

PERRY TOWNSHIP ZONING RESOLUTION



Stark County, Ohio

Amended: March 17, 2015

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Adopted by resolution of Perry Township Zoning Commission – June 17, 1958.
Approved by Stark County Regional Planning Commission – June 18, 1958.
Adopted by resolution by Township Trustees – July 22, 1958. Voted on at the
General Election – November 4, 1958. Election certified and zoning effective –
November 14, 1958. Amendments adopted by Resolution of Perry Township Board
Of Trustees – August 6, 1959, July 6, 1960, November 1, 1961, November 21, 1962,
November 20, 1963, June 18, 1966, May 4, 1967, June 1, 1970, August 3, 1970,
January 17, 1972, March 20, 1972, July 17, 1972, March 18, 1974, April 7, 1975,
January 17, 1977, March 21, 1977, December 18, 1993, May 15, 1997, July 20, 1999,
July 16, 2002, November 19, 2002, July 10, 2007, October 7, 2008, Dec. 24, 2009 (PE02-09) and
June 7, 2011 (PE 01-11) January 22, 2013 Fees, April 16, 2013 (PE01-13), March 17, 2015
(PE 01-15), February 20, 2018 Fees.

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INTRODUCTION

ZONING RESOLUTION FOR PERRY TOWNSHIP STARK COUNTY, OHIO

WHEREAS, the Board of Trustees of Perry Township, Stark County, Ohio. Has deemed it advisable to promote the public health, safety, morals, and general welfare 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 1958, 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 Perry Township to serve as a Zoning Commission for said Township; and,

WHEREAS, said Zoning Commission has recommended the complete revision of the Perry Township Zoning Resolution Official Zoning Map, and have submitted such amendments and map to the Board of Trustees of Perry Township under the authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code; now therefore,

BE IT RESOLVED, the Board of Trustees of Perry Township did adopt the amendments to the Zoning Resolution and map on December 3, 1996 under the authority and in accordance with the provisions of the Ohio Revised Code, and said amendments became effective on January 2, 1997.

ARTICLE I PURPOSE AND CONFORMANCE

SECTION 100 PURPOSE

This Resolution is enacted in accordance with the Ohio Revised Code, Section 519.01, et. seq.

***519.02** Township Trustees may regulate building and land use in unincorporated territory for public purpose. For the purpose of promoting the public health, safety, and morals, 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, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, recreation, or other purposes in 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 structures or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

SECTION 110 CONFORMANCE

***519.23** Prohibition against violated resolution. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or supplement to such resolution, adopted by any Board of Township Trustees under Section 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

*Ohio Revised Code

ARTICLE II

TITLE

This Resolution shall be known as and be cited and referred to as the "Perry Township, Stark County, Ohio, Zoning Resolution."

**ARTICLE III
INTERPRETATION OF STANDARDS AND
EXEMPTIONS AND LIMITATIONS**

SECTION 300 INTERPRETATION OF STANDARDS

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

**SECTION 310 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL IN
ACCORDANCE WITH THE OHIO REVISED CODE**

SECTION 310.1 AGRICULTURE USES LIMITED

Except as provided herein; Sections 519.02 to 519.25, inclusive, of the Ohio 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.

However, this Township Zoning Resolution, or any future amendment to the 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 acre or less;
- (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;
- (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

- (C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning 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 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. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

SECTION 310.2 PUBLIC UTILITIES AND RAILROADS

Revised Code Sections 519.02 to 519.25, inclusive, confer limited authority of any Board of Township Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings, or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. In so far as township zoning regulations may be applied to a public utility or railroad pursuant to Revised Code Sections 519.21 or 519.211, or any other applicable provision of the Revised Code it is the intent that these zoning regulations shall be applied.

SECTION 310.3 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES

Such sections confer no power on any Board of County Commissioners, Board of Township Trustees, or Board of Zoning 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. *519.21 *Ohio Revised Code

SECTION 310.4 OIL AND GAS WELL OPERATIONS

Section 1509.39 of the Ohio Revised Code, prohibits township enforcement or requirement of permits for oil and gas well operations except for the permit authorized under Section 4513.34 of the Ohio Revised Code, for over-weight vehicles. *1509.39

SECTION 310.5 OUTDOOR ADVERTISING

Outdoor advertising classified as business use. For the purpose of sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes.

SECTION 310.6 LIMITATION ON RESTRICTING THE LOCATION OF LICENSED RESIDENTIAL FACILITIES TO INCLUDE DEVELOPMENTALLY DISABLED PERSONS

This section limits the township's regulation of licensed family and group homes. Such homes shall be subject, however, to lot and yard requirements of the district in which permitted, and to the parking requirements of Article VI of these regulations. 5123.18

SECTION 310.7 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within 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 Director of Transportation or any land within 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, than 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. *5511.01 *Ohio Revised Code

SECTION 310.8 FARM MARKETS

In accordance with Section 519.21 Ohio Revised Code, as amended in 1982, farm markets cannot be prohibited in any district of Perry Township. However, a zoning certificate must be obtained and such structure must meet minimum yard requirements as listed in each district and provide parking spaces as required in Article IX.

*Ohio Revised Code

ARTICLE IV DEFINITIONS

For the purpose of this resolution, certain terms are herein 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 any individual, a firm, corporation, association, or any legal entity which may own and / or use land or buildings.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for non-commercial packing, treating, and storing the product; provided, however, that the operation of any such accessory uses and provided further that the above uses shall not include commercial feeding garbage or offal to swine or other non-domesticated animals.

ALLEY: A public (or private) way affording secondary means of access to abutting property.

APARTMENT: See "Dwelling, " Townhouse," "Row House," or "Multifamily."

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

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

BILLBOARD: Same as "Outdoor Advertising Sign."

BOARD: The Board of Zoning Appeals, Perry Township, Stark County, Ohio.

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

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 from the average finished grade along the front of the building to the tallest point of the roof. (Amended, 1996)

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

CEMETERY: Land used for or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, 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 sewer system whether publicly or privately owned and operated.

CERTIFICATE OF CONFORMANCE TO FIRE, POLICE, AND ZONING: Permit required to be obtained from the Zoning Inspector for a change of use in all business and industrial districts. (Amended, 1996)

CHIMNEY: Flue or flues that carry off exhaust from an Outdoor Furnace firebox or bum chamber.

CHILD DAY CARE: See O.R.C. 5104.01 (D) "Type A family day care home" and (E) "Type B family day care home". (Amended, 1996)

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

COMMISSION: The Zoning Commission of Perry Township, Stark County, Ohio.

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

CONDOMINIUM: Condominium shall be as defined in Ohio Revised Code Chapter 5311.

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

CREMATORY: A building or structure used for the purpose of reducing a corpse, human or animal, to ashes by the use of heat or a similar process.

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

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

DEVELOPMENTAL DISABILITY: Developmental disability means that originated before the attainment of eighteen years of age and can be 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 VEHICLE: Any inoperable, damaged or wrecked motor propelled vehicle or accessory to same, which is in the process of being wrecked or dismantled, stored or has a value of \$100.00 or less or which does not have a license thereon is valid or was valid not more than three (3) months previous. (Amended, 1996)

DISTRICT: A section or sections of the unincorporated territory of Perry Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DWELLING: Any building or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily, but not including house trailers or mobile homes, basement dwellings, hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage for the purpose of determining the front, side and rear yards shall be considered a part of the dwelling.

DWELLING, SINGLE FAMILY: A separate building occupied or constructed to be occupied exclusively for residence purposes by one family or housekeeping units.

DWELLING, TWO FAMILY: A separate building occupied or constructed to be occupied exclusively for residence purposes by two families or housekeeping units.

DWELLING, MULTI-FAMILY: A building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units.

DWELLING, GROUP: A group of single-family, or multifamily dwellings or their combination, located on one lot and around a common court or courts, one common ownership.

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

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.

EPA OWHH Phase 1 PROGRAM QUALIFIED MODEL: An Outdoor Combustible-fired Hydronic Heater that has been EPA OWHH Phase I Program qualified. The model has met the EPA OWHH Phase I emissio11 level and has the proper qualifying seal, label and tag.

EROGENOUS ANATOMICAL AREAS: Erogenous anatomical areas 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.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities, not subject to the Perry Township Zoning Resolution, or municipal or other government agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, but not including any public utility or telecommunications as excepted by Revised Code Sections 519.21, 519.211, or any other applicable provision of the Revised Code, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduits, 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 agencies for the public health, safety, or general welfare

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

FAMILY HOME: 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 building or structure used for the sale of farm produce raised on farms of the market operator as defined by O.R.C. Section 519.21, as amended, effective in 1982.

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

FRONTAGE: the portion of a lot nearest the street. For the purposes of these regulations, corner lots and double lots and double frontage lots, either side of a lot adjacent to streets may be considered frontage for determining of yard requirements only. (Amended eff.10/12/88)

GARAGE, AUTO SERVICE SHOP: A building or portion of a building in which commercial repairs are made to motor vehicles, and in which includes painting, and auto bodywork performed. (Amended, 1996)

GARAGE, MOTOR VEHICLE BODY SHOP: A building or portion of building in which repairs are made to motor vehicles, which include painting, and auto bodywork performed. (Amended, 1996)

GARAGE, PRIVATE: A 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 and located on the same lot as the dwelling for which it is accessory.

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

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GROUP DWELLING: More than one (1) dwelling, whether single family, two family, or multi-family, or a combination thereof, located on one lot and including common driveway, parking, and open space facilities as required by these Regulations. (Amended 7-20-99)

GROUP HOME: Group home means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine, but not more than sixteen, persons with developmental disabilities. ORC 5123.19(A)(4)

HOME OCCUPATION: Any occupation 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 for dwelling purposes and does not change the character thereof.

HOSPITAL: A building devoted to medical diagnosis, treatment and care of human patients, and including facilities for overnight or longer periods of care.

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.

JUNKYARD: The use of any land, 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, barrels, or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled for more than fifteen (15) days.

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.

LOT: a piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory uses, including such open, space and frontage on a public street, as required by these regulations.

LOT AREA: The computed area contained within the lot lines. Where the lot line has been conveyed to the center of the street the area of the lot line within the established street right-of-way shall not be included as part of the lot area for the purpose of these regulations. The land lying within private streets (i.e., within a condominium allotment development), shall not be included as part of the lot area for the purpose of these regulations. (Amended 2002)

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.

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 frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

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

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

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

LOT LINE, SIDE: Any lot line other than the front or the 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 Stark County Recorder; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

LOT, WIDTH: The width measured along the minimum building setback line.

MANUFACTURED HOME: Any nonself-propelled vehicle transportable in one or more sections which in the traveling mode is eight (8) body-feet or more in width or forty (40) body-feet or more in length or, when erected on the site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities including the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

MANUFACTURED HOME PARK: Any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building structure, vehicle or enclosure used or intended for use as a part of the facilities of such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority.

MINERALS: sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or non-metalliferous ore, other mineral 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 topsoil.

MINI-WAREHOUSE OR STORAGE FACILITY: A Building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customers' goods and wares.

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.

MOBILE HOME: See "Manufactured Home"

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 spaces conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

NATURAL WOOD: Wood that has not been painted varnished or coded 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.

NON-CONFORMING USE: Any building or land lawfully occupied by a use on the effective date of these regulations, adopted in 1958, or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.

OCCUPANCY PERMIT: See CERTIFICATE OF CONFORMANCE TO FIRE, POLICE AND ZONING. (Amended, 1996)

OPEN SPACE: The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities. This space shall not be devoted to service driveways of street parking or loading spaces. (Amended 7-20-99)

OUTDOOR ADVERTISING SIGN (BILLBOARD): 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 public display of posters, painted 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 in 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, plastic, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, road, post, fence, building, structure, or thing whatsoever. The term "place" as used in this definition, shall include: erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

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.

OVERBURDEN: All of the earth and other 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 SEVERICES: Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities.

PLANNED UNIT DEVELOPMENT (PUD): A planned, integrated development of at least ten (10) acres where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities.

PUBLIC BUILDING: Any structure owned and operated by governmental agency or public school.

PUBLIC UTILITY: Any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraphy, transportation, water, and any other similar public utilities; and not specifically exempted from regulation by a township zoning resolution pursuant to Revised Code Sections 519.21 or 519.211, or any other applicable provision of the Revised Code.

RECREATIONAL VEHICLE: “Recreational vehicle” means a vehicular portable structure designed and constructed to be used as temporary dwelling for travel, recreational, and vacation uses and being classed as follows:

1. “Travel Trailer” means a nonself-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 do not have floors and facilities for using it as a dwelling. (Amended, 1996)

RECYCLING TRANSFER STATION: A facility for the collection of waste products, limited to paper, glass, and metals.

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

SATELLITE DISH: Any antenna or “earth station” designed, constructed, or modified to bring in or receive satellite television signals.

SEMI-NUDE: Semi-nude means a state of dress in which clothing covers no more than the genitals, public region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

SEXUALLY ORIENTED LAND USE: Sexually oriented land use means any land, business, or place including, but not limited to the following:

1. Coin operated or slug operated or electronically, or mechanically controlled still or motion pictures, projectors, or other image producing devices which are maintained to show images to five or fewer persons per machine at any one time, and where the images are displayed or distinguished or characterized by the depicting or describing of sexual activities or erogenous anatomical areas;
2. Sales or rental for any form or type of consideration books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe sexual activities or erogenous anatomical areas.
3. Sale, transfer or barter of instruments, devices, or paraphernalia which are designed for use in connection with sexual activities; excluding birth control devices including, but not limited to, condoms, diaphragms, I.U.D.'s and other such devices;
4. A nightclub, bar, restaurant, juice bar, or similar establishment which characterize sexual activities, or erogenous anatomical areas;
5. Films, motion pictures, video cassettes, slides, or other photographic reproductions which characterize the depiction or description of sexual activities or erogenous anatomical areas;
6. Offers accommodations to the public for any form of consideration, provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or photographic reproductions which characterize the depiction or description of sexual activities or erogenous anatomical areas and has a sign visible from the public right-of-way which advises the availability of this adult type of photographic reproductions, offers a sleeping room for rent for period of time which is less than eight (8) hours, allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight (8) hours;
7. Any place where a person who appears in a state of nudity or displays erogenous anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

SIGN: Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business or which shall display or include any letter, work, 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 regulation, the word sign does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, educational, or similar organization.

SKILL GAME / SKILL-BASED AMUSEMENT MACHINE / SKILL GAME/ SKILL DEVICE: A mechanical, video, digital, electrical, internet or similar device, that rewards the operator, if at all, only with merchandise, prizes, redeemable vouchers or other reward of any type or nature, for operating the device and to which any of the following apply:

- (a) The wholesale value of the merchandise, prize, redeemable voucher, or other reward as a result of a single operation does not exceed ten dollars (\$10.00);
- (b) A redeemable voucher awarded for any single operation of the device is not redeemable for merchandise with a retail value of ten dollars (\$10.00);
- (c) a redeemable voucher is not redeemable for merchandise that has a retail value of more than ten dollars (\$10.00) times the fewest number of single operations necessary to accrue the redeemable voucher required to receive that merchandise;
- (d) Any redeemable voucher or merchandise is distributed at the site of the skill-based amusement device at the time of operation.

A card for the purchase of gasoline is a redeemable voucher for the purposes of this section even if the skill based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine. (Amended, 2013)

SLOT MACHINE: A device SHALL NOT be considered a skill based amusement machine or sweepstakes terminal or device and shall be considered a "slot machine" if it pays cash or one or more of the following apply:

- (a) The ability of the player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;
- (b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
- (c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;
- (d) The success of any player is or may be determined by a chance event that cannot be altered by player actions;
- (e) The ability of any player to succeed at the game is determined by game features not visible or known to the player;
- (f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise. (Amended, 2013)

SKILL GAME / INTERNET SWEEPSTAKES CAFÉ, LOCATION, BUSINESS OR SITE: Any use wherein a skill-based or sweepstakes amusement terminal, device, skill game, skill device is operated for recreation, amusement or entertainment either as a principal or accessory use. (Amended, 2013)

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.

SPOIL BANK: A deposit of removed overburden.

STORAGE YARD, PUBLIC: A property, or portion of a property, on which more than two motor vehicles, boats, or trailers, are, or are intended to be, parked under arrangements made with patrons for renting or leasing such space and on which no repair work performed. Any such storage yard shall provide a visual barrier. Said barrier shall be a fence, wall, or trees, not less than six (6) feet in height between the subject property and all adjacent properties. (Amended, 1996)

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 has 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 area is finished off for use.

STREET, COLLECTOR: A street providing traffic movement between the major arterials 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 of moving traffic.

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 thereof.

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

STREET RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and a 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 line is established, the right-of-way shall be assumed to sixty (60) feet, except the following streets which shall be assumed to have an eighty (80) foot right-of-way: Navarre Road, Southway, Shepler Church, Carmont Avenue, Erie Avenue, Perry Drive, Whipple Avenue, Woodlawn Avenue, 12th Street N.W., Jackson Avenue from 12th Street N.W. to Hawkins Road, Hawkins Road, Lincoln Way East, and West Tuscarawas.

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 permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, signs, billboards, farm market stands, fences, or walls used as fences over twenty-four (24) inches in height. (Amended, 1996)

STRUCTURAL ALTERATIONS: Any change in 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 a 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.

SWEEPSTAKES: Any game, contest, advertising scheme or plan, or other promotion, but does not include bingo, or games or lotteries conducted by the state lottery commission, in which consideration is not required for a person to enter to win or to become eligible to receive any prize, the determination of which is based on chance. (Amended, 2013)

SWEEPSTAKES TERMINAL OR DEVICE: A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person, conducting sweepstakes, or by that person's affiliate, subsidiary or contractor, or any combination of them, and that is intended to be used by a sweepstakes participant who purchases a tangible product to enter a sweepstakes, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device whether or not any of the following apply:

- (a) The device is internet or server based;
 - (b) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries;
 - (c) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize;
 - (d) The device selects prizes from a predetermined finite pool of entries;
 - (e) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry;
 - (f) The device predetermines the prize results and store those results for delivery at the time the sweepstakes entry results are revealed;
 - (g) The device utilizes software to create a game result;
 - (h) The device requires deposit of any money, coin, or token, for its use;
 - (i) The device requires direct payment into the device or remote activation of the device;
 - (j) The device reveals the prize incrementally, even though the device does not influence the awarding of a prize or the value of any prize awarded;
 - (k) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered;
 - (l) The device is a slot machine or other form of electrical, mechanical, or computer game.
- (Amended, 2013)

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, operated by 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, appurtenances, 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.

TELECOMMUNICATION: Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of any electromagnetic or other system or technology.

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.

TOPSOIL REMOVAL: Removal of topsoil from the premises.

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

TOWER, TRANSMISSION OR RECEPTION: Any structure that extends more than twelve (12) feet in height from the roof or any free-standing structure which contains any arrangement of wires, metal rods, or any other radiation element which transmits or receives radiation signals generated as telephone, telecommunications, radio, electrical, light or sound energy.

TRAILER HOME: See "Manufactured Home."

TRUSTEES: The Board of Trustees of Perry Township, Stark County, Ohio.

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 premises, or the name of a building, place, or thing which name indicates the use or intended use.

VARIANCE: A modification of the strict terms of the Resolution, where such modification will not be contrary to the public interest and owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship.

VETERINARY HOSPITAL OR CLINIC: 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.

WIRELESS TELECOMMUNICATION ANTENNA: Any antenna designed to transmit or receive communications as authorized by the Federal Communications Commission excluding amateur radio operator's antenna.

WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING: Any building and accessory structures in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS FACILITY: Any facility consisting of equipment and structures involved in receiving telecommunications 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 or with other mobile units.

WIRELESS TELECOMMUNICATIONS TOWER: Any structure intended to support equipment used to transmit and/ or receive telecommunication signals including monopoles, guide and lattice construction steel structures.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the 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 right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot, including porches, decks, patios, terraces, eaves, roof overhangs or any building projection. (Amended, 1996)

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. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

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 MAP: The “Zoning Districts” map of Perry Township, Stark County, Ohio.

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

**ARTICLE V
DISTRICT AND BOUNDARIES THEREOF**

SECTION 501 ESTABLISHMENT OF DISTRICTS

The unincorporated territory Perry 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 501.1 DISTRICTS

- R-1** Single Family Low Density Residential District
- R-2** Single and Two-Family Residential District
- R-3** Single Family, Duplex, and Four-Family Residential District
- R-4** Multifamily Residential & Office District
- R-5** High Density Multifamily and Limited Service Business District
- R-6** Manufactured Home & Manufactured Home Park
- R-7** Planned Unit Development District (PUD)
- R-C** Residential Condominium Planned Unit Development (PUD) District
- B-1** Office and Retail Business District
- B-2** Commercial District
- M-D** Multi-Use Overlay District
- I-D** Industrial District

SECTION 501.2 ZONING DISTRICT MAP

The boundaries of these districts are hereby established as shown on the Zoning Maps of the unincorporated area of Perry Township, Stark County, Ohio which maps are hereby made a part of this Resolution. The said "Zoning Maps" and all notations and reference and other matters shown thereon, shall be and hereby made part of this Resolution. Said "Zoning Map," properly attested, shall be and remain on file in the office of the Township Zoning Inspector and the office of the Perry Township Trustees.

SECTION 501.3 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 the Boundaries Approximately Follow Streets, Alleys, or Highways

Where district boundaries are indicated as approximately following the centerline or right-of-way line of the streets, the centerline or alley line of alleys, or the centerline or right-of-way 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

Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of 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.

**ARTICLE VI
GENERAL STANDARDS AND SPECIAL PROVISIONS**

SECTION 601 CONFORMANCE REQUIRED

SECTION 601.1 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 of 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.

SECTION 601.2 COMPLIANCE WITH HEALTH, SAFETY, BUILDING AND SUBDIVISION REGULATIONS

A. Sewage Disposal

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 permit has been requested.

B. Highway access

No zoning certificate shall be granted for any structure which has ingress or egress to a state highway until the owner of such property has secured a permit from the Ohio Department of Transportation, the County Engineer or the proper township official, 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 and egress to the property.

C. 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 or certified authority having jurisdiction; and where applicable, the Subdivision Regulations, as adopted and administered by the Stark County Regional Planning Commission and the Stark County Commissioners.

SECTION 601.3 CERTIFICATE OF CONFORMANCE REQUIRED

A certificate of Conformance shall be required to be obtained from the Zoning Inspector before occupancy of any permitted or 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 Conformance to be issued. (Amended, 1996)

SECTION 602 EXCEPTIONS AND MODIFICATIONS TO THESE REGULATIONS

SECTION 602.1 SUBSTANDARD LOTS

Any lot that does not meet the minimum area requirements and which is a lot of record or a lot within a platted allotment recorded before March 21, 1977 may be issued a permit if all of the set back requirements are met.

Any lot not meeting the minimum area requirements and a lot of record or a lot within a platted allotment recorded after March 21, 1977, shall not be issued a permit except upon approval of the Board of Zoning Appeals. Approval for any such substandard lot shall be subject to the Stark County Board of Health approval.

SECTION 602.2 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 that fifteen (15) feet above the height limits of a district:

- structures for housing of elevators, stairways, tank, 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, not to include satellite dishes
- 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 limitations.

SECTION 602.3 PROJECTIONS INTO YARD AREA

Every part of a required yard shall be free from structures except for accessory buildings in a rear yard, as permitted in accordance with Section 602.4. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height 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.

A paved terrace or patio may project into the front yard for a distance not to exceed ten (10) feet; however, terrace or patio shall remain open and uncovered. (Amended, 1996)

SECTION 602.5 FRONT YARD DEPTHS OR SETBACKS

Where front yard depths or setbacks have been established at less than forty (40) feet by permanent structures on adjoining properties, a front yard depth or setback of not less than twenty-five (25) feet will be required.

SECTION 602.6 CORNER LOTS

For corner lots, either street may be designated to meet the required front yard setback. A minimum setback of thirty (30) feet will be required in R-1 and R-2 Districts on the other street for all structures, and twenty-five (25) feet in all other districts. (Amended. 1996)

SECTION 602.7 CONSTRUCTION OF USE WHEN PERMIT ISSUED

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.

SECTION 602.8 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 building or trailer shall be removed upon the completion or abandonment of the construction work.

SECTION 602.9 FENCES, WALL and HEDGES

Fences, walls, and hedges in any Residential District may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three (3) feet in height. The maximum height of a fence in these districts shall be six (6) feet.

Fences, walls, and hedges in B-1, B-2, and I-D Districts may be permitted in any required yard or along the edge of any yard. Fences, walls, and hedges in these districts shall be a minimum of six (6) feet in height, maximum, of eight (8) feet in height. An additional two (2) feet of barbwire is permitted, if applicable. Fence enclosing above ground storage tanks of ten thousand (10,000) gallons or less must be high enough to insure maximum safety.

Fences must be placed on all lots so they do not impair vision to traffic on corner lots or interior lots. Permits are required for all fences and walls. (Amended, 9/26/89)

SECTION 602.10 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.

SECTION 602.11 ESSENTIAL SERVICE

Essential services as defined by these regulations shall be permitted as authorized under any franchise or as they may be regulated by any law of the State of Ohio; it being the intention hereof to regulate any such essential services as may be permitted by the Ohio Revised Code and the application of these zoning regulations pursuant to Revised Code Sections 519.21 or 519.211, or other applicable provision of the Revised Code.

SECTION 602.12 TOPSOIL REMOVAL AND SURFACE MINING - EXCEPTIONS

No conditional zoning certificate will be required for topsoil removal and/or surface mining when:

Zoning Certificate has been issued for construction of a structure or structures on a development area, providing affected areas are specified on plans submitted in compliance with Article XIII of these regulations for such structure or structures, including parking, driveways and roadways and/or

The removal of materials is from those areas being developed as public or private streets in accordance with approved development plans in accordance with the Stark County Subdivision Regulations.

SECTION 603 SUPPLEMENTARY REGULATIONS

SECTION 603.1 PRINCIPAL BUILDING

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

SECTION 603.2 REDUCTION OF LOT REQUIREMENTS

No space which, for the purpose of a building or land use, has been counted or calculated as part of the side yard, rear yard, front yard, or other open space required by these regulations may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other area requirements for any other use of structure.

SECTION 603.3 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 clear view by motor vehicle drivers.

SECTION 603.4 INCONSISTENCIES

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

SECTION 603.5 SWIMMING POOLS

Public or private in-ground or above-ground, wading, or other pools containing over one and one half (1 ½) feet of water depth shall be considered a structure for the purpose of permits 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 and state codes.

The swimming pool, or the entire property on which the swimming pool is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. (Amended, 10/12/88)

SECTION 603.6 PARKING AND STORAGE OF VEHICLES

No person shall park, store or leave, permit the parking or storing of any unlicensed motor vehicle or any vehicle in 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 and/or the O.R.C. (Amended, 1996)

No more than two (2) recreational vehicles, such as a trailer home, motor home or boat may not be stored on residential lots, provided they have current licenses.

The parking or storage of vehicles over one and one half (1 ½) ton axle capacity shall be prohibited in any residential district.

SECTION 603.7 MINIMUM RESIDENTIAL FLOOR AREA

A one (1) floor dwelling shall contain not less than seven hundred twenty (720) square feet of usable ground floor area, exclusive of open porches, garages, or steps.

A story and one half (1 ½) or two (2) story dwelling shall contain not less than six hundred fifty (650) square feet of ground floor area, exclusive of open porches, garages, or steps.

SECTION 603.8 MINIMUM BUSINESS/ COMMERCIAL/ INDUSTRIAL FLOOR

A Business/ Commercial/ Industrial building shall contain *not* less than four hundred (400) sq. ft. of usable ground floor area, exclusive of open porches, garages, or steps.

A story and one-half or two story business/ commercial/ industrial structure shall contain not less than six hundred fifty (650) sq. ft. of ground floor area, exclusive of open porches, garages, or steps. (Amended, 1996)

SECTION 604 TELECOMMUNICATIONS TOWERS AND FACILITIES

SECTION 604.1 INTENT

Pursuant to Ohio Revised Code Section 519.211(B) a board of township trustees or board of zoning appeals has power with respect to the location, erection, construction, reconstruction, change, alteration, removal or enlargement of a telecommunications tower these Perry Township Zoning Resolution shall be applied to any telecommunications towers and facilities to the extent legally permitted.

An antenna may be co-located on towers and structures including church steeples, radio/ television towers, ball field light poles, electric utility high tension towers and water utility storage tanks. The Perry Township Zoning Resolution, Stark County, hereby requires providers to co-locate, whenever feasible, to reduce the number of new towers constructed within the township. Such reduction in overall number of towers is intended to maintain a balance between the Perry Township communities, aesthetics and an industry trying to meet consumer demand.

Wireless telecommunications facilities are a permitted use in a variety of zoning districts within Perry Township contingent upon a number of specific conditions and requirements being met. These criteria are hereby adopted in an attempt to minimize adverse health, safety, public welfare or visual impact through buffering, sighting, design and construction, and reducing the need for new or additional towers.

SECTION 604.2 USE REGULATIONS

A. General

The items enumerated below apply to all wireless telecommunications facilities, regulated hereunder independent of the zoning district in which they are located. These general standards are supplemented by the provisions for the particular applications specified in 604.2(B) and 604.2(C).

1. A plat plan including all existing building uses within 500 feet of the tower shall be required at a scale of not less than one inch is equal to 100 feet.
2. The location of the tower and equipment building shall comply with all zoning regulations relative to buildings or structures within the applicable zoning provision pursuant to the Perry Township Zoning Resolution.
3. A security fence eight feet in height, with each fence post containing a 45 degree angled fence top including trespasser security wire shall completely surround the tower, equipment and any guide wires.
4. Buffer planting shall be located around the perimeter of the security fence as follows:
 - a. An evergreen screen shall be planted that consists of either a hedge planted three feet on center maximum or a row of evergreen trees planted five feet on center maximum. The initial plantings shall be no less than three feet tall.

- b. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
5. A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design, proof of compliance with nationally accepted structural standards and a description of the tower's capacity, including the number and types of antennas it can accommodate.
6. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to the township to document and verify the design specifications of the foundation for the tower and anchors for the guide wires, if used.
7. Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
8. An antenna may not be located on a building or structure that is listed on an historic register, or is within an historic district.
9. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.
10. No advertising shall be placed anywhere on the wireless telecommunications tower or wireless telecommunications equipment building.
11. If at any time the use of the wireless telecommunications facility is discontinued for 180 days, the Township Zoning Inspector may declare the facility abandoned. The facility's owner/ operator will be contacted and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If deactivation or dismantling does not occur, the conditional use permit will expire on the 361st day and the township may declare said structure as a nuisance and remove the same pursuant to Ohio Revised Code Section 505.86
12. The tower shall not contain any artificial lighting except security lights and lights necessary to assure safety or as required by the Federal Aviation Administration.
13. Warning signs shall be posted around the facility with an emergency telephone number and the contact person in the event of an emergency.
14. The facility owner/ operator shall present a maintenance plan in which they will be responsible for the upkeep of the site.

15. A permanent easement to the tower site shall be provided to maintain access regardless of other development that may take place on the site.
16. A conditional use permit must be approved by the Perry Township Board of Zoning Appeals.
 - a. Any wireless telecommunications antenna located, erected, constructed, reconstructed, changed, altered, maintained, installed, added to, used, enlarged, or placed upon an existing wireless communications tower shall be exempt from this ordinance and shall not require a conditional use permit from the Perry Township Board of Zoning Appeals.
 - b. Any wireless telecommunication antenna located, erected, constructed, reconstructed, changed, altered, maintained, installed, added to, used, enlarged, or placed upon an existing electric utility high tension tower, water utility tower, a utility building or other structure shall be exempt from this ordinance except for the provisions which are applicable to the wireless telecommunications equipment building.

B. Non-Residential, M-D Multi-Use/ Overlay District, I-D Industrial Districts

A wireless telecommunications facility is permitted in the following zoning districts M-D Multi-Use/ Overlay District, I-D Industrial District subject to the following conditions:

1. Sole use on a lot: A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:
 - a. Minimum lot size as determined by the current zoning resolutions.
 - b. Minimum yard requirements as determined by the current zoning resolution.
 - c. Tower:
 1. The minimum distance to nearby buildings shall be equal to the height of the tower; the minimum distance to a school/ day care center/ public park/ residential lot line shall be 300 feet.
 2. Maximum Height – Tower: 200 feet including antenna.
 - d. Equipment Building:
 1. Shall comply with the building/ structural requirements as currently contained within the zoning resolution.
 2. Maximum size of equipment building shall be the lesser of 750 square feet, or the maximum square footage allowable for an "accessory" building as determined by the zoning resolution.

2. Combined with another use: A wireless telecommunications facility is permitted on a parcel with an existing use, or on a vacant parcel subject to the following conditions:
- a. The existing use on the parcel may be any permitted use within the district or any lawful non-conforming use, and need not be affiliated with the wireless telecommunications provider.
 - b. The telecommunication facility shall be fully automated and unattended on a daily basis, and shall be visited only periodic inspections and maintenance.
 - c. Minimum lot area: The minimum lot area shall be the area needed to accommodate the tower and guide wire, if used, the equipment building, security fence and buffer planting. If the title of the land on which the wireless telecommunications facility is located is conveyed to the owner of the telecommunications facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district as zoned.
 - d. Minimum yard requirements:
 - 1. Tower:
 - a. The minimum distance to nearby buildings shall be equal to the height of tower; the minimum distance to school/ day care center/ public parks/ residential lot line shall be 300 feet.
 - b. Maximum Height: 200 feet including antenna.
 - 2. Equipment building:
 - a. Shall comply with the minimum set back requirements for the primary lot.
 - b. The height of the equipment building shall be no greater than the maximum building height as set forth in the subject zoning district.
 - c. The maximum size of the building shall be the lesser of 750 square feet or the maximum square footage allowable for an “accessory” structure for the subject zoning district.
 - d. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

3. Combined with an existing structure: Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:
 - a. Maximum Height: 20 feet or 20% of the building height above the existing building or structure, whichever is greater.
 - b. If the applicant proposes to locate the Telecommunications equipment in a separate building, the building shall comply with the following:
 1. The minimum set back requirements for the subject zoning district.
 2. A fence constructed in accordance with 604.1(A)(3).
 3. A buffer yard shall be planted in accordance with 604.1(A)(4) above.
 4. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.
 - c. Elevations of existing and proposed structure showing width, depth, height of the telecommunications facility and the statistical use data on the antenna and supporting structure shall be presented.
4. Exemption for existing high tension electrical tower and water towers: Pursuant to Section 604.1(A)(4)(a)(b) above: A wireless telecommunications facility is permitted within said districts without need to comply with any of the regulations set forth hereinabove, when said existing telecommunications facility is to be located, erected, constructed, reconstructed, changed altered, maintained, added to, used, or enlarged on an existing wireless telecommunication tower, electric utility high tension tower, water utility storage tank, utility building or other structure.

C. Residential, Office and Retail or Commercial Districts

Wireless telecommunications facilities shall not be permitted in R-1 Single Family Low Density Residential District or in R-2 Single and Two-Family Residential Districts. In applying for a permit in other residential districts, including R-3 Single-Family, Duplex, and Four Family Residential District, R-4 Multi-Family and Residential Office District, R-5 High Density Multi-Family and Limited Service Business District, R-6 Manufactured Home and Manufactured Home Park District, R-7 Planned Unit Development District, B-1 Office and Retail District, or B-2 Commercial District, the applicant must demonstrate it has made a substantial effort to locate in a more appropriate non-residential district. If those efforts are exhausted, a wireless telecommunication facility may be located in a residential, business, or commercial district subject to the following conditions:

1. General: The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic inspection and maintenance. This shall apply to 2, 3, 4, and 5 below.
2. Combination with a non-residential use: An antenna may be attached to a non-residential building or structure that is a permitted use within the district: including, but not limited to, a church, a municipal or governmental building or facility, or a building or structure owned or operated by a utility. The following conditions shall be met:
 - a. Maximum height shall be no greater than 20 feet above the existing building or structure.
 - b. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
 1. The building shall comply with the minimum set back requirements for subject zoning district.
 2. The equipment building should not exceed the lesser of 750 square feet, or the maximum square footage allowable for an “accessory” structure for the subject zoning district.
 3. A security fence in accordance with Section 604.2(A)(3).
 4. A buffer yard in accordance with Section 604.2(A)(4)(a)(b).
 5. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site or said site’s principal use.
3. Located on a non-residential property: A tower to support an antenna may be constructed on a property with a non-residential use that is permitted use in the district, including, but not limited to, a church, municipal or government building, facility or structure, or a utility use subject to the following conditions:
 - a. Tower:
 1. The tower shall be set back from any property line abutting a residential lot a distance that is equal to the height of the tower.
 2. Maximum Height: 200 feet.
 - b. Equipment Building:
 1. The building height shall not exceed the maximum height allowable for an “accessory” building pursuant to the appropriate zoning district.
 2. The equipment building should not exceed the lesser 750 square feet or the maximum square footage allowable for an “accessory” structure pursuant to the appropriate zoning district.

3. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the circulation driveways of existing use.
 4. In order to locate a telecommunications facility on a property that is vacant or agricultural use, the tract shall be no less than ten acres.
4. Located on a residential building: An antenna for a wireless telecommunications facility may be attached to a midrise or high-rise apartment building subject to the following conditions.
- a. Tower:
 1. Maximum height shall be no more than twenty feet above the existing building.
 - b. Equipment Building:
 1. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following.
 - (a) The building shall comply with the maximum set back requirements for the subject zoning district.
 - (b) The maximum size of the equipment building shall be the lesser of 750 square feet or the maximum square footage allowable for an “accessory” structure for the subject zoning district.
 - (c) A security fence in accordance with Section 604.2(A)(3).
 - (d) A buffer yard in accordance with Section 604.2(A)(4)(a)(b).
 - (e) Vehicular access to the building shall, whenever feasible, use existing driveway circulation system.
5. Located in open space: A wireless telecommunications facility is permitted on land that has been established as permanent open space, or a park, subject to the following conditions:
- a. The open space shall be owned the state, county, or township government, or a city or local school district board of education.
 - b. Tower:
 1. Maximum Heights: 200 feet

2. The tower shall be set back from any property line a distance that is equal to the height of the tower. The tower shall also be set back from any active recreation facilities or fields a distance that is equal to the height of the tower.
- c. Equipment Building:
1. The equipment building shall not exceed the maximum height for the zoning district.
 2. The maximum size of the equipment building shall be the lesser of 750 square feet or the maximum square footage allowable for "accessory" building as determined by the zoning resolution.

SECTION 605 OUTDOOR FURNACES

SECTION 605.1 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 Perry 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 Perry Township, Stark County.

SECTION 605.2 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]

- A. 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.

B. Specific Regulations:

1. Only an Outdoor Furnace that has been EPA OWHH Phase I 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.
2. Every Outdoor Furnace shall meet the following setback requirements:
 - a. Minimum lot size of two (2.0) acres.
 - b. Shall be prohibited in any front or side yard [shall only be permitted in the rear yard].
 - c. Shall be no closer than 50 feet from the rear lot line.
 - d. Shall be no closer than 50 feet from the side lot line.
 - e. Shall be no closer than 25 feet from the principal structure or any ancillary structure on the parcel.
 - f. 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.
 - g. 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.
3. Every Outdoor Furnace shall be constructed, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Zoning Resolution.
4. 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.

5. 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.
6. 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.
7. No permit shall be issued for and Outdoor Furnace that shall be used to burn:
 - a. 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.
 - b. Rubbish or garbage, including but not limited to, food wastes, food packaging, food wraps.
 - c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
 - d. Rubber including tires or other synthetic rubber-like products.
 - e. Newspaper, and cardboard, or any paper with ink or dye print.
 - f. 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.
8. 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.

C. Nuisance Condition:

If an Outdoor Furnace is, through the course of a proper investigation by local authorities (health department, building, department, BPA, 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:

1. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, relocating the Outdoor Furnace or both.
 3. Cease and desist operating the unit until necessary steps are completed to ensure that the Outdoor Furnace will no longer be a nuisance.
 - 4.

SECTION 606 SUPPLEMENTARY REGULATIONS FOR SMALL WIND ENERGY SYSTEMS

SECTION 606.1 SMALL WIND ENERGY SYSTEMS

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.

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 XI Conditional Zoning Certificates.

SECTION 607 LANDSCAPING, BUFFER YARD AND SCREENING REQUIREMENTS WHEN B-1, B-2 AND I-D DISTRICTS ADJACENT A RESIDENTIAL DISTRICT

All portions of the lot not covered by permitted structures or pavement shall be landscaped. Trees and shrubbery shall not be planted so as to obstruct driveway or roadway intersections.

- A. Buffer yard and/or Screening Requirements:** The width of required buffer yards shall be as Listed in each district. A landscape plan shall be submitted as part of the zoning certificate application when required and shall consist of one (1) or a combination of two (2) or more of the following:
1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer and that will form a six (6) foot high screen within three (3) years of planting. A non-living opaque structure such as a solid masonry wall or a solid fence not less than six (6) in height that is compatible with the principal structure.
 2. A maintained, landscaped earthen mound at least five (5) feet wide that is not less than four (4) feet or more than six (6) feet in height.
 3. Maintenance of the existing natural vegetation that, in its natural state, forms a sufficient screen with a height not less than six (6) feet.
- B. Completion time, Maintenance and replacement of buffer yard:** All required landscaping and buffer yards shall be completed within six (6) months of the completion of each building phase of development, or parking area. A Building phase of parking area shall be considered complete the day it is first used for the purpose intended. Any changes to the approved landscape or buffer yard plan

shall be approved by the Zoning Director prior to completion. Landscaping shall be maintained by the property owner or agent to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water and shall not obstruct the view of traffic exiting the property. Any landscaping material that is a required element of an approved landscape plan the dies or is destroyed shall be replaced within six (6) months. (Amended, 2015)

**ARTICLE VII
DISTRICT REGULATIONS**

SECTION 701 R-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT

SECTION 701.1 PURPOSE

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

SECTION 701.2 USES

Within an R-1 Single Family 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.
 - a. A family home licensed under ORC Section 5123.19
2. Public buildings.
3. Churches and other buildings for the purpose of religious worship.
4. Farm Markets.
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article VIII.
7. Off-street parking as permitted and regulated in Article IX.

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 XI, referred to below:

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 137.

3. Cemetery, subject to Subsections 103, 106, 121, 127.
4. Home occupations, subject to Subsection 116.
5. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131.
6. Mobile home, subject to Subsection 135.
7. Topsoil removal, subject to Subsection 111.
8. Group Homes licensed under ORC Section 5123.19 subject to Subsection 146 (Amended, 1996)
9. Small wind energy systems subject to Subsection 149.

SECTION 701.3 MINIMUM LOT AND YARD REQUIREMENTS (Amended eff. 10/12/88)

<u>Lot Area</u>	<u>Lot Frontage on a Public St.</u>	<u>Lot Width at Building line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Without Central Sewer System*:					
20,000 sq. ft.	55 feet	100 feet	40 feet	30 feet	10 feet
With Central Sewer System:					
12,000 sq. ft.	55 feet	65 feet	40 feet	30 feet	10 feet

***THESE REQUIREMENTS ARE SUBJECT TO STARK COUNTY HEALTH DEPARTMENT SEPTIC REGULATIONS.**

SECTION 701.4 MAXIMUM STRUCTURE HEIGHT – Thirty-five (35) feet. (Amended)

SECTION 702 R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 702.1 PURPOSE

The purpose of this district is to permit a medium density residential development in the areas generally adjacent to the built up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities. The development is to consist of single family and two-family dwellings, not exceeding a density of eight (8) dwellings units per acre.

SECTION 702.2 USES

Within an R-2 Single and Two 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. Single family dwelling.
 - a. A family home licensed under ORC Section 5123.19.
2. Two-family dwelling.
3. Public buildings.
4. Churches and other buildings for the purpose of religious worship.
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article VIII.
7. Off-street parking as permitted and regulated in Article IX.
8. Farm Markets.

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 XI and to the specific requirements of Article XI, referred to below:

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 137.

3. Cemetery, subject to Subsections 103, 106, 121, 127.
4. Home occupations, subject to Subsection 116.
5. Institutions for human medical care- hospitals, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 127, 131.
6. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131,
7. Quasi-public institutionally or organizationally owned and/ or operated recreational, instructional and meeting facilities as those developed and used by the Y.M.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 106, 107, 109, 114, 128.
8. Mobile home, subject to Subsection 135.
9. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 138, and 139.
10. Group homes licensed under ORC Section 5123.19 subject to Subsection 146.
11. Private or governmental owned and/ or operated picnic areas, playgrounds, parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other outside recreational facilities or uses subject to Article XI, Subsections 101, 102, 103, 104, 105, 108, 114, 123, 127, 128, 131. (Amended eff. 1/29/88)
12. Group dwellings limited to single family, two family, three family and/or four family dwellings but subject to Subsections 105, 107, 109, 118, 127, 129, 130, and 148. (Amended 2002)
13. Small wind energy systems subject to Subsection 149.

SECTION 702.3 MINIMUM LOT AND YARD REQUIREMENTS (Amended effective (10/12/88))

<u>Lot Area</u>	<u>Lot Frontage on a Public St.</u>	<u>Lot Width at Building line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Single Family Dwelling					
12,000 sq. ft.	55 feet	65 feet	40 feet	25 feet	10 feet
Two Family Dwelling					
15,000 sq. ft.	55 feet	82 feet	40 feet	25 feet	10 feet
Other Permitted Uses					
18,000 sq. ft.	55 feet	100 feet	40 feet	25 feet	10 feet

LOTS NOT ON SANITARY SEWER ARE SUBJECT TO STARK COUNTY HEALTH DEPARTMENT SEPTIC REGULATIONS. (Amended, 1996)

SECTION 702.4 MAXIMUM STRUCTURE HEIGHT- Thirty-five (35) feet. (Amended)

SECTION 703 R-3 SINGLE FAMILY, DUPLEX, AND FOUR-FAMILY RESIDENTIAL DISTRICTS

SECTION 703.1 PURPOSE

The purpose of this district is to permit up to four households per dwelling unit. Development is to consist of one-family, two-family duplexes, three-family triplexes and four-family dwelling units. Four-family dwellings are subject to OBBC requirements. (Ohio Basic Building Code)(Amended, 1996)

SECTION 703.2 USES

Within any Residential R-3 Districts, no building, structure or premises shall be used, arranged, or designed to be used, except for one or more of the following purposes:

A. Permitted Uses

1. Any use permitted in R-1 and R-2 Districts.
2. Detached dwellings for not more than four families or housekeeping units. (Amended, 1996)
3. Dormitories, sorority or fraternity houses, boarding room houses.
4. Churches or other places of worship or of religious instructions, including parsonage or convent, but excluding temporary buildings such as tabernacles or tents, unless such tabernacle, or temporary revival services only, and is sponsored by one or more of the churches of the Township, or approved by the Ministerial Association.
5. Accessory uses as permitted and regulated in R-1 District except as follows:
 - a. The garage space provided may be for two motor vehicles on any lot and space for one additional motor vehicles may be provided. One commercial vehicle, single axle, not to exceed 10,000 pounds gross vehicle weight may be housed on any lot.

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 XI and to the specific requirements of Article XI referred to below:

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 137.

3. Cemetery, subject to Subsections 103, 106, 121, 127.
4. Home occupations, subject to Subsection 116.
5. Institutions for human medical care- hospitals, sanitariums, convalescent homes, nursing homes, homes for the aged and 103, 105, 106, 107, 109, 114, 127, 131.
6. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131.
7. Quasi-public institutionally or organizationally owned and/ or operated recreational, instructional and meeting facilities as those developed and used by the Y.M.C.A., Boy Scouts, subject to Subsections 106, 107, 109, 114, 128.
8. Group dwellings limited to single family, two family, three family and/or four family dwellings but subject to Subsections 105, 107, 109, 118, 127, 129, 130, and 148. (Amended 2002)
9. Mobile home, subject to Subsection 135.
10. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 138, and 139.
11. Group homes licensed under ORC Section 5123.19, subject to Subsection 146.
12. Private or governmental owned and/ or operated picnic areas, playgrounds, parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other outside recreational facilities or uses subject to Article XI, Subsections 101, 102, 103, 104, 105, 108, 114, 123, 127, 128, 131. (Amended eff. 1/29/88)
13. Small wind energy systems subject to Subsection 149.

SECTION 703.3 MINIMUM LOT AND YARD REQUIREMENTS (Amended eff. 10/12/88)

Lot Area	Lot Frontage on a Public St.	Lot Width at Building line	Front Yard Depth	Rear Yard Depth	Side Yard Width
Single Family Dwelling					
7,500 sq. ft.	50 feet	50 feet	25 feet	25 feet	5 feet
Two Family Dwelling					
9,375 sq. ft.	50 feet	63 feet	25 feet	25 feet	5 feet
Three Family Dwelling					
15,000 sq. ft.	50 feet	100 feet	25 feet	25 feet	5 feet
Four Family Dwelling					
18,750 sq. ft.	50 feet	125 feet	25 feet	25 feet	5 feet
Other Permitted Uses					
15,000 sq. ft.	50 feet	75 feet	25 feet	25 feet	5 feet

LOTS NOT ON SANITARY SEWER ARE SUBJECT TO STARK COUNTY HEALTH DEPARTMENT SEPTIC REGULATIONS. (Amended, 1996)

SECTION 703.4 MAXIMUM STRUCTURE HEIGHT- Thirty-five (35) feet. (Amended, 1996)

SECTION 704 R-4 MULTIFAMILY RESIDENTIAL AND OFFICE DISTRICT

SECTION 704.1 PURPOSE

The purpose of this district is to permit apartment development at densities up to twelve (12) dwelling units per net acre. Development is to consist primarily of townhouses and garden apartments and in groupings, which will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and school. Four family and larger structures will be subject to OBBC requirements. (Ohio Basic Building Code) (Amended, 1996)

SECTION 704.2 USES

Within an R-4 Multifamily Residential and Office 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.
 - a. A family home licensed under ORC Section 5123.19
2. Two Family dwelling.
3. Multifamily dwelling of townhouse, row house, and garden apartment type, subject to the site plan requirements of 704.5.
4. Lodging or boarding houses.
5. Public buildings.
6. Churches and other buildings for the purpose of religious worship.
7. Accessory uses or structures incidental to the principle use which do not include any activity conducted as a business.
8. Signs as permitted and regulated by Article VIII.
9. Off-street parking as permitted and regulated in Article IX.
10. Professional offices
11. Farm Markets.

C. Conditionally Permitted Uses

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

1. All listed conditionally permitted uses in Section 703.2(B), and subject too Subsections as referred to in that section.

SECTION 704.3 MINIMUM LOT AND YARD REQUIREMENTS (Amended eff. 10/12/88)

Lot Area	Lot Frontage on a Public St.	Lot Width at Building line	Front Yard Depth	Rear Yard Depth	Side Yard Width
Single Family Dwelling 8,000 sq. ft	40 feet	60 feet	40 feet	40 feet	10 feet
Two Family Dwelling 10,000 sq. ft.	40 feet	75 feet	40 feet	40 feet	10 feet
Multifamily Dwelling 12,000 sq. ft.* plus 3,500 sq. ft. for each dwelling unit over three (3)	40 feet	100 feet	40 feet	50 feet	25 feet
Other Permitted Uses 15,000 sq. ft.	40 feet	100 feet	50 feet	50 feet	10 feet

*At least 25 percent of the lot area shall be devoted to usable open space.

LOTS NOT ON SANITARY SEWER ARE SUBJECT TO STARK COUNTY HEALTH DEPARTMENT SEPTIC REGULATIONS. (Amended, 1996)

SECTION 704.4 MAXIMUM STRUCTURE HEIGHT- Thirty-five (35) feet (Amended, 1996)

SECTION 704.5 SITE PLAN REQUIREMENTS

All multifamily uses under Section 704.2 shall be permitted only After the review and approval of the site plans by the Zoning Inspector and upon finding that:

- A. 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.
- B. Grading and surface drainage provisions are reviewed and approved by Stark County Subdivision Engineer, or a total plan has been prepared by a registered engineer.
- D. The site plan is so designed to permit adequate access by fire and police and ambulance vehicles.

SECTION 704.6 OFF-STREET PARKING AND LOADING

As regulated by Article IX.

SECTION 705 R-5 HIGH DENSITY MULTIFAMILY AND LIMITED SERVICE BUSINESS DISTRICT

SECTION 705.1 PURPOSE

The purpose of this district is to permit apartment development at densities up to thirty (30) families per acre in the central core of the community where high density housing may be desirable in close proximity o a major shopping facility. Four family and larger structure will be subject to OBBC requirements. (Ohio Basic Building Code) (Amended, 1996)

SECTION 705.2 USES

Within an R-5 High Density Multifamily and Limited Service 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. Single family dwelling.
2. Two family dwelling.
 - a. A family home licensed under ORC 5123.19
3. Multifamily dwelling subject to site plan requirements of 705.5
4. Apartment, Hotel, Lodging and Boarding houses.
5. Public buildings.
6. Churches and other buildings for the purpose of religious worship.
7. Accessory uses or structure incidental to the principal use which do not include any activity conducted as a business.
8. Signs as permitted and regulated by Article VIII.
9. Off-street parking as permitted and regulated in article IX.
10. Farm Markets.
11. Any retail business or service establishment such as a grocery, drug store, fruit or vegetable store, meat market, shoe repair shop, hardware store, barber and beauty shop, clothes cleaning and laundry pick-up station.
12. Business and professional offices.
13. Restaurant, café, bar and soda fountain, not including drive-in establishments.

B. Conditionally Permitted Uses

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

1. All listed conditionally permitted uses in Section 703.2(B) and subject to Subsections as referred to in that section.
2. Group Homes licensed under ORC Section 5123.9 subject to Subsection 146.

SECTION 705.3 MINIMUM LOT AND YARD REQUIREMENTS (Amended eff. 10/12/88)

<u>Lot Area</u>	<u>Lot Frontage on a Public St.</u>	<u>Lot Width at Building line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Single Family Dwelling 12,000 sq. ft.	55 feet	65 feet	40 feet	25 feet	10 feet
Two Family Dwelling 10,000 sq. ft.	40 feet	55 feet	35 feet	40 feet	10 feet
Multifamily Dwelling 7,5000 sq. ft.* plus 1,325 sq. ft. for each dwelling unit over (3) units	40 feet	75 feet	40 feet	50 feet	15 feet + 1 ft. for each foot of building height in excess of two (2) stories above grade level
Other Permitted Uses 11,000 sq. ft.	40 feet	75 feet	40 feet	50 feet	25 feet

*At least twenty (20) percent of the lot area shall be devoted to usable open space.

LOTS NOT ON SANITARY SEWER ARE SUBJECT TO STARK COUNTY HEALTH DEPARTMENT SEPTIC REGULATIONS. (Amended, 1996)

SECTION 705.4 MAXIMUM STRUCTURE HEIGHT- Five (5) stories or sixty (60) feet

SECTION 705.5 SITE PLAN REQUIREMENTS

All multifamily uses under Section 705.2 shall be permitted only after the review and approval of the site plans by the Zoning Inspector and upon finding that:

- A. 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.
- B. Grading and surface drainage provisions are reviewed and approved by Stark County Subdivision Engineer, or a total plan has been prepared by a registered engineer.

- C. The site plan is so designed to permit adequate access by the fire and police and ambulance vehicles.
- D. 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 plans.

SECTION 705.6 OFF-STREET PARKING AND LOADING

As regulated by Article IX.

SECTION 706 R-6 MANUFACTURED HOME AND MANUFACTURED HOME PARK DISTRICT

SECTION 706.1 PURPOSE

This district is intended to provide for the development of well-planned manufactured home parks and also to permit manufactured homes on individual lots for residential purposes only.

SECTION 706.2 USES

Within an R-6 Manufactured Home and Manufactured 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. Manufactured home, as a single family residence, subject to lot and yard requirements of Sections 704.3 and 704.4 of these regulations.
2. Manufactured Home Park, as licensed and regulated by the Department Of Health, and subject further to the requirements of these regulations.
3. Accessory uses and structures incidental to the principal use except for the management and maintenance of a manufactured home park.
4. Agricultural buildings and uses, including farm markets.
5. Signs are permitted and regulated in Article VIII.

B. Conditionally Permitted Uses

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

1. Private or government owned and/ or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities and/ or uses, subject to Subsections 101, 102, 103, 104, 105, 114, 121, 122, 125, 126.
2. Laundry facilities, subject to Subsections 101, 105, 107, 114, 124, 127.
3. Small wind energy systems subject to Subsection 149.

SECTION 706.3 LOT REQUIREMENTS

- A. Minimum area for
Manufactured Home Park – Twelve (12) acres
Lot in Manufactured Home Park – Five thousand (5,000) square feet.
- B. Minimum lot width and lot frontage:
Manufactured Home Park – Two Hundred (200) feet
Lot in Manufactured Home Park – Fifty (50) feet
- C. Central sanitary sewer facilities and central water facilities shall be required. (Amended, 2011)

SECTION 706.4 YARD REQUIREMENTS FOR MANUFACTURED HOME PARK

- A. Minimum Front yard Depth – Fifty (50) feet
- B. Minimum Rear Yard Depth – Twenty-five (25) feet
- C. Minimum Side Yard Width – Ten (10) feet (Amended, 1996)

SECTION 706.5 Individual manufactured homes in parks shall meet setback and yard requirements of the Ohio Department of Health, Chapter 3701-27.

SECTION 706.6 MANUFACTURED HOME PARK

- A. The applicant shall have written permission from the state and county health departments and township fire department approving the site and plans for the proposed manufactured home park. (Amended, 1996)
- B. Each manufactured home unit shall have a minimum of five hundred (500) square feet of living space per family.
- C. Each manufactured home lot shall be served by underground utilities.
- D. Each manufactured home park operator shall provide parking spaces equal to two (2) spaces per manufactured home plus one (1) space for every two (2) manufactured homes. All parking spaces shall be suitably paved.
- E. A usable recreation area shall be located in every park with its size being not less than (20) percent of the total area of the trailer park.
- F. All manufactured homes must be enclosed from the ground to the floor level of the manufactured home with solid or lattice non-wooden type enclosure. (Amended, 1996)

- G. All parks must provide paved streets, patios, walkways and pier runners or pads to set homes on as required by the Ohio Revised Code. (Amended, 1996)

SECTION 707 R-7 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

SECTION 707.1 PURPOSE

The Planned Unit Development District (PUD) is established to provide for progressive and innovative planning and development of land construction thereon to achieve one or more of the following objectives:

- A. A wide choice of living environments by permitting a variety of housing and building types and a flexibility of their placement on the land.
- B. A more efficient use of the land through clustering of buildings, thereby requiring a reduction in street and utility extensions, resulting in substantial saving both now and for the future maintenance.
- C. Encouragement of the preservation of natural topography and geologic features, scenic areas, trees and other vegetation, thereby creating a lesser amount of disruption to natural drainage pattern.
- D. The establishment of usable open space and recreation areas for use of the residents of the development.
- E. The provision of limited service and business uses to serve the increased population.
- F. An overall increase in density, however, in conformance with a development plan in harmony with surrounding land uses, transportation facilities, and community facilities.

SECTION 707.2 PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT

Because of the special characteristics of a Planned Unit Development, an application for a zone change shall be accompanied by a site development plan, drawn to a reasonable scale, which shall show the following information as a minimum. The zoning of each district to a Planned Unit Development district shall be in general conformance with the site development plan as approved by the Trustees in accordance with the Ohio Revised Code, Section 519.12. A planned unit development district shall also require approval, where applicable, by the Stark County Regional Planning Commission as authorized by the Stark County Subdivision Regulations.

Actual development of the PUD can be accomplished by submission of one (1) or more final plans to the Board of Appeals, each containing not less than five (5) acres and which shall conform to total minimum and maximum percentages as required in this section.

- A. Site Plan Information
 - 1. Names, addresses, and telephone numbers of applicant, owners of all property included in the development, registered surveyor, engineer, and/or urban planner assisting.

2. The boundaries of the proposed PUD and total acreage included.
3. Topographic information such as is available from Stark County Engineer's office.
4. Existing and proposed street system, street widths, and indicating those streets proposed to be public and/ or private.
5. The areas proposed to be used for single family dwellings, two family dwellings, multifamily dwellings, business uses, location of proposed parking spaces, and number of dwelling by type.
6. The proposed density by dwelling units per acre.
7. The areas proposed for open space and recreational uses and descriptive data as to the methods to be employed to preserve and maintain the open space.
8. Description and location of water and sewer facilities and feasibility of extension into the development.
9. Existing land uses within three hundred (300) feet of the proposed Planned Unit Development.
10. Small wind energy systems subject to ARTICLE XI, Section 1102, Subsection 149.

SECTION 707.3 SPECIAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this article and those of other sections of this Resolution, the provisions of this article shall apply. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this Resolution.

A. Minimum Project Area

A PUD shall cover a gross area of not less than ten (10) contiguous acres of land which shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad right-of-way.

B. Project Ownership

The land included in the PUD may be owned, leased or controlled either by a single person or entity or by a group of individuals or entities. Such ownership may be by a public or private entity.

C. Provisions for Future Maintenance of Open Space Land

The required amount of open space land reserved under a Planned Unit Development for the use of residents shall require establishment of a Homeowners Association or be held in such corporate ownership by owners of the project area. Such procedures must be legally initiated before any construction or sales of property can proceed. The responsibility for maintenance of open space shall be specified by the developer and approved by the Trustees before final approval of the development. Landscaping shall be sufficient to provide a park-like environment and to reduce the harshness of a bare structure and streets. Plantings shall be of a kind and size to assure an immediate atmosphere and permanent survival.

D. Central sanitary sewer facilities and central water facilities shall be required for any PUD.

E. Minimum Percentage of Uses Required

1. Thirty (30%) percent of the total land area must be devoted to usable open space and recreational facilities for the use of.
2. A minimum of thirty-five (35%) percent of all units shall consist of single family detached dwellings. The remaining units may consist of any combination of townhouse, row house, or garden apartment types of two family and multifamily dwellings units. Single family detached units shall be placed in proximity to the existing single family residential areas to act as a buffer from the multifamily dwellings. In areas where multifamily units are proposed, there shall be no more than twelve (12) units in any contiguous group or building.
3. No more than five (5%) percent of the total area shall be devoted to accessory uses of businesses. Such businesses shall be located on one portion of the tract and shall be constructed in accordance with the approved plan. Only the following businesses shall be permitted:
 - a. Retail or service establishments, such as a grocery, drug store, shoe repair shop, hardware store, beauty or barber shop, cleaning and laundry pickup station.
 - b. Business or professional offices.
 - c. Restaurant, café, bar, soda fountain, not including drive-in establishment.
 - d. Farm Market.

F. Maximum Density and Minimum Lot Requirements

1. The maximum overall housing density of a PUD shall not exceed ten (10) dwelling units per acre of land excluding land required for open space. (Example, 10 acres x 30% for acre = 70 total units.)
2. It is recommended that setbacks be varied for better use of the natural contour of the land, a more aesthetically pleasing an average setback of thirty (30) feet shall be maintained, and no front yard setback shall be less than twenty (20) feet.
3. No lot shall have less than twenty (20) feet frontage on a public or private street, and all lots shall be designed to abut open space via public or private right-of-way.
4. Minimum distance between buildings – Twenty (20) feet for one and two story plus ten (10) feet additional for each story over two.
5. Side and rear yards – A minimum of ten (10) feet required for all side and rear yards.
6. Perimeter yards – Buildings on the perimeter of the PUD being developed along previously dedicated roads shall have a minimum setback of forty (40) feet.

G. Minimum Floor Space per Dwelling Unit – Eight hundred (800) square feet, exclusive of patios, carports, garages, covered porches.

H. Maximum Height Requirements for Buildings in a PUD District – Four (4) stories and not to exceed fifty-six (56) feet in height.

I. Parking Requirements – All permitted uses in a PUD shall be required to meet the parking requirements in Article IX of these Regulations. Parking on the streets, either public or private, shall be prohibited.

J. Buildings shall have their officially assigned house numbers visibly displayed, facing the street.

SECTION 708 R-C RESIDENTIAL CONDOMINIUM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

SECTION 708.1 PURPOSE

This district is intended to encourage a more efficient use of the land through the clustering of residential dwellings having single-family ownership in accordance with condominium provisions of Chapter 5311 of the Ohio Revised Code. This is a special district, requiring the submission of a development plan at the time of the zoning amendment application and development in accordance with the approved plan.

SECTION 708.2 GENERAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Special provisions governing the development of land for this purpose are required. Whenever there is conflict between the provisions of this section and those of other sections of this Resolution, the provisions of this section shall apply. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this Resolution.

- A. Minimum Project Area – An R –C Residential Condominium PUD shall include a gross area of not less than five (5) contiguous acres of land, which shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad rights-of-way.
- B. Project Ownership and Maintenance – The property shall be developed as a true condominium with condominium ownership in accordance with such state laws. Prior to final plan approval, a recorded copy of the condominium declaration and plans per Chapter 5311 of the Ohio Revised Code must be submitted to the Perry Township Zoning Department, which shall be filed with the approved final development plan. Such documents assuring the preservation and future maintenance of the property shall be subject to the review and approval of the Township Law Director.

SECTION 708.3 SPECIAL PROVISIONS

- A. Central Sewer and Water – Central sanitary sewer facilities and a public water source shall be required for the proposed PUD development.
- B. Maximum Lot Coverage – No more than sixty (60) per cent of the total area of the proposed PUD shall be developed with any impervious surface such as structures, buildings or pavement.
- C. Maximum Density and Minimum Lot Requirements
 - 1. The maximum overall housing density shall not exceed six (6) dwelling units per gross acre of land, exclusive of the right-of-way of existing public streets.

2. The minimum front yard setback of forty (40) feet, side yard setback of ten (10) feet or rear yard setback of twenty-five (25) feet from any existing or proposed public street right-of-way and from the edge of any proposed private roadway or any adjacent residential property shall be twenty-five (25) feet.
 3. Minimum distance between buildings shall be twenty (20) feet.
- D. Maximum Building Height – the maximum building height shall be thirty-five (35) feet.
- E. Parking Requirements - Four (4) parking spaces shall be required for each dwelling unit, two (2) of which shall be garage space with direct access to the dwelling unit. Other applicable provisions of Article IX of this Resolution shall apply. On street parking, either public or private, cannot be used to meet the minimum parking requirements.
- F. Landscaping Plan/Buffer Area Requirements - The developer shall submit a landscape plan for final development plan approval. Such plan shall include a buffer yard of twenty (20) feet in accordance with requirements of Article IV, General Standards and Special Provisions, when located adjacent to an R - 1, R - 2, R - 3, R - 4, R- 5 or R - 6 District.

SECTION 708.4 USES

Within an R – C Residential Condominium Planned Unit Development (PUD) District, no building, structure or premises shall be used or designed to be used except for one of more of the following uses:

A. PERMITTED USES

1. Single family ownership dwellings, which may be attached, provided no building contains more than four (4) dwelling units.
2. Attached accessory garages for the purpose of storing private vehicles, as required in 716.3 (E). Detached garages, carports and storage buildings of any type are not permitted in the R – C PUD District.
3. Recreational structures and meeting facilities to serve the residents of the proposed development.

SECTION 708.5 SITE DEVELOPMENT REQUIREMENTS

A. BUILDING AND STRUCTURE LOCATION

1. All development features including the principal dwellings, recreational or meeting facilities, service roads, driveways and parking areas shall be located as to minimize the possibility of any adverse effects upon adjacent development.

2. Active recreation areas such as picnic pavilions, tennis and basketball courts, swimming pools and similar facilities shall be centrally located to the development.

B. STREET CONSTRUCTION AND STORM DRAINAGE REQUIREMENTS

1. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer. The Trustees may require review and approval of those plans by the township's engineering consultant, when the adopted Stark County Subdivision Regulations are not applicable.
2. Private streets, if proposed to serve the PUD, shall be designed and constructed in accordance with the following minimum requirements:
 - a. the typical section of the pavement (curb/gutter, cross slope, pavement width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for Local Residential Streets.
 - b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
 - c. Dead-end-streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
 - d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.
3. Shared driveways which provide access to no more than four (4) buildings and which are no longer than two hundred (200) feet may be designed and constructed at less than the above requirements subject to the approval of the Perry Township Trustees.

SECTION 708.6 PROCEDURE FOR ESTABLISHMENT OF A R-C RESIDENTIAL CONDOMINIUM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

- A. The rezoning of property to an R-C district shall conform to the Ohio Revised Code Section 519.12 and follow the procedures of this Resolution as set forth in Article XIII, Section 1301.3, which requires the submission of a preliminary development plan.
- B. If the proposed rezoning is approved, a final development plan for each phase of the PUD shall be approved by the Board of Township Trustees prior to the issuance of zoning certificates. Such final plan shall be substantially the same as

the approved preliminary development plan; however the following additional information shall be submitted at this time:

1. The location, dimensions and area calculations for all open space and recreational facilities.
2. Grading plan showing finished contours at one (1) foot intervals.
3. The location and dimensions of proposed platted single-family lots and the location and dimensions of all principal buildings, accessory buildings, required parking, driveways and other requirements as noted in this district.
4. Evidence that all requirements of Section 716.5 (B) have been met.

SECTION 710 B-1 OFFICE AND RETAIL BUSINESS DISTRICT

SECTION 710.1 PURPOSE

This district is established to create an environment conducive to well-located and designed office building sites, and also to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of 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 vehicles and pedestrian traffic.

SECTION 710.2 USES

Within a B-1 Office and Retail 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. Public buildings.
2. Churches and other buildings for the purpose of religious worship.
3. Offices
 - a. Administrative or executive offices.
 - b. Professional and business offices.
 1. Physicians, Surgeons, Dentists, Optometrists, Veterinarians, and other similar professions, including area for clinical outpatient care, but not to include convalescent, nursing, or rest home facilities. (Amended eff. 6/13/87)
 2. Attorneys, accountants, engineers or architects.
 3. Real estate, insurance office, financial institutions (including drive-up facilities).
 4. Business Uses:
 - (a) Convenience food stores with retail gasoline pumps, 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, providing the floor area devoted to such use or store is no greater than five thousand (5,000) square feet. (Amended eff. 7/22/88)
 - (b) Restaurant, excluding drive-in facilities, carry-out services or curbside service.
 - (c) Farm Markets.

5. Radio and television broadcasting stations, not including transmission towers.
6. Accessory uses clearly incidental to the uses permitted on the same premises. (See Section 602.4)
7. Signs as permitted and regulated in Article VIII.
8. Hotel, motel tourist home. (Amended eff. 5/22/90)

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 XI and to the specific requirements of Article XI, referred to below:

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 137.
3. Cemetery, subject to Subsections 103, 106, 121, 127.
4. Institutions for human medical care – hospitals, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 127, 131.
5. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 131.
6. Quasi-public institutionally or organizationally owned and/ or operated recreational, instructional and meeting facilities as those developed and used by the Y.M.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 107, 109, 114, 128.
7. Planned complex for two or more uses as permitted in this district, subject to Subsection 122.
8. Multifamily dwellings, as necessary and secondary to the permitted uses in this district, subject to Subsection 136.
9. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 138, 139.
10. Small wind energy systems subject to Subsection 149.

SECTION 710.3 LOT REQUIREMENTS

Setback Lines

In any retail district if forty (40%) percent of the property fronting upon a street included in the retail district has been improved with buildings at the time of the passage of this plan, any building or structure thereafter erected or altered in such retail district shall project no nearer to the front street line than the average established by such existing buildings.

- A. Minimum lot width at building line – seventy-five (75) feet.
- B. Minimum lot frontage on a public street – fifty (50) feet (Amended eff. 10/12/88)
- C. Central sanitary sewer facilities and central water facilities shall be required. (Amended, 2011)

SECTION 710.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – Forty (40) feet when adjacent to a residential district, otherwise twenty (20) feet.
- B. Minimum Side Yard Width – twenty (20) feet when adjacent to a residential district, otherwise no setback. (Amended 6/13/87)
- C. Minimum Rear Yard Depth – twenty (20) feet adjacent to a residential district; otherwise no other setback. (Amended 6/13/87)
- D. When the B-1 Office and Retail District abuts a residential district **within the required setback, an area of not less than five (5) feet in depth, adjacent to the residential district shall be a buffer yard provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 607. No other use shall be permitted within the five (5) foot in depth buffer area.** (Amended, 2015)

SECTION 710.5 MAXIMUM STRUCTURE HEIGHT – No building or structure shall exceed thirty-five (35) feet in height. (Amended, 1996)

SECTION 710.6 PARKING AND LOADING REQUIREMENTS – As regulated by Article IX.

SECTION 711 B-2 COMMERCIAL DISTRICT

SECTION 711.1 PURPOSE

The purpose of this district is to provide for a variety of retail, service, and administrative establishments which are required to serve a large trading area population. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for the neighborhood business district development, and are best located on major thoroughfares and outlying areas of the community.

SECTION 711.2 USES

Within a B-2 Commercial 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 the B-1 Office and Retail Business District.
2. Retail stores, including, but not limited to clothing, stationary, home furnishings, drugs, jewelry, and sporting goods.
3. Motor Vehicle Repair garage, automobile washing establishment. Provided all storage (parts and materials) are within an enclosed building or an area enclosed on all sides by a six (6) foot solid masonry wall, a minimum six (6) foot solid painted fence or six (6) foot chain link with slats and opening/gate is no greater than fifteen (15) percent. (Amended, 2011)
4. Indoor and outdoor recreational facilities, including but not limited to theaters, tennis and racquet clubs, health spas, physical exercise facilities.
5. Storage in bulk of a warehouse for such materials as building materials, contractor's equipment, textiles, feed, fertilizer, food, furniture, hardware, ice, leather, machinery, metals, petroleum and other inflammable fuels in above-ground tanks of less than ten thousand (10,000) gallon capacity each, paint and paint materials, pipe, bulk rubber and tires, shop and store supplies, provided that there shall be no junk, waste paper, used tires, waste rags, or wrecking or dismantling of motor vehicles. (Amended, 1996)
6. Wholesale business, produce market, farm market.
7. Carpet cleaning, dry cleaning and dyeing, steam laundry.
8. Cold storage plant, creamery, bottling works.
 - a. Milk bottling or distribution station, if not nearer to residential district than four hundred (400) feet.

9. Loft building, cigar factory, printing shop, garment factory, wholesale bakers, painting or varnish shop, woodworking shop and monument shop.
10. Retail greenhouse, studio office.
11. Off-street parking lot.
12. Ice delivery station, fueling depot, public garage, motor vehicle sales room, service garage, Laundromat, and dry cleaning. Shop for making articles to be sold at retail on the premises. (Amended, 1996)
13. Theater, assembly hall, dance hall, armory, mortuary or crematory.
14. Veterinary hospital and animal clinic.
15. Commercial greenhouse and garden supply store.
16. Hotel, motel, tourist home.
17. Public or private transportation agency and terminal, including bus, taxi, rail stations and airport terminal.
18. Automobile, truck, trailer and farm implement sales, service, storage, and impound lots. (Amended, 1996)
19. Mini-storage or mini-warehouse facilities. (Amended eff. 8/29/89)
20. Lawn care and snow removal services. (Amended, 1996)
21. Skill game / Internet sweepstakes café, location, business or site. (Amended, 2013)

B. Conditionally Permitted Uses (Amended eff. 8/29/89)

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

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Planned Commercial Complex for two or more uses as permitted in this district, subject to Subsection 122.
3. Drive-in theaters, subject to Subsections 105, 145.
4. Recycling transfer station, subject to Subsections 114, 115, 124, 127, 131, 139.

5. Motor Vehicle Body Repair. Provided all storage (parts and materials) are within an enclosed building or an area enclosed on all sides by a six (6) foot solid masonry wall, a minimum six (6) foot solid painted fence or six (6) foot chain link with slats and opening/gate is no greater than fifteen (15) percent, and subject to Subsections 127. (Amended, 2011)
6. Small wind energy systems subject to Subsection 149.

SECTION 711.3 LOT REQUIREMENTS

- A. Minimum Lot Area – Twenty thousand (20,000) square feet.
- B. Minimum Lot Width at Building Line – ninety (90) feet.
- C. Minimum Lot Frontage on a public street – forty (40) feet. (Amended eff. 10/12/88)
- D. Central sanitary sewer facilities and central water facilities shall be required. (Amended, 2011)

SECTION 711.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – fifty (50) feet.
- B. Minimum Rear yard Depth – forty (40) feet when adjacent to a residential district; otherwise no setback. (Amended eff. 6/13/87)
- C. Minimum Side Yard Depth – twenty (20) feet when adjacent to a residential district; otherwise no setback. (Amended eff. 6/13/87)
- D. When the B-2 Commercial District abuts a residential district **within the required setback, an area of not less than five (5) feet in depth, adjacent to the residential district shall be a buffer yard provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 607. No other use shall be permitted within the five (5) foot in depth buffer area.** (Amended, 2015)

SECTION 711.5 MAXIMUM STRUCTURE HEIGHT – Sixty-five (65) feet. (Amended, 1996)

SECTION 711.6 PARKING AND LOADING REQUIREMENTS – As required by Article IX.

SECTION 712.0 M-D MULTI-USE OVERLAY DISTRICT (Amended, 1996)

SECTION 712.1 PURPOSE

The purpose of this district is to provide for a variety of residential, retail, service and administrative establishments, in close proximity, that are required to serve a dense and rapidly developing, trading and commercial area. This district is also intended to accommodate those residents wishing to live, work and engage in retail trade in close proximity to major thoroughfares within Perry Township, Stark County. This district is intended to be inclusive for all enumerated uses, whereas all other district users in this zoning resolution are specifically exclusive and limited to the express uses named in said district.

SECTION 712.2 USES

Within a Multi-Use District any building, structure, or premises, may be used, arranged to be used, or designed to be used for any of the following uses:

A. Permitted Uses:

All permitted uses in a the R-3 (Single family, Duplex, and Four Family Residential District); R-4 (Multifamily Residential and Office District); R-5 (High Density Multifamily and Limited Service Business District); B-1 (Office and Retail District).

B. Conditionally Permitted Uses:

Conditionally permitted uses shall be the same as set forth in Section 703.2B, 704.2B, 705.2B & 710.2B.

C. Lot Requirements

Minimum Lot Area, Minimum Lot Width and Minimum lot Frontage shall be the same as set forth in the intended use as set forth in (A) above.

D. Yard Requirements

Minimum front yard, minimum rear yard depth, and minimum side yard depth shall be the same as set forth in the intended use as set forth in (A) above.

E. Maximum Structure Height

The maximum structure height shall be no more than sixty-five (65) feet.

F. Parking lot and Loading Requirements

Shall be the same as set forth in the intended use as set forth in (A) above.
(Amended, 1996)

SECTION 715 I-D INDUSTRIAL DISTRICT

SECTION 715.1 PURPOSE

The district provides for industrial uses in the fields or repair, storage, manufacturing, processing, wholesale and distribution.

SECTION 715.2 USES

Within an I-D 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 permitted uses in the B-1 and B-2 Districts.
2. Creamery, bottling, ice manufacturing, and cold storage plant.
3. The manufacturing, compounding, processing, packaging, and treatment of the following products:
 - a. Baking and dairy goods, candy, and other food products, fish and meat processing plants except slaughter houses or processes which manufacture sauerkraut, vinegar, yeast, and rendering or refining of fats or oils. (Amended, 1996)
 - b. Electrical and electric appliances, instruments, and devices, television sets, radios, phonographs, and household appliances.
 - c. Musical instruments, novelties, and other similar small, 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, textiles, yards, fur, tobacco, or wood, provided that all equipment and operation is located within a completely enclosed building, and no operation shall create a nuisance beyond the confines of the building. There shall be no processing, handling, storage or dispensing of nuclear or radioactive waste. (Amended, 1996)
 - e. Professional and scientific instruments, clerical, and office equipment.
4. Experimental testing and research facilities provided no testing or experimentation creates a hazard beyond the confines of the building. There shall be no processing, handling, storage, or dispensing of nuclear or radioactive waste. (Amended, 1996)

5. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
6. Distributors warehouse and wholesale outlet, including such break-bulk operations as bottling and/ or packaging.
7. Printing and publishing operations.
8. Mini-storage and warehouse facilities.
9. Vehicle assembly and major repair. (Amended, 1996)
10. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities.
 - a. Pottery and figurines or similar ceramic products using previously pulverized clay and kilns fired only with gas or electricity.
 - b. Electric and neon signs, billboards, and other such structures.
 - c. Laboratories and processing, experimental, film, or testing.
 - d. Light sheet metal products, including heating and ventilating equipment.
 - e. Blacksmith, welding, or similar type of metal shop, including machine shop operations of the tool, die, and gauge types.
 - f. Rag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
11. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen (15) percent:
 - a. Building materials and lumber yard, including mill work when within a completely enclosed building.
 - b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - c. Fuel, food, and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any residential district.
 - d. Public storage garage and yards.
12. Warehouses and wholesale business establishments.

13. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
14. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
15. Laundry, cleaning, and dyeing plant.
16. Repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body, and fender, radiator, and tire services involving retreading and vulcanizing.
17. Stone or monument manufacturing works if, employing power tools, within a completely enclosed building. (Amended, 1996)
18. Accessory uses incidental to the uses permitted on the same premises, and does not include a separate business.
19. Signs, as permitted and regulated by Article VIII hereof.

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 XI and to the specific requirements of Article XI listed below:

1. Surface mining or strip mining, subject to Subsections 105, 110, 112, 113, 117, 124, 127.
2. Sanitary landfill sites, subject to Subsections 101, 103, 104, 108, 113, 122, 133.
3. Junkyard, subject to Subsection 134.
4. Sexually oriented businesses subject to Subsections 102, 103, 104, 105, 106, 107, 108, 109, 114, 115, 119, 120, 124, 127, 128, 129, 147.
5. Small wind energy systems subject to Subsection 149.

SECTION 715.3 LOT REQUIREMENTS

- A. Minimum lot area – twenty thousand (20,000) square feet.
- B. Minimum lot width at the building line – eighty (80) feet (Amended eff. 10/12/88)
- C. Minimum lot frontage on a public street – fifty (50) feet (Amended eff. 10/12/88)
- D. Central sanitary sewer facilities and central water facilities shall be required. (Amended, 2011)

SECTION 715.4 YARD REQUIREMENTS

- A. Minimum front yard depth seventy (70) feet, except as otherwise noted in Section 715.4
- B. Minimum rear yard depth fifty (50) feet, except as otherwise noted in Section 715.4.
- C. Minimum side yard width thirty (30) feet. Except as otherwise noted in Section 715.4.
- D. Yards Adjoining Any Residential District

Where the boundary of the Industrial District adjoins the boundary line of any Residential District, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be a buffer yard provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 607. No other use shall be permitted within the fifty (50) foot buffer area.
(Amended, 2015)

SECTION 715.5 MAXIMUM STRUCTURE HEIGHT – Sixty-five (65) feet (Amended, 1996)

SECTION 715.6 PARKING AND LOADING REQUIREMENTS – The parking and loading requirements for this district shall be regulated by Article IX hereof.

ARTICLE VIII SIGN REGULATIONS

SECTION 801 SIGNS

SECTION 801.1 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 signs of all types.

SECTION 801.2 LIMITATIONS ON THIS SECTION

The township's authority and regulation of the following signs is limited, in accordance with the Ohio Revised Code:

- A. Signs erected and maintained pursuant to and in discharge of any government function, or required by any law, ordinance, or governmental regulation are exempt from these regulations.
- B. 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 the Perry Township Zoning Regulations.
- C. Outdoor advertising (off-premises) signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business, or lands used for agricultural purposes, however, permits must be obtained and other requirements met, as listed in the Ohio Revised Code.

SECTION 801.3 SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE

The following signs are permitted in any district of Perry Township and will not require a permit to be issued:

- A. One name plate, mounted flat against the building, not exceeding four (4) square feet in area, shall be permitted for each dwelling.
- B. One unlighted real estate sign not exceeding sixteen (16) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed, which shall not be located closer to the street right-of-way line than fifteen (15) feet. Such signs shall be removed immediately after the sale or rent of the property in question.

- C. Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed sixteen (16) square feet in area and which shall not be located closer than fifteen (15) feet from any street right-of-way line. Such signs shall be removed upon completion of work.
- D. Signs directing and guiding traffic shall be permitted on private property; however, such sign shall not contain any advertising material.

SECTION 801.4 GENERAL REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT

The following regulations shall apply to all signs in all use districts:

- A. Any illuminated sign or lighting device shall employ only an emitting light of constant intensity and no sign shall be illuminated by or contain exterior flashing, intermittent, rotating, or moving light or lights, with the exception of a message center (consisting of time, temperature, and public information).
- B. 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.
- C. No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so sign appears to be a continuation of the face of the building.
- D. 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.
- E. No sign shall project over or obstruct any windows or doors of any building, or attach to or obstruct a fire escape.
- F. All signs hung and erected shall be plainly marked with the name of the responsible person, firm, or corporation for maintenance. Upon receipt of a written notice from the Zoning Inspector, the sign shall be put in a safe and secure condition or removed.
- G. Signs shall not be constructed so as to obstruct traffic sight lines, control lights at street intersections, or signals at railroad or directional signals.
- H. No sign shall be located within any public right-of-way except as indicated in Section 801.2(1) above. Signs directing and guiding traffic shall be permitted on private property provided such signs do not contain any advertising material.
- I. No sign shall be located closer than ten (10) feet to any side or rear property line.
- J. Directional signs shall not exceed thirty-six (36) inches in height and five (5) feet in width.

SECTION 801.5 MEASUREMENT OF SIGN AREA

The surface area sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one 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.

Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall include the wall space between the individual letters.

SECTION 801.6 PERMITTED SIGNS IN ANY DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

The following signs are permitted in any district of Perry Township but require a zoning permit and are subject to the following requirements:

- A. One announcement sign or bulletin board of not more than thirty-two (32) square feet in area shall be permitted for any church, school, community center, or other public or institutional building. Such sign shall be located on the premises of such institution and shall not be located closer than fifteen (15) feet from any property line.
- B. One unlighted name plate, mounted flat against the building, not more than three (3) square feet in area announcing the name and occupation shall be permitted for a "Home Occupation".
- C. One unlighted sign not more than thirty-two (32) square feet in area in conjunction with a roadside stand (Farm Market), which shall be used to advertise seasonal agriculture sales.
- D. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed one hundred (100) square feet in area and shall be located within such development and shall not be located closer than fifteen (15) feet from any property.

SECTION 801.7 SIGNS PERMITTED ONLY IN BUSINESS AND INDUSTRIAL DISTRICTS UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

- A. One exterior business sign may be erected which advertises a business or service conducted upon the premises and/ or advertises products, merchandise, or commodities stocked and sold on premises. Such sign may be affixed flat against the wall of the building or may project there from not more than two (2) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground and pavement level adjoining the building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to two (2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of six hundred seventy-five (675) square feet.

- B. One pole type or free-standing sign permanently attached to the ground which advertises a business or service conducted upon the premises and/ or advertise products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not exceed an area of one hundred (100) square feet, and shall not be more than fifty (50) feet in height. No portions of the said sign shall be located closer than fifteen (15) feet from all street right-of-way lines. Any sign originally designed to be of portable nature may not be permitted to be used as a permanent sign. (Amended, 1996)
- C. Billboards and outdoor advertising signs shall be located so as to maintain the minimum front, side, and rear yards as required from buildings located in the same district. However, no such signs shall be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such sign shall not exceed a gross area of six hundred seventy-five (675) square feet. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of any entrance to a public park, public or parochial school, library, church, or similar institution.
- D. ELECTRONIC MESSAGE CENTER (EMC) An Electronic Message Center (EMC) , which is a sign or portion thereof on which the copy changes automatically and is displayed through electrical or electronic means, shall only be permitted in the B-1 Office and Retail Business, B-2 Commercial and I-D Industrial Districts, shall meet the following requirements.
 - a. Only one EMC shall be permitted on a single permanent pole or wall sign per lot.
 - b. An EMC shall contain no off-site advertising.
 - c. An EMC shall only be located on a lot which contains an existing pole sign or on a lot containing a minimum of one hundred (100) feet of frontage if pole mounted or sixty (60) feet of wall length (frontage) if wall mounted.
 - d. An EMC shall not exceed fifty percent (50%) of the permitted area of the sign face. The overall size and height shall be in conformance with all other applicable sign regulations.
 - e. An EMC shall not flash, rotate, show animation or have the appearance of moving. Scrolling text is permitted unless it constitutes a safety issue.
 - f. An EMC shall be subject to all other applicable regulations of this Resolution.

SECTION 801.8 TEMPORARY AND PORTABLE SIGNS

- A. All signs of a temporary or portable nature, such as posters, banners, promotional devices, and other signs of similar nature, may be granted a temporary permit for a period not to exceed thirty (30) days twice a year, subject to the following regulations: (Amended eff 5/22/90)

- B. Such signs shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision of traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- C. Temporary signs shall not be more than forty (40) square feet in area and shall not be placed closer than fifteen (15) feet to pavement edge.

SECTION 801.9 MAINTENANCE

- A. The property owner, owner of the sign, tenant, or agent is required to maintain the sign in a condition fit for the intended use and in good repair and has a continuing obligation to comply with all building code requirements.
- B. A sign in good repair shall be free of peeling or faded paint, shall not be stained. Show uneven soiling or rust streaks; shall not otherwise show deterioration; and shall comply with all other applicable maintenance standards of the City.
- C. If the sign is deemed by the Zoning Inspector to be in an unsafe condition, such sign shall be considered an unsafe structure and all City regulations applicable for the repair and removal of such sign shall apply.
- D. Whenever any sign, either conforming or nonconforming to these regulations is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a permit, or any payment of fees, provided there is no alteration or enlargement to the structure or the mounting of the sign itself, and the sign is accessory to a legally permitted or nonconforming use.

SECTION 801.10 ALTERATIONS AND REMOVAL OF NONCONFORMING SIGNS

- A. Consistent with the purposes of this Code, every graphic or other sign in violation of any provision of this Chapter shall only be removed, altered or replaced so as to conform with the provisions of this Code, and any sign which on the effective date of this Code or any amendments thereto, does not comply to the regulations herein shall be deemed nonconforming.
- B. Nonconforming signs shall be removed and any subsequent modification or replacement (excluding routine maintenance pursuant to Section 801.9 above) shall conform to all requirements of these regulations:
 - 1. When more than fifty (50%) percent of the value of the sign has deteriorated, been destroyed or removed;
 - 2. When the use for which the nonconforming sign is accessory, is vacant for 90 consecutive days;
 - 3. Following three years from the date of the adoption of these regulations, or three years from the date of any amendment to these regulations, which made the sign nonconforming.

- C. A nonconforming sign shall not be altered, modified, or reconstructed other than to comply with these regulations, except:
1. When the existing use has new ownership which results in a change of the name of the use or the business on the property;
 2. When the space is reoccupied by a similar use, and the new occupant required no external building or site renovation; and
 3. When such replacement sign is pursuant to Section 801.10(A) or 801.10(B) above may be accomplished without alteration or changes to the structure, framing, erection, or location of the sign unless such changes conform to these regulations.

SECTION 801.11 FEES FOR SIGNS – As regulated by Article XIII hereof.

ARTICLE IX PARKING AND LOADING REQUIREMENT

SECTION 901 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 parking needs, the edge of such facilities shall be within five hundred (500) feet of the principal building or use.

SECTION 901.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- A. Auditorium, stadium, and Similar Uses – One (1) for each four (4) seats based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios – One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
- C. Churches and School Auditoriums – One (1) for each three (3) seats in the principal auditorium, based on maximum seating capacity.
- D. Clubs and Lodges – One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.
- E. Dwelling – Two (2) for each dwelling unit plus one (1) additional for each five dwelling units in multifamily dwellings or developments. One half (1/2) the required off-street parking spaces shall be located within an enclosed garage or carport.
- F. Hospitals – One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- G. Hotels, Motels, and Tourist Homes – One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Veterinary Clinics – Six (6) for each physician or dentist.
- I. Restaurants – One (1) for each one hundred fifty (150) square feet of floor area.
- J. Retail Stores and Personal Service Shops – One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.
- 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 guest room.

- M. Libraries and Museums, Warehouses, Industrial and Manufacturing Facilities – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- N. Health and Recreational Facilities, and Automotive Repair Garages – One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
- O. Food Locker – One (1) for each three hundred (300) square feet or fraction thereof, of the floor area.
- P. Farm Market – Five (5) parking spaces.
- Q. Mini-Storage Facilities – One (1) for each ten (10) storage units plus two (2) located by manager’s quarters.

R. Car Washes

1. Automatic Car Wash

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 twenty (20) lineal feet of production line within the confines of the building. In addition, there shall be provided at the exit at least two and one-half (2 ½) 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 exiting the washing facility.

2. Semi-Automatic Car Wash

Car washes in which the automatic machinery is used to wash the vehicle, but the vehicle provides the power the production line shall have and maintain on the premises at least eight (8) 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 ½) 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 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.

SECTION 901.2 GENERAL REGULATIONS

- A. Floor Area – For the purposes of this section, “floor area” in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes, such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. 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 sixty-two (162) square feet in area exclusive of access drives or aisles.
- C. Parking Area Design – Such parking areas shall be of usable shape, improve with bituminous, concrete, or equivalent surfacing, and so graded and drained as 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 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. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces, and to prevent bumper overhang.
- D. Entrance and Exits – Entrance and exits shall be located to minimize traffic 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. Such access ways shall not be less than twenty (20) feet in width at the sidewalk line not more than thirty (30) feet at the curb cut line of street.
- E. Yard Restrictions – Off-street parking facilities shall not occupy any part of any required front or side yard in all Residential District areas, but where open space may be included as part of a required open space for rear yard. In all B and I District areas, open off-street parking facilities may be located in the required front yard provided that at least a ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all B and I District areas, open off-street parking facilities may occupy the required rear or side yard provided that all parking shall be located a distance of five (5) feet from such lot line. These yard restrictions are intended to prevent all bumper overhang into driveway and street areas.
- F. Location – The parking space 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 from the main use measured along lines of public access to the property. These parking spaces shall not be allowed in residential districts except as specifically permitted in these regulations.

SECTION 902 LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 902.1 MINIMUM SPACE REQUIRED

- A. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on premises for all loading, unloading, and service purposes on the basis of the following minimum regulations:
1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.
 2. 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 orderly safe movement of such trucks and other vehicles.
 3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required under Section 901 and shall not be considered as supplying off-street parking space.

SECTION 903 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 uses shall be developed by the Perry Township Zoning Board of Appeals so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE X NONCONFORMING USES

SECTION 1001 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 1001.1 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 use does not conform with the provisions of this Resolution.

A. Alterations 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 or structure not to exceed one additional twenty-five (25%) percent in square foot (structure) area, upon application and determination of the Board of Zoning Appeals.

A nonconforming use land use existing at the time this resolution takes effect may be enlarged not to exceed a maximum of twenty-five (25%) percent of the remaining land area of the original parcel. No parcels, other than the original, may be included.

B. Nonconforming to Nonconforming Use

A nonconforming use may be changed to another nonconforming use provided that the new 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 Zoning Appeals.

C. Reconstruction

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 foot area, except as permitted under Section 1001.1(A). All necessary permits shall be obtained.⁸⁵

D. Construction Approval 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 construction is commenced within ninety (90) days after the issuance of such certificate, 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 a 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 provision of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Non-Conforming 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 "Certification of Nonconforming Use" shall be filled in the office of the Zoning Inspector.

H. 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 XI CONDITIONAL ZONING CERTIFICATES

SECTION 1101 PURPOSE

The purpose of this section is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Resolution.

SECTION 1101.1 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 Zoning Inspector

Application for a Conditional Zoning Certificate shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by the payment of a fee which is in effect, which fee shall not be refundable. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant.

B. Data Required with Application

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site plan, plot plan, and 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 type of buildings, their use, and 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 by the Board of Zoning Appeals

Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution. Such review and determination shall be completed within forty-five (45) days of the date of the date of submissions, and shall be made at a public meeting.

D. Hearing

After adequate review and study of any application, the Board shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject 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 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. Resubmission of Application for Conditional Use Permit

No application for Conditional Zoning Certificate, which has been denied wholly or in part by the Board should be resubmitted except on grounds of newly discovered evidence or proof of changed conditions, which would be sufficient to justify reconsideration. Any new application or renewal for a Conditional Zoning Certificate shall be accompanied by the required filing fee.

G. Termination:

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

Any Conditional Use Zoning Certificate for any use permitted under these regulations shall be issued for a period of one (1) year. Not less than sixty (60) days prior to the expiration of said certificate, the permit holder shall apply for a renewal of the Conditional Use Zoning Certificate. Prior to the expiration of said certificate the Zoning Inspector shall inspect and determine whether any violation of the Conditional Use Zoning Certificate exists. Following the inspection by the Zoning Inspector, if determined that a violation does exist, or if during the permit year a violation was cited, then the Board of Zoning Appeals shall conduct a public hearing to determine whether or not to issue a continuation of the Conditional Use Zoning Certificate for an additional one (1) year period. If no violation exists or if during the permit year no violation was cited, then the Zoning Inspector may issue a Conditional Use Zoning Certificate for an additional one (1) year period.

H. Continuation of Existing Uses Conditional Permissible

All known 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 Inspector within one (1) year after the passage of this Resolution.

SECTION 1101.2 BASIS OF DETERMINATION

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

A. General Standards

The Board 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 general vicinity;
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 served 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 any such service;
5. Will be in compliance with state, county, and township 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 1102 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 701.2B, 702.2B, 703.2B, 704.2B, 705.2B, 706.2B, 707.2B, 710.2B, 711.2B, 712.2B, AND 715.2B.

- 101 All structures and activity areas shall 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 two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 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 property.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/ or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 108 Site locations are preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area.
- 109 Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- 110 Surface mining and strip-mining operations shall not be conducted closer than fifty (50) feet from adjacent property line. In an R-1 and R-2 District under these regulations, the required setback shall be two hundred fifty (250) feet from an adjacent property line and three hundred (300) feet from an adjacent residence.
- 111 A certificate for topsoil removal shall meet the following requirements:
 - a. A performance bond of two thousand five hundred dollars (\$2,500) per acre with a minimum and of five hundred dollars (\$500) shall be furnished to guarantee the operation is being conducted in a satisfactory manner and that reclamation is completed.
 - b. A reclamation plan shall be submitted which includes a substitute resoiling material that will support vegetation capable of self-regeneration and plant succession. The applicant will designate approximate time for completion of restoration.

- c. Operations on Sundays and legal holidays will be prohibited. All work shall be conducted only during the hours of 7:00 a.m. to 5:00 p.m.
 - d. Reclamation must be progressive to prevent erosion.
 - e. The storage of topsoil from other sites shall be permitted only in an Industrial District.
- 112 Conformance with State Requirements:
- a. A copy of the state surface or strip-mining permit, as approved by the Division of Reclamation, and any revisions thereafter approved, shall be submitted to the Board of Appeals.
 - b. Reclamation shall meet the requirements of the Division of Reclamation. All reclamation shall be completed within one (1) year of expiration of the Conditional Use Permit or at the abandonment of the operation.
- 113 Truck routes shall be established for movement in 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 to a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; the Zoning Board of Appeals may require a bond liability to ensure that this provision will be met.
- 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 no use of any accessory building or yard space shall be permitted.
 - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - c. Such use shall be conducted only by 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 nameplate not more than three (3) 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, electric interference, or other causes.
 - h. Parking spaces shall be provided off-street for any traffic generated by such use. Such parking shall be limited to six (6) vehicles.
- 117 Surface mining and strip-mining operations shall be regulated by the following requirements in addition to state regulations:
 - a. Processing equipment shall be located on the site at a location, which will minimize noise impact on surrounding dwellings.
 - b. Haul roads shall be hard surfaced for dust control and shall have a safe access to state, county, or township streets.
 - c. Stakes shall be maintained at 100' intervals or less along the perimeter of the area designated under the Conditional Use Certificate.
 - d. Storage of minerals, coal, or peat from other mining operations shall be permitted only in Industrial Districts.
- 118 Special provisions for group dwellings:
 - a. A minimum area of four (4) contiguous acres is required and the total density of the site shall be no more than permitted under the district in which it is located for dwellings on individual lots. Each building shall be limited in the number of dwelling units per building equal to the number of dwelling units permitted per building in the area as zoned. For example; no more than a single family dwelling per building in an R-1 Single Family Low Density Residential District; no more than a two (2) family dwelling per building in a R-2 Single and Two Family Residential District; no more than a three (3) family triplex and four (4) family dwelling per building in an R-3 Single family, Duplex and Four Family Residential District. (Amended 2002)
 - b. The entire group dwelling development shall be considered as one for the purposes of yard setback requirements, the entire group as a unit requiring (1) one front, (1) one rear, and (2) two side yards as specified for dwellings in the district in which the development is located. Each separate principal or accessory building shall be located a minimum of twenty (20) feet from another and twenty-five (25) feet from any contiguous residential property.

- c. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Adequate provisions shall be made for screening of parking and service areas, picnic pavilions, tennis and basketball courts, swimming pools and similar recreational facilities from surrounding properties. The provision for the future maintenance of common areas and open space and recreational facilities by the property owner shall be required. The sufficiency of those provisions shall be reviewed and approved by the township's legal counsel before zoning certificates are obtained from the Zoning Inspector. (Amended 7-20-99)

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 two (2) driveway approaches shall be permitted directly from any 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 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.

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 use 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 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 gravesite shall be located within fifty (50) feet of the right-of-way lines of any public road nor within fifty (50) feet of an adjacent property line.
- 122 An integrated planned commercial development, which is a grouping of two (2) or more commercial establishments which have 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. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
 - b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
 - c. There shall be twenty (20) feet between buildings.
 - d. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/ or rear yard shall be fifty (50) feet on the side(s) abutting the residential zone only.
 - e. All points of entrance and/ or exit shall be located no closer than two hundred (200) feet to the intersection of two (2) streets.
 - f. Review and approval by the Stark County Regional Planning commission shall be required in accordance with Stark County Subdivision Regulations before permit may be granted.
- 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 shall be issued for a one (1) year period only. After a one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided the Board and Zoning Inspector determine that the said use has been and is being operated according to the specifications of the zoning resolution and the previous Conditional Zoning Certificate. If necessary, the Board may make additional requirements for the continued operation of the use as prerequisite for re-issuance of the Conditional Zoning Certificate.
- 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 use are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when customers are primarily the campers using the park.
- 127 All facilities and structures shall meet all county and/ or State of Ohio health, building, electrical, fire and other applicable codes. All necessary permits must be obtained.
- 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. Parking areas of more than ten (10) vehicles shall be screened from adjacent properties by landscaping sufficient to provide adequate buffer to adjacent properties. (Amended 7-20-99)
 - b. Vehicular approaches to the property from public streets shall be designed to meet safe sight distance requirements in accordance with state, county and/or township regulations. Paved, off-street parking and service areas shall be required. In developments of over thirty (30) dwelling units, at least two separate access points to a public street shall be required. (Amended 7-20-99)
 - c. All private access drives and parking areas shall be paved with concrete, asphalt or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicular access drives of at least twelve (12) feet in width shall be required for parking areas of ten (10) vehicles or less capacity and two-way drives of twenty four (24) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity. On-site circulation shall be designed to assure adequate fire and police protection. (Amended 7-20-99)

- d. Proposed grading and surface drainage plans shall be approved by the County Engineer or in accordance with township trustee requirements for any planned group development which has not been reviewed and approved in conformance with adopted Subdivision Regulations. (Amended 7-20-99)
 - e. Central sewer and water facilities shall be required to serve the development. (Amended 7-20-99)
- 130 No zoning certificate shall be issued until final site plans have been submitted and approved in accordance with Stark County Subdivision Regulations, where applicable, and the Board of Appeals. Zoning certificates shall not be issued until approval by the appropriate state and county 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 landfill sites shall 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 junkyard use shall be permitted only under the following conditions:
- a. All sites, procedures, and processes shall be subject to 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 measure 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 or junk yards 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 setback 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 value.
 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 twenty (20) acres shall be required to a use proposed under this category.

135 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 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 met.
- 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. The location of the mobile home shall be permitted in the yard and directly in back of the permanent residence.
- d. The location of the mobile home must meet existing setbacks provisions for accessory buildings.
- e. All mobile homes must be enclosed from ground to floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.
- f. A Conditional Use Permit 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 permit upon application and hearing. The Board may issue such Conditional Use Permit for a period of less than one (1) year.

- 136 Accessory residential uses shall meet the following requirements:
- a. The area devoted to a residential use shall not exceed the area devoted to retail uses permitted within the structure; said area devoted to retail use shall not include any parking area, front, side, or rear lot areas or outside storage area.
 - b. The area devoted to a residential use may exceed the area devoted to the retail use permitted within the structure when such residential use is constructed above the permitted retail use, but in no event shall residential use exceed three (3) stories in height or thirty-five (35) feet (exceed one story in length).
 - c. When residential uses are constructed in conjunction with the permitted retail uses, such structure or building hereinafter erected or altered shall be no nearer to each side or rear lot line than twenty-five (25) feet.
 - d. Parking spaces as required for residential dwellings shall be in addition to the required parking area for the permitted retail use.
- 137 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 a business or industrial district.
 - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the 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. Such parking lot is not to be used for ingress or egress of vehicles delivering or receiving goods from the affected business or industry. Parking of vehicles on any conditionally approved lot shall be prohibited between the hours of two (2) a.m. and six (6) a.m.
 - d. No sign of any kind, other than those designating entrance, exits, and conditions of use shall be maintained on such parking lot.
 - e. Entrances and exits shall be at least twenty-five (25) feet distance from any adjacent property located in any R District and twenty (20) feet distance from any adjacent property located in any B or I District. (Amended, 1996)

- f. Such parking lot shall be sufficiently screened from each side by a fence, wall, compact hedge, or other appropriate vegetation to provide a visual barrier between the parking lot and any adjacent property located in any R District. Such fence, wall, hedge, or vegetation shall be not less than four (4) feet in height, and no solid portion of any fence or wall shall be more than six (6) feet in height. Any such visual barrier shall be maintained in good condition. Any space between such visual barrier and the front, side, or rear lot line of any adjacent properties in any R District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. (Amended, 1996)

Parking facilities located in any R District shall provide at least a twenty (20) foot wide landscaped strip located between the parking area and the street right-of-way line and at least ten (10) foot wide landscaped strip located between the parking area and all side and rear lot lines unless said line is directly adjacent to affected business or industry. (Amended, 1996)

Parking facilities located in any B or I district shall provide at least a ten (10) foot wide landscaped strip located between the parking area and the street right-of-way and at least a five (5) foot wide landscaped strip between the parking area and all side and rear lot lines unless said line is directly adjacent to the affected business or industry. (Amended, 1996)

Location – The parking space 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 from the main use measured along lines of public access to the property. These parking spaces shall not be allowed in residential districts except as specifically permitted in these regulations.

- 138 Outside play areas shall be enclosed by a six (6) foot fence.
- 139 Sufficient parking and “drop off and pick up” areas shall be provided off the public roadway.
- 140 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business.
- 141 There shall be no outside storage adjacent to any residential district or uses.
- 142 Storage of explosive or hazardous materials shall be prohibited.
- 143 Outside storage areas shall be completely enclosed by walls, fences, building, landscaping, or combination thereof.
- 144 A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.

- 145 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.
- 146 Group Homes
- a. No group home may be located within a planned unit development district.
 - b. The architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.
 - c. All setback and lot size requirements, parking and sign regulations must be met for the district in which the group home is located.
 - d. No such group home may be located within one mile radius of another group home for the developmentally disabled.
 - e. All health, fire, and safety regulations and building standards and regulations must be met. ORC 5123.19(E)(1), (2), (3), and (4).
- 147 Activity Areas
- a. All structures and activities areas shall be located at least one hundred (100) feet from all property lines.
 - b. Shall not be operated within one thousand (1,000) feet of a church; a public or private elementary or secondary school.
 - c. Shall not be operated within seven hundred fifty (750) feet of the boundary of a residential district; a public park; or the property of a lot devoted to a residential use.
 - d. Shall not be operated within five hundred (500) feet of another sexually oriented business.
 - e. For the purpose of the proceeding subsection measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the lot line of the non-conforming business to the nearest lot line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.
- 148 For the purpose of computing lot area and density, that portion of the land which lies within a federally designated flood plain shall not be included and shall specifically be disregarded. (Amended 2002)
- 149 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 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'.

**ARTICLE XII
BOARD OF ZONING APPEALS**

SECTION 1201 **A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION.**

SECTION 1201.1 **COMPOSITION AND APPOINTMENT**

The Board shall consist of five (5) members appointed by the Township Trustees in accordance with Ohio Revised Code, Section 519.13.

SECTION 1201.2 **ORGANIZATION**

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

SECTION 1201.3 **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 1201.4 **MEETINGS**

The Board shall meet at its regular scheduled meetings and at the call of its chairman. All meetings of the Board shall be open to the public.

SECTION 1201.5 **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 1201.6 **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 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 become public record.

SECTION 1201.7 **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 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 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 provide in this Resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have 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*

*Ohio Revised Code 519.14(D)

SECTION 1201.8 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 filling, 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 papers constituting the record upon which the action appealed from was taken.

SECTION 1201.9 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 tenant, or by governmental officer, department, board, and bureau. Such application shall be filled with the Secretary of the Board who shall transmit the same to the Board.

SECTION 1201.10 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 therefore. Every appeal or application shall refer to the 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 1201.11 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, object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and the other property owner of interest, 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 1201.12 DECISIONS

A copy of the Board's decision shall be transmitted to the applicant or appellant and to 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.

Appeals from the decisions of the Board of Zoning Appeals are to the Stark County Common Pleas Court as defined in Ohio Revised Code, Section 2506.01. (Amended effective 6/13/87)

**ARTICLE XIII SECTION
ADMINISTRATION FEES AND ENFORCEMENT**

SECTION 1301 ADMINISTRATION

SECTION 1301.1 ZONING INSPECTION

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Inspector, 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 1301.2 BOARD OF ZONING APPEALS

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

SECTION 1301.3 ZONING COMMISSION – Amendment Applications

Where a rezoning request is initiated by the Board of Trustees, motion of the Township Zoning Commission or filing of an application by one or more owners or lessees of property within the area proposed to be changed or affected with the Township Zoning Commission which is to rezone or redistrict eleven or more parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within the area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list of the treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners.

- A. The Board of Township Trustees, the Township Zoning Commission or other applicant shall provide the list of all owners of property within the area proposed to be rezoned or redistricted including the names, addresses and zip code of such owners with the application.
- B. During the time between the recommendation of the Zoning Commission regarding any property to be rezoned or any area to be redistricted, and the action by the Board of Trustees on said recommendation, no zoning certificates or building permits shall be issued for the affected property or area.

SECTION 1301.4 SUBMISSION OF APPLICATIONS

All applications for zoning certificates shall be submitted to the Zoning Inspector, who may issue zoning certificates when all applicable provisions of this Resolution have been complied with.

SECTION 1301.5 ZONING CERTIFICATES REQUIRED

- A. Before constructing or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector 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 structure to be erected. Two (2) sets of construction plans for all new structures, alterations and additions shall be required, one (1) of which shall be reviewed by the Township Fire Department for conformance with State Fire Laws.
 3. The intended use.
 4. The purposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
 5. The yard, open area, and parking space dimensions.
 6. Appropriate sewage disposal certificate, official house numbering slip, and if required, appropriate permit for access to public street Sec. 601.2).
 7. Required permit fee.
 8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Within thirty (30) days after the receipt of application the Zoning Inspector shall issue a zoning certificate, if the application complies with the requirements of this Resolution and the application accompanied by the proper fee, as indicated in Section 1301.5. However, when approval of the Stark County Regional Planning Commission is required in compliance with Stark County 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, a new certificate is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning certificate.
- D. Any variance and/ or conditional use permit must be implemented within one year of the date of approval by the Zoning Board of Appeals. (Amended, 1996)
- E. If the application is a Conditional Zoning Certificate, the application procedure defined in Section 1101.1 shall be followed in lieu of the above regulations. (Amended eff. 8/24/90)

- F. Once a zoning certificate is issued the fee becomes nonrefundable. (Amended eff. 5/22/90)

SECTION 1301.6 FEES (effective 02/21/18)

- A. Zoning Certificate Fee Schedule - Fees for zoning certificates, application to the Board of Zoning Appeals, Zoning Amendments, Conditional Use Zoning Certificate, and any other zoning fee shall be as established by a Resolution of the Perry Township Board of Trustees during the Board's annual re-organizational meeting or as may be amended and established by the Perry Township Board of Trustees from time to time.

1. Residential Uses

- a. Single-family Dwelling - \$100.00 plus \$.10 per square foot of outside dimensions for each floor of the structure.
- b. Two-family Dwelling - \$150.00 plus \$.10 per square foot of outside dimensions for each floor of the structure.
- c. Three-family Dwelling - \$175.00 plus \$.10 per square foot of outside dimension for each floor of the structure.
- d. Multifamily Dwelling - \$175.00 plus \$.10 per square foot of outside dimensions for each floor of the structure.
- e. Hotels and Motels - \$500.00 plus \$10.00 per single room unit plus \$.10 per square foot of outside dimensions for each floor of the structure.

2. Accessory Uses to Residential Structures

- a. Accessory buildings and alterations, additions, or modifications, including carports and patio enclosures – there shall be a minimum fee of \$25.00 plus \$.10 per square foot of the outside dimensions.
- b. Aboveground or in ground private swimming pools - \$50.00
- c. Satellite dish - \$25.00
- d. Fences
 1. Fences under 100 lineal feet - \$15.00
 2. Fences over 100 lineal feet - \$.10 per lineal foot.

3. Commercial and Industrial Uses

- a. Zoning Certificate - \$250.00 plus \$.10 per square foot of area within the outside dimensions of each floor.
 - b. Hotel or Motels - \$500.00 + \$10.00 per single room unit plus \$.10 per square foot of outside dimensions for each floor of the structure.
 - c. Certificate of Conformance – A fee of \$40.00 shall be required upon application for permit for a new commercial or industrial structure or land use and/ or the occupancy of a new tenant of an existing business or industrial use, building, or land use.
4. Mobile Home Park - \$150.00, plus an additional \$25.00 for each trailer space.
 5. Recreational, institutional, governmental, and miscellaneous structures and/ or accessory buildings or additions – a minimum of \$50.00 plus \$.10 per square foot of area within the outside dimensions of the foundation.
 6. Parking Lots – Private and public - \$100.00.
 7. Signs and Billboards
 - a. Signs advertising a business or service, other than a home occupation, being operated on the premises and outdoor advertising signs (billboards) pertaining to businesses, services and/ or activities not carried on upon the premises upon which sign is located:
 - 32 square feet or less - \$45.00
 - 33 sq. ft. to 64 sq. ft. - \$75.00
 - 65 sq. ft. to 100 sq. ft. - \$150.00
 - 101 sq. ft. to 200 sq. ft. - \$300.00
 - 201 sq. ft. to 300 sq. ft. - \$450.00
 - 301 sq. ft. to 400 sq. ft. - \$600.00
 - 401 sq. ft. to 500 sq. ft. - \$750.00
 - 501 sq. ft. and larger - \$750.00 plus \$1.50 per square foot over 501 square feet.
 8. Internet café/skilled game use –
 - Annual Permit Fee \$4,000.00
 - Annual Fee per machine - \$100.00
 - Initial fees payable prior to issuance of permit (prorated). All annual fees due in full by January 15th of every year. No refunds. Issued permits and paid fees do not transfer to new owners. (Amended, 2013)
 9. Temporary and/or Portable Signs – 30 days \$45.00.

10. Other permitted Uses Not Specified Above - The fee for a land use not otherwise covered in the fee schedule shall \$100.00.

11. Application for Board of Appeals Action - \$350.00

When the Board finds it necessary to maintain a strict record of public hearing procedures, or when the Board deems it necessary to cause special studies be made, the applicant shall bear all direct or related costs.

12. Zoning Amendment Fee

The fee for filing application to the Zoning Commission for a change in zoning classification or a text amendment shall be \$450.00.

13. Conditional Use Permit Fees

a. An Application fee or renewal fee - \$150.00.

b. The fee for a Conditional Zoning Certificate as authorized by the Board of Zoning Appeals shall be:

Cemeteries - \$100.00

Junkyards - \$2,000.00 plus \$50.00 per acre

Recycling Transfer Station - \$300.00 + \$50.00 per acre

Sanitary Landfills - \$1000.00 + \$250.00/ acre + tipping fee of \$.25/ton*

Surface and Strip Mining - \$500.00 plus \$50.00 per acre or fraction thereof

Topsoil removal - \$300.00 + \$50.00 per acre or fraction thereof

Home Occupation - \$75.00

Wireless Telecommunication Tower/Antenna - \$250.00

Mobile Home as a hardship - \$75.00

Other permitted conditional uses - \$100.00

* Due to current state legislation governing landfills, any “tipping fees” will be collected in accordance with those regulations.

14. Application for Subdivision of Parcels \$15.00

15. Wireless Telecommunication Tower/Antenna - \$1,000.00

16. Co-location of Wireless Telecommunication Antenna - \$500.00

17. Zoning Resolution - not bound \$15.00

18. Zoning Map – 11” X17” \$3.00

- B. Failure to Obtain Permit Before Construction or Use Has Commenced - The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with provisions of this resolution shall be null and void. Where construction is commenced prior to obtaining zoning certificate, the Zoning Inspector is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to ensure that the construction already commenced fully complies with the requirements of this Resolution. Where such special preliminary inspection is necessary, an additional fee of twenty-five (25) dollars shall be charged for such zoning certificate and special inspection.

SECTION 1302 VIOLATIONS AND PENALTIES

SECTION 1302.1 VIOLATIONS

In case any building is or 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 inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erections, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION 1302.2 PENALTIES

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than one hundred (100) 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.

SECTION 1302.3 ZONING PERMIT FEES WAIVER

The Board of Trustees, through its Zoning Inspector or other designee, are permitted, but not required to waive applicable zoning fees for the purposes and in the manner set forth in this section. (Amended, 2011)

- A. Governmental Entities, Local Schools - Applicant's Waiver Request must be in writing and delivered to the Perry Township Trustees. The request will be put on the agenda for next Perry Township Trustees Regular Meeting for the Board's consideration. (Amended, 2011)
- B. Portable and Promotional Sign/Banner – The sign permit fee may be waived if event is for a local school or public meeting announcement. The request will be put on the agenda for next Perry Township Trustees Regular Meeting for the Board's consideration. (Amended, 2011)

**ARTICLE XIV
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 XV
REPEALER**

All existing Zoning Resolutions of Perry Township, Stark County, Ohio inconsistent herewith, are hereby repealed.

**ARTICLE XVI
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 Township Zoning Commission

Date: _____

Chairman of the Township Zoning Commission

Adopted by the Perry Township Trustees:

Date: _____

Attested by the Clerk of Perry Township:

Date: December 3rd, 1996

Clerk- Treasurer