way of Interstate 77. Such pole signs shall not exceed three hundred (300) square feet in size and fifty (50) feet in height and shall be located no closer than ten (10) feet to the right-of-way or property lines.



## **SECTION 501.7     REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT**

The following regulations shall apply to all signs in all use districts unless otherwise specified herein.

1. Any illuminated sign or lighting device shall employ only an emitting light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights, with the exception of an electronic message center.
2. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee and excluding awning and canopy signs.
3. No sign shall be placed on the roof of any building, except those signs which appear to be a continuation of the face of the building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises except as provided in these regulations.
5. Awning signs may extend for the width of a building with no more than eight (8) feet projection. Minimum clearance of an awning shall be at least eight (8) feet from the ground unless projecting over a vehicular right-of-way in which case clearance shall be fourteen (14) feet minimum. Awning signs shall conform to all other applicable sign regulations.
6. All signs shall be plainly marked with the name and the phone number of the party responsible for maintenance. All signs shall be properly maintained. Defective, torn, or damaged parts shall be replaced. All yard signs shall be firmly attached to support structure (Refer to Stark County Code).
7. No sign shall be located closer than ten (10) feet to any side or rear property line nor within ten (10) feet of any public right-of-way, except as indicated in Section 501.3 above.
8. No sign shall be suspended by non-ridged attachments that will allow the sign to swing in the wind. All yard signs in excess of ten (10) feet in height shall have supporting structures firmly attached to a foundation to meet Stark County Building Code. Guide wires shall not be permitted to be attached to secure a yard sign.
9. No off-premises sign shall be permitted unless a written authorization from the property owner is submitted with the sign application.

## **SECTION 501.8 MEASUREMENT OF SIGN AREA**

The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one (1) side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

The surface area of a double faced, back to back sign shall be calculated by using only the area of one (1) side of such sign, so long as the distance between the faces of such signs does not exceed three (3) feet.

The surface of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the angle of the "V" does not exceed thirty (30) degrees and the widest distance between the back of the sign does not exceed five (5) feet.

Where a sign consists of individual letters, elements or symbols, the measurement area shall consist of the area beginning at the first letter, element or symbol of the sign to the last letter, element or symbol, on the sign including all wall space between the individual letters, elements or symbols.

Where a sign is made a part of an awning or canopy, the entire area within a regular geometric form comprising all of the sign area, including all elements and symbols of signage, shall be computed as surface area. This shall exclude a canopy of awning used as a directional sign as set out in Section 501.3 (1).

## **SECTION 501.9 TEMPORARY AND PORTABLE SIGNS**

### **A. Temporary Signs Not Requiring a Permit**

1. One (1) real estate sign not more than sixteen (16) square feet in size per street frontage. Such sign must be removed within seven (7) days of sale, rental or lease of premises. Two (2) off premises real estate directional signs no larger than three (3) square feet each may be permitted per property advertised. Directional sign for purposes of this subsection 501.1. Sign giving directions which may contain a name or logo of an establishment but not advertising copy.
2. A maximum of four (4) auction signs not more than sixteen (16) square feet each in size per auction shall be permitted. Three (3) of said signs may be located off-premises and shall be removed within seven (7) days after the auction is over.
3. One (1) sign at a construction project denoting the architect, engineer, or contractor sixteen (16) square feet in surface area or less in any district. Such sign may be erected thirty (30) days prior to beginning of construction and shall be removed seven (7) days following completion of the construction.
4. Political signs in connection with local, state, national election and referendum are not permitted till forty five (45) days prior to official election date. All political signs must be removed within seven (7) days from the official election date. No political signs

shall be placed within a public right-of-way and no temporary political sign shall exceed sixteen (16) square feet in area. All political signs may be placed only on private property with permission of the property owner. (Adopted 4-13-00)

B. Temporary Signs Requiring a Zoning Certificate

1. One (1) temporary or portable sign advertising products sold on the premises upon which the sign is located.
  - a. No such temporary or portable sign shall exceed forty (40) square feet in surface area.
  - b. No such temporary or portable sign may be displayed for more than thirty (30) days consecutive twice in a one (1) year period which shall commence from the date of issuance within a calendar year. (Amended 12-06-05.)
  - c. No such temporary or portable sign may be closer to the right-of-way than ten (10) feet or in any way impair the vision of traffic entering or exiting the property or any adjacent properties.
  - d. Temporary or portable signs shall be removed from the property when not in use either by occupant or property owner. If said sign is privately owned, it must be placed inside an enclosed building for storage when not in use. **(Amended 5-22-98)**
2. One (1) sign not more than thirty-two (32) square feet in area in conjunction with a roadside stand, which shall be used to advertise seasonal agricultural sales. Such signs shall be removed at the conclusion of the seasonal sales.
3. One (1) real estate sign more than sixteen (16) square feet in area and not exceeding one hundred (100) square feet, for each street frontage. Such signs shall be removed after seven (7) days of the sale, rental or lease of premises.
4. One (1) auction sign more than sixteen (16) square feet in area, and not exceeding one hundred (100) square feet, for each street frontage. Such signs shall be removed after seven (7) days of the auction of the property affected.
5. In residential districts, one (1) sign denoting the architect, engineer or contractor for each street frontage of a project, the sign area of which may be over sixteen (16) square feet and does not exceed one hundred (100) square feet in sign area.

In commercial or industrial districts, one (1) sign denoting the architect, engineer or contractor for each street frontage of a project, the sign area of which is thirty-two (32) square feet and does not exceed one hundred (100.) square feet in sign area.

The above signs may be erected thirty (30) days prior to beginning of construction and shall be removed seven (7) days following completion of the construction.

Temporary signs shall not be placed closer than ten (10) feet from any street right-of-way line.

The above mentioned temporary signs shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct vision of traffic or in any manner create a hazard or disturbance to the safety and health of the public.

## ARTICLE VI

### PARKING AND LOADING REQUIREMENTS

#### SECTION 600 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off street to meet all the parking needs; the edge of such facilities shall be within five hundred (500) feet of the principal permitted use or building.

#### SECTION 600.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACE REQUIRED

- A. Stadium, church chapel or sanctuary - One (1) for each three (3) seats based on maximum seating capacity.
- B. Business and Professional Offices, including Child Care, Day Care Centers, Medical and Dental Offices, Clinics, Banks and Studios: One (1) for each two hundred (200) square feet or fraction thereof, of floor area.
- C. Schools:
  - 1. Elementary and Middle Schools: At least one (1) for each two (2) employees, including administrators, teachers, maintenance personnel, and one (1) per six (6) seats in the auditorium or main assembly room or one (1) per classroom, whichever is greater.
  - 2. Senior High Schools: One (1) per one (1) employee, including administrators, teachers, and building maintenance personnel plus one (1) per six (6) seats in the auditorium or main assembly room or three (3) spaces per classroom, whichever is greater.
  - 3. Colleges and Adult Vocational Schools: One (1) space per five (5) students per classroom based upon maximum capacity.
- D. Clubs and Lodges - One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area and one (1) for each three (3) seating spaces in the assembly room.
- E. Housing/Developments:
  - 1. Single Family, two (2) spaces for each single family dwelling unit.

2. Group Dwelling developments, two (2) spaces for each studio apartment, two (2) spaces for each one-bedroom unit, and two (2) spaces for each two (2) or more bedroom units; plus one (1) additional parking space for each four (4) units.
  3. Adult retirement Community, two (2) parking spaces for each three (3) dwelling units in the development.
- F. Hospitals - One (1) parking space for each two (2) beds plus one (1) space for each three (3) employees.
  - G. Institutions for human medical care, other than hospitals, one (1) parking space for each three (3) beds, plus one (1) space for each three employees.
  - H. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room. Lounges, nightclubs or restaurants within hotels, motels, or tourist homes shall be required to provide additionally as per 600.1 **(I)** below.
  - I. Restaurants, nightclubs, snack bars, taverns and similar uses: One (1) space for each three (3) seats available plus one (1) space for every two (2) square feet of lounge/bar standing area plus five (5) additional spaces for restaurant offering carry-out or delivery facilities plus one (1) space for each three (3) employees.
  - J. Rental Stores and Personal Service Shops - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area devoted to the public.
  - K. Indoor Theaters - One (1) for each three (3) seats.
  - L. Lodging Houses, Boarding Houses, and uses as permitted in Article I, Section 108 One (1) for each three (3) guest rooms but not less than two (2) in any case.
  - M. Libraries and Museums - Due to automation and computers the manufacturing facility may not exceed one (1) parking space for each five hundred (500) square feet of floor area.
  - N. Health and Indoor Recreational Facilities - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
  - O. Automobile service center or gasoline station, one (1) space per each three hundred (300) square feet or fraction thereof of total floor area.
  - P. Gasoline station with attached or enclosed convenience store, one (1) space per each two hundred (200) square feet or fraction thereof of total floor area.
  - Q. Outdoor recreational facilities - One (1) for each three (3) seats in bleacher area, or one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity, whichever is greater.

- R. Farm market - One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.
- S. Mini Storage - One (1) for each one thousand (1,000) square feet, or fraction thereof of floor area.
- T. Mortuaries - One (1) parking space for each one hundred (100) square feet, or fraction thereof, of floor area.
- U. Car Washes

Automatic Car Wash

- 1. Car Washes in which vehicles are mechanically moved through the production line shall have and maintain ten (10) paved off-street parking spaces on the premises for each production line. In addition there shall be provided at the exit at least two and one-half (2-1/2) off street parking spaces per exit lane; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles entering or exiting the washing facility.

- 2. Semi-Automatic Car Wash

Car Washes in which automatic machinery is used to wash the vehicle but the vehicle provides the power through the production line shall have and maintain on the premises at least five (5) paved off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least one and one-half (1-1/2) off-street parking spaces for each stall; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or exiting the washing facility.

- 3. Manual Car Wash

Car Washes in which vehicles are manually washed and provide their own power through the stall shall have and maintain on the premises at least five (5) paved off-street parking spaces for each parking stall. In addition, said parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.

- V. Industrial and Manufacturing facilities including warehouse, are required to have adequate off-street parking for their personnel. **(Adopted 4-13-00)**

**SECTION 600.2 GENERAL REGULATIONS**

- A. FLOOR AREA - For the purpose of this section, "floor area" in offices, merchandising and services types of uses shall mean the interior area used for service to the public, excluding check out areas and customer service counters, and

areas used principally for nonpublic purposes such as storage, incidental repair, processing show windows, rest rooms, and dressing rooms. Businesses with more than one (1) use shall be required to provide parking for each respective use.

In measurement for parking space, a fraction thereof shall require one (1) parking space.

- B. **PARKING SPACE** - Off-street accessory parking areas shall provide parking spaces, each of which shall not be less than one hundred eighty (180) square feet in area exclusive of access drives or aisles.

Required parking spaces shall be clearly marked with paint or wheel guards to indicate the location of each space. The width of an aisle between rows of parking spaces shall not be less than twenty-four (24) feet.

- C. **PARKING AREA DESIGN** - Such parking areas shall be of usable space, improved with gravel, bituminous concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the Subdivision Regulations. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources such as the stringing of light bulbs shall be permitted.

The parking area design plan as approved by the Zoning Inspector shall be completed within one (1) year of building completion.

- D. **ENTRANCES AND EXITS** - Entrances and exits shall be located to minimize congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) access ways abutting on any one (1) street. One (1) additional access way shall be permitted for developments with five hundred (500) feet or more of road frontage provided the proper approvals are obtained from Township, County or State Authorities. Access ways shall not be less than twenty seven (27) feet in width at the sidewalk line nor more than thirty five (35) feet at the curb out line of street.

Residential uses may have access ways of not less than eight (8) feet.

- E. **YARD RESTRICTIONS**

1. Residential: Off-street parking, exclusive of driveways, shall occupy no more than one-third (1/3) of any front, side or rear yard in any R-R, R-1, R-2, and R-3 districts.
2. Commercial/Commercial: In all B-1, B-2, B-3 and I-1 and I-2 Districts, a landscaped strip at least ten (10) feet wide shall be required along the front right of way line; and a landscaped strip at least five (5) feet in width shall be required along the side property lines; and a five (5) foot strip shall be



required along the rear property line where B-1, B-2, B-3 and I-1 and I-2 districts abut B-1, B-3 and I-1 and I-2 districts. Open off-street parking may be located in the remaining front, side or rear yard setback.

3. Two (2) driveway openings between adjoining properties may be waived if two (2) or more adjacent properties are developed under a common site plan.
4. Side or rear yard landscaping between adjoining properties may be waived if two (2) or more adjacent properties are developed under a common site plan.
5. A landscape plan shall be submitted in compliance with E(2) above and E(4). The landscape plan shall be implemented within one (1) year of the completion of each building or phase of development.
6. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.
7. Commercial/Residential: In B-1, B-2, B-3 and I-1 and I-2 Districts adjacent to R-R, R-1, R-2, R-3 or R-7 districts, a ten (10) feet landscaped strip shall be required along all street frontages. A ten (10) feet landscaped buffer yard shall be located along the side and rear lot lines of residential districts.
8. Multi-Family/Single Family: In R-3 districts adjacent to R-R, R-1 and R-2 districts, a ten (10) feet buffer yard shall be located along the side and rear lot lines of residential districts.
9. A buffer yard plan shall be required for E(4) and E(5) above and shall consist of one (1) of the following or a combination of two (2) or more, as approved by the Zoning Inspector or the Board of Zoning Appeals, in the event of an appeal, variance or conditional use. The buffer yard plan shall be implemented within one (1) year of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.
  - a. A landscaped solid fence or wall of materials compatible with the principal building.
  - b. A mix of trees and shrubs that is expected to form a six (6) foot high screen within three (3) years of planting.
  - c. A landscaped earthen mound not less than four (4) feet in height and no more than six (6) feet in height.
  - d. Maintenance of existing natural vegetation which, in its natural state, forms a six (6) feet high screen.

10. All required landscaping or buffer yards shall be maintained by the property owner or agent. All landscaping that dies or is destroyed must be replaced within six (6) months.
- F. LOCATION - The parking spaces required for dwelling units shall be located on the lot, and parking spaces for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property.
- G. PERMITS AND APPROVAL - All parking site plans must comply with current fire safety standards and must be approved by the Canton Township Fire Department. Completion of the parking lot shall comply with that approved site plan. Changes and/or additions to any approved site plan shall require a permit and final approval by the Zoning and Fire Departments.

Before a Zoning Permit is issued for any proposed building which has:

1. A general side length of one hundred fifty (150) feet or more and/or
2. A height of thirty five (35) feet or more from finished front or rear grade, the plot plan and general design shall be reviewed and approved by the Canton Township Fire Chief or his designee for compliance to State and Local Fire Codes, Rules and Directives as they relate to the building and accesses thereto. Such review shall pertain to the health, safety and welfare of the occupants of such structure and the ability of the local fire department to provide adequate safety as determined by the Fire Chief.

### **SECTION 600.3     LOADING AND UNLOADING SPACE REQUIREMENTS**

#### **A.     MINIMUM SPACES REQUIRED.**

1. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading, and service purposes.
  - a. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any public or private right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks, emergency vehicles, fire trucks and other vehicles.
  - b. Loading spaces as required under this section shall be provided as area additional to off-street parking spaces as required under Section 601 and shall not be considered as supplying off-street parking space.
  - c. All vehicles loading and unloading shall do so from the property and must not interrupt traffic flow.

#### **SECTION 600.4     PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED**

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; right-of-way of any publicly dedicated thoroughfare.

#### **SECTION 600.5     PARKING REQUIREMENTS FOR I-1 AND I-2 DISTRICTS**

In I-1 & I-2 districts, parking spaces shall be adequate per employee on the maximum working shift, provided there shall be reservation of an open space area large enough to accommodate the number of parking spaces required in the event the parking spaces are needed in the future. **(Adopted 4-13-00)**

## **ARTICLE VII**

### **NON CONFORMING USES**

#### **SECTION 700      PURPOSE**

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this resolution or amendments thereto.

#### **SECTION 700.1      REGULATIONS**

The lawful use of any building or land existing at the effective date of this Resolution or amendments thereto may be continued, although such uses does not conform with the provisions of this Resolution.

##### **A.      ALTERATION AND ENLARGEMENT**

A nonconforming building, structure, or use existing at the time this resolution takes effect may be altered or enlarged as to extend such use of structure not to exceed an additional twenty-five (25) percent in square foot area, upon application and approval by the Township Zoning Inspector and Ohio Revised Code 519.19.

##### **B.      NONCONFORMING TO NONCONFORMING USE**

A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is identical or in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Appeals.

##### **C.      Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided such replacement or repair does not extend the nonconforming use in square feet area, except as permitted in Section 700.1 (A).**

##### **D.      CONSTRUCTION APPROVED PRIOR TO RESOLUTION**

Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment thereto, provided that the construction is commenced within ninety (90) days after the adoption of this Resolution that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.

E. DISPLACEMENT

No nonconforming use shall be extended to displace a conforming use.

F. DISCONTINUANCE OR ABANDONMENT

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this resolution.

G. UNSAFE STRUCTURES

Nothing in this Resolution shall prevent the strengthening or restoring to safe condition of any portion of a building or structure declared unsafe by a proper authority.

H. CERTIFICATE OF NONCONFORMING USE

Within one (1) year of the effective date of this Resolution the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property.

1. In accordance with the provisions of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall be in conformance with the provisions of the use zone in which the property is located.

2. A copy of each "Certificate of Non conforming Use" shall be filed in the office of the Zoning Inspector.

I. DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

## **ARTICLE VIII**

### **CONDITIONAL ZONING CERTIFICATES**

#### **SECTION 800 PURPOSE**

To provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Resolution.

#### **SECTION 800.1 PROCEDURES FOR MAKING APPLICATION**

Any application for a Conditional Zoning Certificate for any land, structure, or use permitted under this Resolution shall be submitted in accordance with the following procedures:

##### **A. APPLICATION SUBMITTED TO THE SECRETARY OF BOARD OF ZONING APPEALS**

Any application for a Conditional Zoning Certificate shall be made to the Secretary of the Board of Zoning Appeals for submission to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by a fee as required in Section 1000.10, which fee shall not be refundable. In addition the Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report requesting whether a special study is required. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

##### **B. DATA REQUIRED WITH APPLICATION**

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site, plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their use, and the acreage or area involved, including that for parking.
3. Sufficient plans and specifications for all proposed development and construction, and where appropriate, reclamation.

##### **C. REVIEW OF APPLICATION BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specification in terms of the standards established in this Resolution. Such review by the Board of Zoning Appeals shall be completed and made public within forty-five (45) days of the date of submission.

D. HEARING OF APPLICATION

After adequate review and study of any application by each individual Board of Zoning Appeals Member, the Board shall hold a public hearing upon every application after at least one (1) publication in a newspaper of general circulation in the township. Such notice shall indicate the time, place and subject of the hearing. Published at least ten (10) days prior to the date of the hearing,

E. ISSUANCE AND REVOCATION OF CONDITIONAL ZONING CERTIFICATES – VIOLATION AND PENALTY.

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. This authority shall be in addition to the authority contained in Section 519.14 (D) of the OHIO REVISED CODE for the revocation of a conditional zoning certificate.

F. RE-SUBMISSION OF APPLICATION FOR CONDITIONAL USE PERMIT

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application each re-application shall be accompanied by the required fee.

G. TERMINATION

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of approval by the Board of Zoning Appeals unless the structure, alteration or land use has begun.

H. CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE

All uses existing at the time of passage of this Resolution and conditionally permissible in their respective districts under this Resolution shall be issued Conditional Zoning Certificates by the Zoning Director within one (1) year after the passage of this resolution.

## **SECTION 800.2 BASIS OF DETERMINATION**

The Board of Zoning Appeals shall determine beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed.

### **A. GENERAL STANDARDS**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the same area.
2. Will not be hazardous or disturbing to existing or future neighboring uses.
3. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
4. Will be serviced adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
5. Will be in compliance with Township, County, State, and Federal regulations.
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

## **SECTION 800.3 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 400.2B, 401.2B, 402.2B, 403.2B, 404.2B, 407.2B, 411.2B, 412.2B, 413-2B, 421.2B, 422.2B.**



## SUBSECTIONS:

101. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
102. Loud speakers which cause a hazard or annoyance shall not be permitted.
103. All points of vehicular entrance or exit shall be located no closer than one hundred (100) feet from the intersection of two (2) major thoroughfares, or no closer than fifty (50) feet from the intersection of a major street and a local or collector street.
104. There shall be no more than one (1) advertisement located on each abutting road identifying the activity.
105. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
106. Such developments should be located on major thoroughfares or at intersections of major and/or collector streets.
107. Such uses shall not require extensions of utility services at the expense of the Township.
108. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
109. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
110. Surface mining or strip mining operations and/or related activities in the following districts shall not be permitted within two hundred (200) yards of any property in said districts or within one hundred (100) yards of any property in an adjacent B-1, B-2, B-3 district or within fifty (50) feet of any property in an adjacent I-1 and I-2 district not owned or controlled by the operator; unless and until the operator has obtained the written consent of the adjacent property owner(s). "Operations" and "Related Activities" shall include, but not be limited to: storage of equipment, extraction of minerals, storage of extracted minerals, processing of extracted minerals, loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds associated with or used in conjunction with the operator's mining activities.

RR Rural Residential District

Operations, including the start-up and/or warm-up of any extraction, processing, or related equipment, shall not commence before 7:00 A.M. local time. and shall terminate no later than 5:30 P.M. local time.

Operations on Sundays and legal holidays recognized by the State and/or Federal Governments shall be prohibited. Actual working hours requested by applicant are subject to approval or modification by the Board of Zoning Appeals.

Surface mining or strip mining operations and/or related activities in the I-1 and I-2 districts shall not be permitted within fifty (50) feet of any property located in said district or within one hundred (100) yards of any property in an adjacent B-1, B-2, B-3 district, or within two hundred (200) yards of any property in an adjacent R-R. R-1, R-2, R-3 and R-7 District not owned or controlled by the operator; unless and until the operator has obtained the written consent of the adjacent property owner(s). "Operations" and "Related Activities" shall include, but not be limited to: storage of equipment, extraction of minerals, storage of extracted minerals, processing of extracted minerals, loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator's mining activities.

111. Conditional Use Zoning Certificate for the removal of top soil shall meet the following requirements :
- a. Every applicant granted a top soil removal certificate as herein provided shall furnish a performance bond of two thousand five hundred (\$2,500.00) dollars per acre with a minimum bond of five thousand (\$5,000.00) dollars to the Township of Canton as a guarantee that such work will be done in a satisfactory manner.
  - b. A reclamation plan shall include a substitute resoiling material that will support vegetation capable of self-regeneration and plant succession.
  - c. Operations on Sundays, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas shall be prohibited. Actual working hours requested by applicant are subject to approval or modification by the Board of Appeals.
  - d. Applicant must designate approximate time of completion of reclamation.
  - e. Reclamation shall be progressive to prevent erosion.
  - f. The storage of top soil from other sites shall be permitted only in Industrial Districts.

112. Requirements:
- a. Reclamation is required within one (1) year from expiration date of a Conditional Use Certificate or the abandonment of the operations.
  - b. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation.
  - c. A copy of State application, as approved by the Division of Reclamation, and any revisions to the application over the life of the permit, shall be submitted to the Board of Zoning Appeals.
  - d. Applications or revisions submitted to the Division of Reclamation subsequent to the issuance of a Canton Township Surface Mining or Strip Mining Certificate shall be presented to the Board of Zoning Appeals within ten (10) days of approval by the Division of Reclamation.
113. Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
114. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
115. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
116. Such uses shall be permitted subject to the following conditions:
- a. Such use shall be conducted entirely within the dwelling unit and or yard space.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. Such use shall be owned and operated solely by the person or persons residing in the dwelling unit.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. No newspaper, radio, or television service shall be used to advertise such home occupation.
  - f. One (1) unlighted name plate not more than (4) square feet in area announcing the name and home occupation shall be permitted.

- g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
- h. Parking spaces shall be provided off-street for any traffic generated by such use.

117. Requirements:

- a. Processing equipment to be located at the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
- b. Existing natural and man-made barriers at the site shall be provided as a protection and screening against noise, dust and visual protection for all operations.
- c. Haul roads shall be positioned to provide for safe access to State, County and Township roads. These roads shall be hard surfaced for dust control.
- d. Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for top soil or mineral removal at one hundred foot (100) intervals or less.
- e. The storage of minerals, peat or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.

118. Special Provisions for Group Dwellings:

- a. Group dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard setback requirements; the entire development as a unit requiring one (1) front, one (1) rear and two (2) side yards as specified for two-family or multi-family dwellings in the appropriate district.
- b. Each group dwelling development unit shall have a minimum court of thirty (30) feet in width between group dwellings measured from the building foundation or building overhang or attached permanent structure, whichever is the lesser distance.
- c. Trash dumpsters shall not be placed between garages separated by less than twenty (20) feet spacing.
- d. A ten (10) foot buffer yard shall be provided around the perimeter of the property. The buffer yard plan shall be in compliance with Section 600.2-E-6 of these regulations and shall be implemented within one (1) year of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

119. Such Uses Shall be Permitted Under the Following Conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
  - b. No more than two (2) driveway approaches shall be permitted directly from any one (1) thoroughfare and shall not exceed thirty (30) feet in width at the property line.
  - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
  - e. Minimum eight (8) cars per lane back-up shall be required.
120. Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
121. The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site to be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. 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 the issuance of a conditional use permit.
  - f. Only signs designating entrances, exits, traffic direction and titles shall be permitted and must be approved by the Board.
  - g. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.

- h. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located.
  - i. No grave sites shall be located within ten (10) feet of the right-of-way lines of any public street nor within ten (10) feet of an existing property line.
122. A planned commercial or office complex containing two (2) or more primary use commercial or office structures having common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan shall be permitted provided the following conditions are met:
- a. There shall be thirty (30) feet between buildings measured from the building foundation or any building overhangs whichever measurement is the lesser.
  - b. The complex shall be considered as one (1) building for the purpose of determining front, side and rear yard setback requirements; the entire development as a unit requiring one (1) front, one (1) rear and two (2) side yards. Where the complex is adjacent to a residential district, the side and/or rear yard setback shall be fifty (50) feet from the abutting residential district.
  - c. Parallel streets shall be required along an existing or proposed major arterial thoroughfare for developments with frontage of more than one thousand (1,000) feet to limit the number of accesses along the arterial thoroughfare and to provide safe ingress and egress for the complex.
  - d. All points of ingress and egress shall be located no closer than one hundred fifty (150) feet to the intersection of two (2) streets.
  - e. A ten (10) foot buffer yard between a commercial and residential district shall be provided in accordance with Section 600.E-5 of these regulations.
123. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands, and concession stands.
124. A Conditional Zoning Certificate for a use permitted under these regulations may be issued for a period of not more than one (1) year. Prior to the expiration of said permit, applicant shall apply for a renewal of the Conditional Zoning Certificate. If at the expiration date the Zoning Inspector determines that a violation of the certificate does exist, the Board of Appeals will conduct a hearing to view said violation and at that time, upon their decision, may or may not reissue the Conditional Zoning Certificate for a one year period.
125. Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
126. Only retail uses which are customarily accessory and incidental to the main

recreational use shall be permitted as part of the park recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily campers using the park.

127. All facilities and structures shall meet all County and/or State of Ohio health, building, and other applicable codes.
128. All activities, programs, and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
129. The proposed project shall conform to all requirements and/or conditions as the Board may deem necessary to meet the following criteria:
  - a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
  - b. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with gravel, bituminous concrete, asphalt, or equivalent. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
  - c. The property must be served by central sewer facilities approved by the appropriate State and County Health Departments and operated and maintained according to the inspection and miles of said departments.
130. No zoning certificate shall be issued until final site plans have been submitted and approved in accordance with the Stark County Sub-division Regulations, where applicable, and the Board of Appeals. Zoning certificates shall not be issued until approval by the State and County Health Departments has been obtained concerning the proposed sanitary sewerage facilities.
131. The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Township Trustees, or county or state where applicable.
132. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.
133. All Sanitary/Demolition/Hazardous Infectious Waste/Residual Solid Waste Landfill sites, including Incinerator Burning must consist of one hundred fifty (150) acres and be subject to approval by the County and State Health Departments and subject to their requirements governing landfills. All work connected with such

operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

134. The scrap or junk yard use shall only be permitted under the following conditions:
- a. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
  - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
  - c. Suitable control measures shall be taken whenever dust is a problem or potential problem.
  - d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards, junk yards and demolition sites shall be located no closer than two hundred (200) feet to any R-District and/or public street right-of-way line and shall otherwise have front, side, and rear setbacks of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:
    1. The fifty (50) foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screening.
    2. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
    3. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect and no visual opening shall exist.
    4. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
  - f. A minimum area of seventy-five (75) acres shall be required for a use proposed under this category.
135. No gas nor oil well, storage tanks, separators, pumps, pit areas, or other apparatus or equipment erected for or maintained for the drilling, production, or storage of gas, oil, waste, natural or artificial brines, oil filled water, sewage, or any liquid used in or resulting from any drilling or production of an oil or gas well shall be placed closer than five hundred feet (500) of any existing public building, private residence, or potable water well supplying water to any person or animal.



136. Upon the completion of the final pumping operations for the well, all brine, sludge, or other materials contained in the pits shall be completely removed from the well site in accordance with regulations of the State of Ohio, Division of Oil and Gas, and in addition, the plastic liner shall be completely removed from the well site location within thirty (30) days.
137. No fill shall be made within the Flood Plain District without a Conditional Use Permit from the Board of Zoning Appeals and finding that:
- a. Such fill will not significantly raise the level of flooding of other properties along the water course in question.
  - b. Such fill does not constrict a normal water course.
  - c. Any fill proposed to be deposited in the flood plain must be shown to have some beneficial purpose and the amount of fill shall not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
  - d. Such fill or other material shall be protected against erosion by rip-rap, vegetative cover, or other suitable materials.
138. A mobile home for residential purposes may be permitted after a public hearing by the Board of Zoning Appeals under a conditional permit and subject to the following conditions:
- a. All mobile homes shall have adequate health facilities available including running water inside and toilet facilities connected to an approved septic system. Approval in writing from the Stark County Board of Health shall be required stating that all health requirements have been made.
  - b. Such mobile homes shall be permitted for the purpose of providing housing for the members of the immediate family (father, mother, children, or grandparents) of those residing in a dwelling already constructed on the lot, and under the following circumstances (as determined by the Board) only.
    - 1. In case of fire, flood, storm, or any similar act of God which destroyed the present dwelling, a mobile home may be permitted for a period of time determined by the Board.
  - c. All mobile homes must have a minimum of three hundred (300) and a maximum of six hundred (600) square feet of floor space and be limited to a single-family unit.
  - d. A Conditional Use Certificate for a mobile home shall be for a period of not more than one (1) year, but the Board of Zoning Appeals may renew such

certificate upon application and review. The board may issue such Conditional Use Certificate for a period of less than one (1) year

e. See Article III, Section 300.4x.

139. Canton Township is known to be the location of gas and oil reserves. This section sets forth requirements to ensure that any operation incidental to exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety and welfare. In the event of conflict between these regulations and State law, adopted pursuant to ORC 1509, the Ohio Administrative Code, and applicable Federal regulations, the most stringent regulations shall apply.

1. Prior to drilling, the driller shall, by certified, return receipt mail, notify all landowners any portion of whose land falls within 1000 feet of the location of the actual drill site, and shall request permission from said owners to locate and test all existing water wells, even though the water well is more than 1000 feet from the proposed drill site. Water samples shall be collected in accordance with procedures approved by the Stark County Health Department. Testing shall consist of a chemical analysis and shall be certified by the Stark County Health Department. The results of the test shall be submitted to the Zoning Inspector prior to the commencement of operations on the property.
2. Prior to drilling, the owner and/or operator shall submit to the township a ground water monitoring plan which shall have been prepared by an independent ground water geologist. The plan shall provide for monitoring wells in order to give early notice of ground water contamination. The plan shall provide, at a minimum, for the following:
  - a. The number of monitoring wells, if any;
  - b. The location of the monitoring wells;
  - c. The depth of the monitoring wells;
  - d. A detailed schedule of testing;
  - e. Diagram and specifications showing the construction details;
  - f. Assurances that the monitoring wells shall be constructed and maintained in accordance with the Ohio Administrative Code;
  - g. All costs of preparation of the plan, drilling and maintenance of the wells, testing of the water, and the final plugging shall be paid by the owner and/or operator.
  - h. The plan shall take into account any unusual features such as unusually porous soil, past problems in the area, underground creeks

and springs, and any other factors which should reasonably be taken into consideration.

3. Not less than seven (7) days prior to any drilling operation, the driller shall file with the Zoning Inspector:
  - a. A plat, drawn to scale, showing:
    1. Ingress and egress points
    2. The well location
    3. The location of all known gas wells, storage tanks, and separators within 1,500 feet
    4. Storage tanks
    5. Separators
    6. Power shut-offs
    7. Transmission lines
    8. Oil flow shut-offs
    9. Permanent and temporary pits
    10. Access roads
    11. All dikes and swales for erosion control and spill prevention.
  - b. A list of emergency telephone numbers.
  - c. A copy of the State permit.
  - d. A copy of the State-approved brine and waste disposal plan which shall include:
    1. A description of the method of disposal of brine, frac-water, sludge and any other oil field wastes.
    2. The name, address and telephone number of the person, corporation or firm other than the owner disposing of the waste.
    3. Any special drilling permit conditions approved by the Chief of the ODNR, Division of Oil and Gas.
    4. The location of the disposal site and the proof of liability insurance carried by the person, corporation or firm disposing of the waste.
    5. A copy of the registration certificate required of brine transporters by the State of Ohio, ODNR, Division of Oil and Gas.
  - e. A copy of the Spill Prevention, Control and Counter-Measure Plan (SPCC) as required by Title 40 Code of Federal Regulations, Part 112.
  - f. A statement schedule of the proposed drilling operation.

- g. A statement of liability coverage for all operations related to drilling, production, storage and transmission of all products, by-products and wastes.
4. All permanent production facilities shall be enclosed by a non-transparent enclosure not less than eight feet (8) in height, topped by a double outward strand of barbed wire, with a locked gate. The immediate area surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of thirty (30) feet.
5. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies and locked.
6. All gas and oil lines shall be buried at a minimum depth of thirty inches (30").
7. Prior to drilling, all access roads to well heads and equipment shall be of sufficient width and paved with slag, gravel, crushed stone, or other suitable material to permit all weather access by emergency vehicles. and if gated, shall be locked. The operator shall be responsible for maintaining these access roads.
8. All storage tank manholes, discharge valves, fill valves and shutoff valves shall be included in fenced area and locked.
9. At all times a sign shall be posted on storage tanks in no less than three-inch (3") letters showing:
  - a. Owner
  - b. Well permit
  - c. Permit number
10. All truck loading and parking areas shall be located outside of any **public** road right-of-way.
11. All gas and oil production, including temporary pit and storage equipment, and brine storage shall be diked to prevent contamination of surface or ground water. The dikes shall be liquid tight. The inner lining of the containment system shall be a re-enforced plastic material, non-reactive with residues from drilling, fracturing, or operating the well and shall have a minimum thickness of six (6) mills and shall be anchored above the sidewall. All drilling pits shall be prepared with an approved impermeable soil sealant in a manner approved by the Division (ODNR). The barrier shall be backed by sufficient earthen aggregate material to withstand one and one-half (1-1/2) times the pressure of the liquids within the dike. The containment area shall have a minimum volumetric capacity of two (2) times the storage vessel.
12. In locations where dikes may be damaged by storm runoff, a diversionary

dike or swale shall be constructed to prevent damage to the containment dikes.

13. If during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be rerouted from the pit or containment dike.
  14. If a well is located where the slope is greater than two-to-one, or in a flood plain, tanks only shall be used; no open storage pits. All tanks shall be adequately and permanently anchored to resist slippage or flotation. All tanks shall be liquid tight.
  15. No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No salt water (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the township for any purpose.
  16. The owner and/or operator of all transmission lines shall provide the Zoning Inspector and Fire Chief with a plat drawn to scale of all transmission lines within one thousand feet (1,000) of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-ways.
  17. The Zoning Inspector shall be notified twenty-four (24) hours prior to the covering of any drilling pit or transmission lines and may also inspect oil and gas wells and storage facilities at any time to ensure compliance with local regulations. The Township Fire Chief may also inspect gas and oil wells, storage facilities and transmission lines at any time to ensure compliance with safety regulations.
  18. All equipment on site shall be painted green (non-fluorescent) on a regular basis to prevent corrosion including removal or cover of graffiti.
  19. The name and telephone number of the waste hauler, the method and location of disposal and a statement of liability from the hauler shall be provided to the Zoning Inspector.
  20. Anything contained in the foregoing notwithstanding, no oil and/or gas wells shall be drilled anywhere in the flood plain of Canton Township as designated within the 100-year flood zone on the Federal Flood Insurance Rate map, a copy of which shall be maintained on file with the Canton Township Zoning Inspector, and shall be incorporated by reference as if fully rewritten herein.
140. The following requirements shall be met:

- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street in the district in which use for which the parking is provided, permitted or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. The Board may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions, and use and character of adjacent properties. The Board may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.
141. Outside play area shall be enclosed with a six (6) foot fence.
142. Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
143. The collection and/or storage of automobiles, trucks, major household appliances, and any self-propelled type vehicles, or parts thereof, shall be prohibited.
144. The architectural design and site layout of a group home licensed under ORC Section 5123.19 and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
145. All materials collected must be removed within 3 days of delivery to Transfer Station whereby no accumulation will exist. No hazardous materials shall be stored or placed in a Transfer Facility.
146. No such family or group home shall be located within a thousand (1,000) feet radius of another residential facility for the developmentally disabled licensed under ORC Section 5123.19.
147. Such in-store bakery distribution center shall be subject to the following conditions:
- a. Bakery distribution facilities shall be permitted only on premises where retail bakery sales exist.

- b. Distribution of items produced in the bakery shall be limited up to not more than ten (10) off-premises locations owned by, the owner of the establishment in which the bakery is located. The distribution locations shall be designated in writing.
  - c. Tractor trailer trucks shall not be permitted to be used as a conveyance of distribution from the center to the off-premises locations.
  - d. Additions to the bakery distribution center shall be made only upon approval of the Board of Zoning Appeals.
148. The following requirements shall be met:
- a. Vehicles and equipment shall be stored within completely enclosed buildings.
  - b. The number of vehicles stored on the property shall be limited to six (6). Repair of vehicles or equipment shall not be performed on the premises.
  - c. Dismantled or inoperable vehicles or equipment shall not be maintained or stored on the property.
  - d. Excessive noise from workers or vehicles shall not be permitted.
149. Demolition Materials Site is any site, location, tract of land, area, building, structure or premises used for stabilization, conversion, transfer, or burial of construction of demolition materials. The term does not include any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed.
150. Minimum area to place Septage or Sludge is 40 acres. No Septage or Sludge shall be placed within 50 feet of a property line, or 500 feet of any residence. These products can only be placed in rural areas away from any development.
151. No home shall use more than three bedrooms on any given night for tourists. A tourist may stay in the home for no more than seven nights per year.
152. Sexually Oriented Adult Cabaret shall not be operated within One Thousand (1000) feet of a church, public or private elementary school, secondary school or boundary of a Residential District or the property line of a lot devoted to residential use.
153. Child day care centers would be permitted for churches in R-R, R-1, R-2, districts as conditional use only and must be approved by the Board of Zoning Appeals, subject to sub-sections 102, 103, 104, 109, 114, 127, 128, 141 and 142.
154. No Type of repairing, painting, or parted-out vehicles shall be permitted outside or inside of building at any time. (Adopted 2-15-05)
155. All uses of property for sales/rental are required to meet Canton Township Fire Department and State Regulations regarding fire Lanes, etc. (Adopted 2-15-05)

156. Customer parking must be provided on said property and not adjacent properties.  
(Adopted 2-15-05)
157. Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
  - b. Minimum lot size of two (2.0) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for aircraft and helicopter shall conform to Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).



- o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
- p. No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under- ground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100-ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model, and picture.
  - 7. Scaled drawing no smaller than 1" = 50'." (Added 4-22-10)

158. Ex Offender Reentry Housing shall not be located within one thousand (1,000) feet of a church, public or private elementary school, secondary school or boundary of a Residential District or the property line of a lot devoted to residential use. (Added 4-22-10)

159. Shall have all Ohio registrations or licensure in place prior to opening for business. For purposes of this subsection any Skill Based Amusement Machine operator or business shall be registered or licensed by the Ohio Casino Control Commission, as required by that state authority.

## ARTICLE IX

### BOARD OF ZONING APPEALS

**SECTION 900**      **A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION**

**SECTION 900.1**      **COMPOSITION AND APPOINTMENT**

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated area of Canton Township. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, upon written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

**SECTION 900.2**      **ORGANIZATION**

The Board shall elect a chairman from its membership; shall appoint a Recording Secretary and shall prescribe rules for the conduct of its affairs.

**SECTION 900.3**      **QUORUM**

Three (3) members of the Board shall constitute a quorum at all meetings. A majority vote shall be necessary to effect an order, take action, make decisions, or act on any authorization.

**SECTION 900.4**      **MEETINGS**

The Board shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Board shall be open to the public. (Subject to a five (5) day notice.)

**SECTION 900.5**      **WITNESSES**

The Board Chairman or Acting Chairman shall administer oaths, and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

**SECTION 900.6**      **PROCEEDINGS**

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

## **SECTION 900.7 POWERS AND DUTIES**

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses as specifically provided in this Resolution.
- D. The Board shall have the power to revoke an authorized variance or Conditional Zoning Certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

## **SECTION 900.8 APPEALS TO THE BOARD**

Appeals to the Board may be taken by any person aggrieved or by any office of the township affected by any decision of the administrative office. Such appeal shall be taken within twenty (20) days after the decision by filing with the office from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

## **SECTION 900.9 APPLICATIONS**

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by governmental officer, department, board, or bureau. Such application shall be filed with the Secretary of the Board who shall transmit the same to the Board.

## **SECTION 900.10 PROCEDURE**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings.

Interpretation; Variances; Conditional Zoning Certificate; Revocation of Variance or of Conditional Zoning Certificates; together with all documents pertaining thereto.

## **SECTION 900.11 NOTICE OF HEARINGS**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and purpose of the hearing to be served personally or by mail addressed to the parties at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll.

Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

## **SECTION 900.12 DECISIONS**

A copy of the Board's decision shall be transmitted to the applicant or appellant and the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

## **ARTICLE X**

### **ADMINISTRATION FEES AND ENFORCEMENT**

#### **SECTION 1000      ADMINISTRATION**

##### **SECTION 1000.1    ZONING DIRECTOR**

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Director, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

##### **SECTION 1000.2    BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the power to administer Article VIII, Conditional Zoning Certificates of this Resolution, and shall have the powers as specified in Article IX of this Resolution.

##### **SECTION 1000.3    SUBMISSION OF APPLICATIONS**

All applications for zoning certificates shall be submitted to the Zoning Director, who may issue zoning certificates when all applicable provisions of this Resolution have been complied with.

##### **SECTION 1000.4    ZONING CERTIFICATES REQUIRED**

- A. Before construction or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Director for a zoning certificate. The applications shall include the following information:
  - 1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
  - 2. The location, dimensions, height, and bulk of structures to be erected (construction plans).
  - 3. The intended use.
  - 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
  - 5. The yard, open area, and parking space dimensions.
  - 6. Conformance with Section 300.4e and 300.4f.
  - 7. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

8. No permit shall be issued by the Canton Township Zoning Director until the fees herein prescribed have been paid.
  9. Obtain Septic Tank Permit from the Stark County Board of Health, or Sanitary Sewer Permit from the County Sanitary Engineer's Office BEFORE making application for a Zoning Permit.
- B. Within thirty (30) days after the receipt of application, the Zoning Director shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in Section 1000.5. However, where approval of the Stark County Regional Planning Commission shall be required in compliance with the Subdivision Regulations, no permit shall be issued until such approval is obtained.
  - C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning permit.
  - D. One (1) set of construction plans and one (1) plat plan for new structures and alterations and additions for single (1) and two (2) family residence.
  - E. Two (2) sets of construction plans and one (1) plat plan for new structures and alterations and additions for commercial and industrial structures, which plans shall be reviewed by the Township Fire Department for conformance with the State Fire Laws.

## **SECTION 1000.5 ZONING AMENDMENTS**

### **A. INITIATING A ZONING CHANGE.**

Amendments or supplements to the zoning resolution may be initiated as provided for in Section 519.12 of the Ohio Revised Code, by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees, or by the filing of an application therefore, by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, or supplement, with the Township Zoning Commission. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

### **B. PUBLIC HEARING**

Upon the adoption, certification or filing of such a proposal, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) "Nor" more than forty (40) days from the date of such action. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

## C. NOTIFICATION

Upon request for rezoning of land, written notice of the hearing must be mailed by the Zoning Commission by first-class mail at least 10 DAYS before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned. The applicant is required to furnish these names and addresses to the Township Zoning Commission in the exercise of sound practice, but the responsibility for sending the notices to these named persons rests with the Zoning Commission.

The notice as appears in the newspaper and as sent to the property owners of the proposed amendment or supplement shall include a statement that after the conclusion of such hearing, the matter will be referred to the Board of Trustees.

Within five (5) days after the filing of the application for a rezoning, a copy of the application, together with any changes in text and map, must be sent to the Stark County Regional Planning Commission, Stark County Office Building, Canton, Ohio, 44702. The Recommendation of the Stark County Regional Planning Commission must be considered at the public hearing held by the Township Zoning Commission.

A Decision recommending an approval or denial of the proposed amendments, supplement, rezoning request or an approval of some modification thereof, must be submitted to the Board of Township Trustees WITHIN 30 DAYS of the public hearing before the Zoning Commission. In addition, the Zoning Commission must submit to the Board of Trustees the Recommendations of the Stark County Regional Planning Commission, the Application or resolution originally introduced for the rezoning and other documents pertaining to the rezoning request or amendment to the zoning resolution.

## FEES

Fees for zoning certificates, application to the Board of Zoning Appeals, Zoning Amendments, Conditional Use Permits, and other zoning fees shall be established by the Resolution of the Canton Township Board of Trustees annually. (Adopted 2-15-05).
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### **FAILURE TO OBTAIN PERMIT BEFORE CONSTRUCTION OR USE HAS COMMENCED:**

The zoning certificate required herein shall be obtained by the property owner, business owner, or agent **BEFORE** any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced.

Where construction or use is commenced prior to obtaining a zoning certificate, the Zoning Director is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to insure that the construction or use already commenced fully complies with the requirements of this resolution. Where such special preliminary inspection is necessary, an additional fee of fifty (\$50.00) dollars shall be charged for such zoning certificate and special inspection.

Failure to obtain a zoning certificate shall be a punishable violation of this Resolution.

## **SECTION 1000.6 REVOCATION OF PERMITS**

- A. The Canton Township Zoning Director may revoke any permit or approval issued under the provisions of this Zoning Resolution and may stop work for any of the following reasons:
1. Whenever there is a violation of any of the provisions of this Zoning Resolution; or any statute of the State of Ohio relating to the same subject matter or any violation of the regulations of Stark County to which this Zoning Resolution refers jurisdictional authority.
  2. Whenever the continuance of any work becomes dangerous to life or property.
  3. Whenever there is a violation of any condition upon which the issuance of the permit or approval was based.
  4. Whenever any false statements or misrepresentations have been made in the application plans on which the issuance of the permit or approval was based.
- B. The Notice of the Revocation of the permit shall, in every case, be in writing and shall be served upon the owner, his agent, or the person having charge of the work by certified mail. A revocation notice shall also be posted upon the building or use in question by the Township Zoning Inspector when possible. After the notice is received and posted it shall be unlawful for any person to proceed with the construction or use for which such permit was issued. No part of the fees for such permit shall be returned. The revocation shall be lifted upon compliance with these Zoning Regulations.

## **SECTION 1000.7 REFUND OF PERMIT FEES**

When a permit shall have expired by limitation or the project for which a permit was issued has been abandoned, such permit shall be returned to the Township Zoning Director for cancellation and he shall be authorized to issue a refund to the applicant in an amount equal to one-half of the total permit fee paid. No refund shall be allowed where the total permit fee paid is less than twenty-five (\$25.00) dollars.

## **SECTION 1001 VIOLATIONS AND PENALTIES**

### **SECTION 1001.1 VIOLATIONS**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Resolution or supplements or amendments thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.



## **SECTION 1001.2 PENALTIES**

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than five hundred (\$500.00) dollars. Each day of continuation of a violation of this Resolution shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law.

## **ARTICLE XI**

### **VALIDITY AND SEPARABILITY**

If any section, subsection, or any provision or provisions of this Resolution, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

## **ARTICLE XII**

### **REPEALER**

All existing Zoning Resolutions of Canton Township, Stark County, Ohio inconsistent herewith, are hereby repealed.

**ARTICLE XIII**  
**EFFECTIVE DATE**

This amended Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Canton Township Zoning Commission:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Canton Township Zoning Commission

Adopted by the Canton Township Trustees:

DATE: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_, Trustee

\_\_\_\_\_, Trustee

\_\_\_\_\_, Trustee

Attest by the Fiscal Officer of Canton Township:

\_\_\_\_\_, Fiscal Officer

**ARTICLE XIV**

**CANTON TOWNSHIP  
4711 Central Ave. SE  
Canton, Ohio 44707**

**CELLULAR COMMUNICATIONS TOWER REGISTRATION FORM**

**(To be completed by the property owner upon which the proposed tower will be placed)**

**LOCATION OF PROPERTY:** \_\_\_\_\_

**PROPERTY OWNER:** \_\_\_\_\_

**PROPERTY OWNER ADDRESS:** \_\_\_\_\_

**PROPERTY OWNER PHONE NO:** \_\_\_\_\_

**LIST EACH CELLULAR PHONE COMPANY WHICH WILL USE THE TOWER:**

<b>NAME</b>	<b>BUSINESS ADDRESS</b>	<b>PERSON TO CONTACT</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ACKNOWLEDGMENT OF RESPONSIBILITY FOR TAKE DOWN**

**I understand that pursuant to the Canton Township Zoning Resolution it is illegal to maintain an abandoned cellular communication tower in the township. I further understand that, as the owner of the property upon which this tower is to be placed, I am ultimately responsible for removal of the tower in the event it is no longer used for cellular communications, unless that responsibility has been assigned to another party by contract or otherwise.**

\_\_\_\_\_  
**Signature of Property Owner**