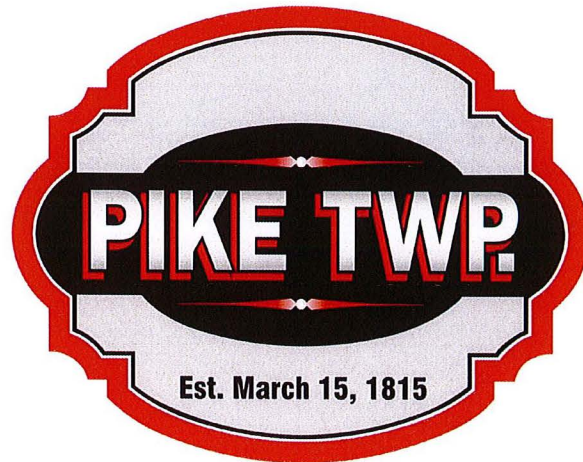


Zoning Resolution



Pike Township Stark County, Ohio

Amended November 8, 2000
Includes Amendments Effective July 5, 2006
Includes Amendments **Effective August 2, 2007**
Includes Amendments **Effective December 25, 2008**
Includes Amendments **Effective December 22, 2008**
Includes Amendments **Effective August 14, 2010**
Includes Amendments **Effective July 6, 2011**
Includes Amendments **Effective October 16, 2012**
Includes Amendments **Effective October 26, 2016**
Includes Amendments **Effective November 5, 2018**

FORWARD

CREATION OF THE

TOWNSHIP ZONING COMMISSION

SECTION 519.04 OF THE OHIO REVISED CODE STATES:

"The board of township trustees of any township proceeding under sections 519.01 to 519.99, inclusive, of the Revised Code, shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term."

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INTRODUCTION

ZONING RESOLUTION FOR PIKE TOWNSHIP STARK COUNTY, OHIO

WHEREAS, the Board of Trustees of Pike Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, morals and general welfare of 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 November, 1962, 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 Pike Township to serve as a Zoning Commission for said Township; and

WHEREAS, said Zoning Commission has recommended the complete revision of the Pike Township Zoning Resolution, and its Official Map, has submitted such amendments to the Board of Trustees of Pike Township under the authority and in accordance with the provisions of Section 519.12 of the *Ohio Revised Code* on October 11, 2000.

THEREFORE, the Board of Trustees of Pike Township did adopt the amendments to the Zoning Resolution and Map on November 8, 2000, under the authority and in accordance with the provisions of the *Ohio Revised Code* and said amendments became effective on December 8, 2000.

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

SECTION ONE

TITLE I. PURPOSE

***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 spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and areas as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulations or zone may differ from those in other districts or zones.

INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS

TITLE II. INTERPRETATION OF STANDARDS

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

TITLE III. USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

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

- (A) Except as otherwise provided in division (B) of this section, 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.
- (B) A Township Zoning Resolution, or an amendment to such Resolution, may in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the *Ohio Revised Code*, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the *Ohio Revised Code* that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of the dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated road regulate:
 - (1) Agriculture on lots of one (1) acre or less;

- (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by setback building lines, height, and size;
- (3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes, under Section 4503.06 of the *Ohio Revised Code*. After thirty-five (35) percent 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 *Ohio 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 husbandry on lots greater than five (5) acres. (Amended 11/5/2018)

(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:

- (1) A farm market where fifty percent (50%) 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 *Ohio 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.
- (2) AGRITOURISM. However, Board of Township Trustees, as provided in section 519.02 of the *Ohio Revised Code*, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.

Nothing in division (C)(2) of this section confers power on a Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Nothing in division (C)(2) of this section confers power on a Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this section. (Amended 11/5/2018)

- (D) AGRITOURISM ACTIVITIES: It is the purpose of this regulation to promote public health and safety associated with agritourism activities, which shall be considered a permitted use in any district provided all requirements and regulations as set forth below are met.

As established in the Ohio Revised Code Section 519.21, agritourism is a part of Ohio's agricultural exemption and is an agricultural land use that cannot be prohibited by way of zoning. Zoning officials must treat free and fee-based agritourism activities equally. However, Pike Township can regulate factors related to agritourism land uses if the regulations are necessary to protect public health and safety. Application for a permit for agritourism land uses shall be made to the Zoning Inspector on forms provided.

- (1) An agritourism activity applies only to existing farms that are otherwise engaged in agricultural production. If the land is first involved in agricultural production, added agritourism activities are permitted. *(Amended 11/5/2018)*

Pike Township can enforce the Pike Township Zoning Resolution regarding agriculture under one (1) acre in all districts by regulations for that district, except as provided by *Ohio Revised Code 519.01* or text in Section One, Title III.

TITLE IV. PUBLIC UTILITIES AND RAILROADS

*519.211 All Public Utilities will be governed in accordance with *Ohio Revised Code, Section 519.211*, and any amendments made thereto.

TITLE V. RETAIL ESTABLISHMENTS

*519.211 Such sections do not confer any power on any Township Zoning Commission, 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.

TITLE VI. OIL AND GAS DRILLING

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

TITLE VII. OUTDOOR ADVERTISING CLASSIFIED AS BUSINESS USE

*519.20 For the purpose of Section 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.

**Ohio Revised Code*

TITLE VIII. CONFORMANCE

***519.23 PROHIBITION AGAINST VIOLATING 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 amendment or supplement to such resolution, adopted by any Board of Township Trustees under Sections 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.

TITLE IX. LIMITATIONS OF RESTRICTIONS ON THE LOCATION OF LICENSED RESIDENTIAL FACILITIES TO INCLUDE DEVELOPMENTALLY DISABLED PERSONS.

Licensed family homes and licensed group homes for developmentally disabled persons are provided for under Section 5123.19 of the *Ohio Revised Code*. Such facilities shall be permitted and regulated in accordance with this Resolution and in accordance with the laws of the State of Ohio.

TITLE X. SUBMISSION TO 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 the 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, 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.

**Ohio Revised Code*

SECTION TWO

DEFINITIONS

For the purpose of this Resolution, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural 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", "contracted", "altered", "converted", or "intended to be used"; and a "person" shall mean in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings. Where terms are not defined in this section they shall have their ordinarily accepted meaning, or such as the content may imply.

ABANDONED CELLULAR COMMUNICATIONS TOWER: A tower erected for cellular communications which is no longer being used for that purpose, and which has not been used for that purpose for uninterrupted period of one hundred eighty (180) days or more.

ACCESSORY USE OR BUILDING: An accessory use or building is a subordinate use or building customarily incident to and located on the same lot with the principal use of building.

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

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

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

AGRICULTURAL PRODUCTION: Commercial aquaculture, algaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth. *(Amended 11/5/2018)*

AGRICULTURE: The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory use for packing, treating or storing the product; provided, however, the operation of any such accessory use shall be secondary to that of normal agricultural activities.

AGRITOURISM: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. *(Amended 11/5/2018)*

AGRITOURISM PROVIDER: Anyone who owns, operates, provides, or sponsors an Agritourism activity, whether or not for a fee, including employees at Agritourism activities. *(Amended 11/5/2018)*

ALLEY: Any public thoroughfare less than 21 feet in width, which has been legally dedicated or devoted to public use.

ALL PURPOSE VEHICLE: Any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as, but not limited to, all-terrain vehicles, all-season vehicles, snowmobiles, mini-bikes, dirt bikes, 4-wheelers, and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in this Resolution or any vehicle principally used in playing golf. *(Amended 8/14/2010)*

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

APARTMENT: See Dwelling Unit.

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

AUTOMOBILE SERVICE STATION AND AUTO SERVICE SHOP: A business for the sale of gasoline, kerosene or other motor fuel and lubricating oil or grease for operating motor vehicles, and which may include other motor vehicle service such as muffler, tire and brake repair, engine and transmission repair.

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

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid material on a supporting framework.

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

BASEMENT: The story of a building, the floor of which is more than twelve (12) inches below the average level of the adjoining ground.

BASEMENT HOME: The story of a building, the floor of which is more than twelve (12) inches below the average level of the adjoining ground, used for residence purposes.

BED AND BREAKFAST: A home where the owner lives yet offers a tourist a bedroom in that home to stay for a short period of time. The owner prepares a breakfast for the tourist. The home's history and/or location may have significance.

BILLBOARD: Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purpose.

BOARD: The Board of Zoning Appeals of Pike 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.

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

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

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

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

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

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

CANOPY: Any structure other than an awning, made of non-rigid materials with a rigid frame extending from part or all of the building and supported by the building or ground.

CARPORT: A covered automobile parking space not completely enclosed by walls and doors.

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

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

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

CERTIFICATE OF ZONING: A statement signed by the Zoning Inspector of Pike Township, stating that either a structure or parcel of land, or both may lawfully be permitted as provided in this Resolution.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.

CHILD DAY-CARE CENTER: As defined by the *Ohio Revised Code 5104.01*.

CHILD DAY-CARE FACILITY – TYPE B: (SEE Type B Child Day Care Facility). (Amended 7/6/2011)

CLINIC: Any building or structure devoted to the medical diagnosis and treatment and care of human outpatients. (for non-human, see veterinary clinic)

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

COMMERCIAL MOTOR VEHICLES: Any vehicle requiring commercial license plates and/or plated as such.

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

COMMUNICATION TOWERS: Any tower used for the purpose of communications.

COMPLEX STRUCTURES: Two (2) or more primary business uses within a single structure located in B-1, B-2, I-1 & I-2 districts.

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

DEMOLITION MATERIALS: Waste materials removed from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure including, but not limited to houses, buildings, industrial or commercial facilities, or roadways. The term does not include materials composed exclusively of concrete, asphalt, building or paving brick, or building or paving stone, materials that are being recycled on the premises of a facility, nor materials identified or listed as solid wastes or hazardous waste pursuant to 3734. of the *Ohio Revised Code*.

DEMOLITION MATERIALS SITE: Any site, location, tract of land, area, building, structure or premise used for stabilization, conversion, transfer, or burial of construction or demolition materials.

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

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

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

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

DISTRICT: A section or sections of the unincorporated territory of the 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 residential purposes, including one-family, two-family, multi-family, manufactured, modular and factory built homes, but not including house trailers or mobile homes, basement dwellings, hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling. All such dwellings whether built on site or off premises shall be constructed in accordance with local and/or State building codes and shall be certified for permanent residential purposes.

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

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

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

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

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

EROGENOUS ANATOMICAL AREA: *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. (Inserted effective 7/5/2006)*

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals,

hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such municipal or other governmental agencies for the public health, safety, and general welfare.

FACTORY BUILT HOUSING: A residential dwelling unit designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery, to and installation upon a site. For the purpose of this Resolution, "factory-built housing" shall include manufactured home and modular home but not including mobile home. This type housing cannot be used as an accessory building or storage unit.

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

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

FARM: Land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production. *(Amended 11/5/2018)*

FARM MARKET: See Roadside Stand.

FENCE: A barrier intended to prevent escape or intrusion or to mark a boundary.

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

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

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

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

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

GARAGE, PRIVATE: An accessory or portion of a main building to be used for the storage of noncommercial vehicles and the storage of not more than one commercial vehicle of less than two and one half (2-1/2) tons capacity, provided each vehicle is owned and operated by the owner or occupant of the principal building on the same lot.

GARAGE, PUBLIC: Any garage other than a private garage.

GARAGE or YARD SALES: Temporary sales conducted at a residence.

GOVERNMENT BUILDING: A building owned by a government entity, including public schools, but *excluding public building.*

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of the 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.

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

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

GREENHOUSE, PERSONAL: A greenhouse used for personal use only with no products for sale.

GREENHOUSE, COMMERCIAL: A greenhouse for storage and sale of plants as a commercial business.

GREENHOUSE, TEMPORARY: A greenhouse used for the seasonal sales of plants and plant products for a period of no more than six (6) months in a one-year period.

GROUP HOME: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) persons with developmental disabilities. *Ohio Revised Code 5123.19 (A)(4).*

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

HEDGE: A fence or boundary formed by a dense row of shrubs or dwarf trees

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the resident occupants, such occupation being incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance of the residence.

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

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

INCINERATOR BURNING: As defined under Chapter 3475-17 of the *Ohio Administrative Code*.

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

IN-STORE BAKERY DISTRIBUTION CENTER: The facility within a retail establishment which not only processes, assembles, packages and sells baked goods for its own purposes, but for the purposes of distributing baked goods to off premises establishments.

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

LANDSCAPE: Sod, seed, mulch, shrubs, and other appropriate material.

LANDSCAPED STRIP: The area of ground required between residential and nonresidential properties consisting of grasses, flowers, shrubs, trees and other vegetation. Gravel alone is not adequate landscape material.

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

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

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 buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

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

LOT CORNER: A lot abutting upon two or more streets at their intersections.

LOT INTERIOR: A lot, the side lines of which do not abut on any street.

LOT LINE: Line bounding a lot, as herein defined.

LOT LINE FRONT: The front lot line is the line separating the lot from the street on which the lot fronts.

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

LOT LINE SIDE: Any lot line not a front or rear lot line shall be termed a side lot line. A side lot line separating a lot from a street is a side lot line.

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

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

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

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

MANUFACTURED HOME: A structure consisting of preassembled building materials or modular units placed upon a permanent foundation designed for residential use. This type housing cannot be used as an accessory building or storage unit.

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

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic.

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

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

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

MINI-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 customer's goods or wares.

MOBILE HOME: A moveable or portable dwelling constructed to be transported on its own chassis and designed without permanent foundation whether or not a permanent foundation is subsequently provided. This type of housing cannot be used as an accessory building or storage unit.

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

MODULAR HOME: A dwelling designed for long term residential use, the components of which are constructed according to BOCA regulations and delivered by truck or semi to the installation site. This type housing cannot be used as an accessory building or storage unit.

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

MOTOR VEHICLE: means any vehicle, including mobile homes and recreational vehicles, that are propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does **not** include "Utility Vehicles" as defined within this section, used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, and farm machinery. (Amended 8-14-2010)

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

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

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

OPEN SPACE: Land devoted to conservation or recreational purposes and/or land designated by a municipality or township to remain undeveloped (may be specified on zoning map).

OUTDOOR ADVERTISING SIGN: A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, 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, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in 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 or apparatus which 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 to a principal residential structure or any other site structure on the residential premises. (Amended 12/25/2008)

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

PLANNED COMMERCIAL COMPLEX: Two (2) or more primary use structures placed on a common lot in B-1, B-2, or I-1 and I-2 Districts as defined in Section Five, B (7)

PLANNED OFFICE COMPLEX: Two (2) or more primary use structures placed on a common lot in B-1, B-2 or I-1 and I-2 Districts as defined in Section Five, B (3) (4).

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

PUBLIC BUILDING: A building owned by the Pike Township.

PUBLIC UTILITY: Any entity deemed a "public utility" for purposes of *Ohio Revised Code 519.211*.

RECREATIONAL FACILITY: A place designed and equipped for sports, leisure-time, or entertainment activities, but not including those uses otherwise specifically defined or regulated in this Resolution. As provided in this Resolution, recreation facilities are of five types:

RECREATIONAL FACILITY, TYPE A. Outdoor recreation facilities, usually requiring a large space, which are relatively quiet and compatible with residential uses, including but not limited to such activities as a regulation golf course and club house, picnic area, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motor vehicles or all purpose vehicles); fishing; non-motorized boating; observation of nature; and similar facilities and activities.

RECREATIONAL FACILITY, TYPE B. Outdoor recreation facilities for intense sports and athletic activities including but not limited to field sports, baseball field, soccer field, swimming pool, tennis court, basketball court, miniature golf course or golf driving range.

RECREATIONAL FACILITY, TYPE C. Indoor recreation and entertainment facilities, including but not limited to those required for indoor court sports, shooting ranges, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, or social clubs, **and indoor weddings and wedding receptions** (*Amended 10/2016*)

RECREATIONAL FACILITY, TYPE D. Outdoor recreation facilities which are not classified as Type A, or Type B, which may generate noise, including, but not limited to, outdoor shooting ranges, rodeo grounds or campgrounds, **and outdoor weddings and wedding receptions** (*Amended 10/2016*)

RECREATIONAL FACILITY, TYPE E. Outdoor recreation facilities which are not classified as Type A, Type B, or Type D, which may generate noise and may otherwise not be compatible with residential uses, including but not limited to, amusement park, race track or trail for motor vehicles, or all purpose vehicles. (Amended 8/14/2010)

RECREATIONAL VEHICLE: (see Motor Vehicle and/or All Purpose Vehicle). (Amended 8/14/2010)

RESEARCH FACILITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering.

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

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 *Ohio Revised Code* or the home of a relative or legal guardian in which a person with a developmental disability resides.

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

ROADSIDE STAND: (Farm Market) A temporary vehicle or temporary stand without foundation used for the sale of agricultural product where fifty (50) percent or more of the gross income received from the market is derived from product raised on farms owned and operated by the market operator in a normal crop year, in accordance with the *Ohio Revised Code, Section 519.21*.

SALVAGE YARD: The use of more than twenty-five (25) square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, or parts of motor vehicles, plastic, iron, paper, rags, rubber, tire cordage, barrels, or other similar materials are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

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

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

SEXUALLY ORIENTED LAND USE: Excluding a public library, a public museum, or a state certified educational institution; any other land, business, activity or place including, but not limited to: (1) coin operated or electronically or mechanically controlled still or motion pictures, projectors, or other image producing device which are maintained to show images to one or more 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) sale or rental for any form or type of consideration of any books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, CD, DVD, or other visual representations which depict or describe sexual activities or erogenous anatomical area, (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) any nightclub, bar, restaurant, juice bar, similar establishment or gathering place which characterize sexual activities, or erogenous anatomical areas; (5) films, motion pictures, video cassettes, slides, CD, DVD, or other photographic reproduction 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 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 a period of time which is less than eight (8) hours, allows a Tenant or occupant of a sleeping room to subcontract or 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. *(Amended 7/5/2006)*

SIGN: Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and ground itself, or part thereof, or device attached thereto or painted or represented thereon, which 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 the nature of an announcement, direction or advertisement. For the purpose of these regulations, the word "sign" does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, education, or similar organization.

SKILL GAME/GAMBLING LAND USE – Any land use that involves the use or operation of any skill based amusement machine, (as defined in ORC 2915.01) slot machine (as defined in ORC 2915.01), or other similar electronic, video, digital, or mechanical devices; including internet or sweepstakes café. *(Amended 10/16/2012)*

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

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, 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.

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 rotor with two or more blades. *(Amended 12/25/2008)*

SPOIL BANK: A deposit of removed overburden.

STABLE: Any building, structure, or portion thereof which is used for shelter of horses, cattle, or similar animals, either permanently or transiently.

PRIVATE STABLE: A stable used exclusively for the private sheltering of owner or occupant owned animals.

PUBLIC STABLE: A stable open to the public used for the commercial purpose of sheltering animals.

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 the sloping roof which has the line of inter-section of roof decking and will 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 for traffic movement between major arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

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

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

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

STREET RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and 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 is established, the right-of-way shall be assumed to be sixty (60) feet.

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 advertising signs, billboards, pergolas, farmers' roadside stands. but not including fences, or walls used as fences.

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

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

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

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

SWIMMING POOL, PRIVATE: A swimming pool exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

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

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

TENT: A portable shelter consisting of canvas, skins, or other materials stretched over poles or similar structures and attached to or supported by stakes and utilized for commercial purposes.

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

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

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

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

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

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

TYPE B CHILD DAY CARE FACILITY: *As defined by the Ohio Revised Code 5104-01). (Amended 7/6/2011)*

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.

UTILITY VEHICLE: A self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling or similar activities. *(Amended 8/14/2010)*

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.

VEHICLES: Everything on wheels, runners or tracks.

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

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

WALL (fence): A structure of brick, stone, concrete, etc., serving as fence.

WILD OR EXOTIC ANIMALS: Any non-human primate, raccoon, skunk, wolf, squirrel, fox, bear, leopard, panther, tiger, lion, lynx or any other warm or cold blooded animals which can normally be found in the wild state or any other member of crocodylian, including but not limited to, alligators, crocodiles, caimans, gavials.

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

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

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

WIRELESS TELECOMMUNICATIONS TOWER: Structure intended to support equipment for transmitting/receiving telecommunication signals including monopoles, guyed and lattice construction steel structures.

YARD: An existing or required open space on the same lot with the principal building and lying along the adjacent lot line, open, unoccupied, and unobstructed from the ground to the sky, except as otherwise provided in this resolution.

YARD, FRONT: An open space, extending from the full width of the lot and of a depth equal to the required set back measured horizontally at right angles to the front lot line, and unoccupied from the ground upward, except as hereinafter provided.

YARD, REAR: An open space, extending for the full width of the lot, from the structure to the rear lot line and unoccupied from the ground upward, except as hereinafter provided.

YARD, SIDE: An open space, extending from the front yard to the rear yard, and of a width equal to the required setbacks measured horizontally at right angles to the side lot line and unoccupied from the ground up, except as hereinafter provided.

ZONE: Area within which certain uses of land and buildings are permitted and certain other uses prohibited, yards, and other open spaces are required, lot areas, building height limits, and other requirements are established; all of the foregoing being uniform for the zone in which they apply.

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

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

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SECTION THREE

GENERAL PROVISIONS

TITLE I. ESTABLISHMENT OF DISTRICTS

The unincorporated area of Pike 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.

ONE AND TWO FAMILY RESIDENTIAL (R-1)
MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)
MANUFACTURED HOME (MOBILE HOME) PARK DISTRICT (R-3)
OFFICE AND NEIGHBORHOOD BUSINESS DISTRICT (B-1)
COMMERCIAL BUSINESS DISTRICT (B-2)
RESTRICTED INDUSTRIAL DISTRICT (I-1)
GENERAL INDUSTRIAL DISTRICT (I-2)

TITLE II. ZONING DISTRICTS MAP

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

If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map on the effective date of the amendment and maintained by the Zoning Inspector in the Township Office.

TITLE III. INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. WHERE BOUNDARIES APPROXIMATELY FOLLOW STREETS, ALLEYS OR HIGHWAYS:**
Where district boundaries are indicated as approximately following the centerline of right-of-way line streets, the centerline or alley line of alleys, or the centerline or right-of-ways constructed lines of highways, such lines shall be construed to be such district boundaries.
- B. WHERE BOUNDARIES PARALLEL STREET RIGHT-OF-WAY LINES, ALLEY LINES, OR HIGHWAY RIGHT-OF-WAY LINES:**
Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel

thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.

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

TITLE IV. SUPPLEMENTARY REGULATIONS

A. PERMITTED USE

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

B. PERMITTED HEIGHT EXCEPTIONS

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

- Structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building, fire or parapet walls.
- Skylights, towers, steeples
- Stage lofts and screens
- Flagpoles, chimneys, smokestacks
- Radio and television aerials, wireless masts
- Water tanks or similar structures

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

C. FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

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

D. CORNER LOT

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

E. ZONING CERTIFICATE

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

F. SEWAGE FACILITIES

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

G. ESSENTIAL SERVICES

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

H. CONSTRUCTION

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

I. PRINCIPAL BUILDING

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

J. SUBSTANDARD LOTS

A lot of record or lot for which a land contract was issued before the effective date of these regulations, which does not meet minimum area requirements, shall require approval by the Board of Zoning Appeals, subject to the Stark County Board of Health and Regional Planning Commission approval, before a zoning certificate may be issued.

K. PROJECTIONS INTO YARD AREA INCLUDING FENCES, WALLS AND HEDGES

Every part of a required yard shall be free from structures except for accessory buildings in a rear yard, or as permitted in accordance with Section Three, Title IV (A) and except for the ordinary projections of skylights, sills, cornices, and ornamental features projecting not to exceed twenty-four (24) inches. This requirement shall **not** prevent the construction of fences not exceeding **eight (8) feet in height in Business, Commercial and Industrial Districts** and fences, walls and hedges not exceeding **six (6) feet in height in all Residential Districts** except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets unless otherwise specifically stated in these Regulations. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards. No Zoning Certificate will be required for fences, walls and hedges.

L. VISIBILITY AT CORNER LOTS

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

M BUSINESS DISPLAYS

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

N. ACCESSORY BUILDINGS

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

(1) *RESIDENTIAL DISTRICTS*

Accessory buildings, structures, and uses which are not a part of the principal building shall not be located closer than twenty (20) feet from the principal or adjacent building or structure and shall comply with the setback requirements of the district in which it is located.

Accessory building not being part of the main building shall not occupy more than twenty-five (25) percent of the rear yard area.

Accessory buildings eighty (80) square feet or less shall be located no closer than ten (10) feet to the rear and side yard lot line and comply to all other side and front yard requirements of the Residential districts, shall not exceed fifteen (15) feet in height, and does **not** require a Zoning Certificate.

Accessory buildings eighty-one (81) square feet or larger shall be limited to sixteen (16) feet in height and shall comply to the side, rear and front set back requirements of their respective districts and shall be located no closer than the minimum front yard set back and minimum side yard setback of a corner lot of the prospective districts in which they are located, unless otherwise specified.

(2) *B-1, B-2, I-1 and I-2 Districts*

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

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

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

O. TEMPORARY BUILDINGS

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any of the zone districts herein established. A Zoning Certificate is not required; however, such temporary buildings shall be removed upon the completion or abandonment of the construction work.

P. PROHIBITED USES

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

Q. COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS

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

R. SWIMMING POOLS

Public or private in-ground or above-ground swimming, wading, or other *pools that will remain on site for 180 days or more* and containing over one and one-half (1-1/2) feet of water depth shall be considered as structures for the purpose of zoning certificates and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state codes. Any swimming pool *that will remain on site for 180 days or more* 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 7/5/2006)*

S. PARKING AND STORAGE OF VEHICLES, TRAILERS, SHIPPING AND STORAGE CONTAINERS

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

The parking or storage of trailers or tractor trailers in residential districts is prohibited, unless otherwise specifically permitted by these regulations. The parking and storage of one commercial vehicle shall only be permitted if said commercial vehicle is used by the occupant of the principal dwelling to drive to and from work.

Trailers with wheels or chassis removed and shipping or storage containers are prohibited in residential districts. No vehicle may be used for storage purposes or used for any purpose other than its originally designed and intended purpose in any residential districts. (Amended 10/26/2016)

T. MOBILE HOMES

Where a Conditional Use Certificate was issued by the Pike Township Board of Appeals for mobile home use, prior to the effective date of the Amended Resolution, such mobile homes shall be considered as nonconforming uses as governed by Section Ten of these Regulations. All others must be within a mobile home park.

U. TOP SOIL REMOVAL AND SURFACE MINING

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

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

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

- (a) A Zoning Certificate has been issued for construction of a structure or structures on a development area providing those plans specify the affected areas approved for said structure or structures, including parking, driveways and roadways in compliance with Section Seven, Title III (A); Title IV (36) of the Pike Township Zoning Regulations.
- (b) The removal of soils, peat, and minerals are from those areas needed to develop public or private roadways on a final subdivision plat that has been approved by the Stark County Commissioners for development of residential housing.

V. MANUFACTURED OR FACTORY BUILT HOMES

All manufactured or factory built housing shall comply with the following requirements:

- (1) The structure shall be installed upon and properly attached to a permanent foundation system consisting of a full basement or 36" below grade footer.
- (2) All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
- (3) The sitting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- (4) The sitting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- (5) Evidence of an approved means of sanitary sewage disposal must be submitted.
- (6) The site shall be serviced by adequate essential utilities.

W. INCONSISTENCIES

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

X. SMALL WIND ENERGY SYSTEM *(adopted 12/25/2008)*

Small wind energy systems shall be considered as structures for the purpose of zoning certificates and shall be permitted in all zoning districts and be subject to the following:

- Restricted to back or side yard.
- Minimum setback shall be 110% of tower height.
- Minimum lot size of one acre.
- Minimum setback from all property lines, structures, (not to include other small wind energy systems) and above ground utility lines shall be no less than 110 percent of the tower height.

- Anchor points for guy wires for the tower shall be located no closer than 10 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
- Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
- The tower shall have either: (a) tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure; (b) a locked anti-climb device installed on the tower; or (c) shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.

The construction, plumbing and electrical requirements, inspection and other safety facilities shall be in compliance with all Federal, State, County and Local regulations and/or permits, and shall be installed, operated and maintained per the manufacturer's instructions.

Y. OUTDOOR FURNACES *(Adopted 12/25/2008)*

Outdoor Furnaces shall be considered as structures for the purpose of zoning certificates and shall be permitted in all zoning districts and subject to the following:

- Restricted to rear or side yard.
- Minimum lot size of one acre.
- Thirty foot (30') setback from all property lines.
- Shall be no closer than 150 feet from any building, not being served by the outdoor furnace on an adjacent parcel.

The construction, plumbing and electrical requirements, inspection and other safety facilities shall be in compliance with all Federal, State, County and Local regulations and/or permits.

Z. AGRITOURISM *(Amended 11/5/2018)*

All Agritourism activities shall comply with the following requirements:

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines if the adjacent property is zoned residential, and 25 feet from all property lines if the adjacent property is zoned business or industrial.
- (2) Entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares.
- (3) No lighting shall impair safe movement of traffic on any street or highway or shine directly on adjacent properties.
- (4) Such uses shall not require uneconomical extensions of utility services at the expense of the Township.
- (5) Adequate screening with shrubs, trees or hedges shall be provided parallel to property lines adjacent to or abutting any business or residential use.
- (6) Only retail uses which are customarily accessory or incidental to the main Agritourism use shall be permitted, such as refreshment stands and souvenir stands.
- (7) All facilities and structures shall meet all county and/or State of Ohio health and other applicable codes.
- (8) All activities, programs and other events shall be directly related to the Agritourism use, and shall be adequately and properly supervised so as to promote the well being of the Township residents and to assure against any nuisance to surrounding properties.

- (9) The size 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.
- (10) There shall be no more than one (1) advertisement located on each abutting road identifying the activity. All signs must comply with applicable sign regulations as regulated in Section 9.
- (11) Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway. Parking shall be provided such that all vehicles are able to be parked on the property. No vehicles shall overhang any roadway or be parked on the roadways.
- (12) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (13) All buildings that are built must comply with applicable zoning regulations for each zoning district.
- (14) Agritourism providers must have a safety plan that warns guests about risk inherent in an agritourism activity and any dangerous conditions they may encounter. Providers must also follow the warning sign requirement, posted in a clearly visible location, at either each entrance to the location or at each agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning: "WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

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SECTION FOUR

RESIDENTIAL DISTRICTS

TITLE I. ONE AND TWO FAMILY RESIDENTIAL DISTRICT (R-1)

A. PURPOSE

This district is established to accommodate low-density 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 suburban development in the community and to prevent excessive demands on public facility systems, such as street, schools, sanitary sewers and other community facilities.

B. USES

Within an R-1 One 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:

- (1) Single-family dwelling and/or a family home licensed under Section 5123.19 of the *Ohio Revised Code*.
- (2) Two-family dwellings.
- (3) Public Buildings.
- (4) Churches and other buildings for the purpose of religious worship.
- (5) Roadside Stand (farm market)
- (6) Periodic garage or yard sales are permitted by a resident for no longer than one (1) week period and no more than twice each year for any dwelling, and no zoning certificate will be required. Further sales of such nature shall be considered a business use, which is not permitted in a residential district.
- (7) Accessory buildings incidental to the principal use, which do not include any activity conducted as a business.
- (8) Signs as permitted and regulated by Section Nine.
- (9) Off-street parking as permitted and regulated in Section Eight.
- (10) Type B Child Day Care Facility, as defined by the *Ohio Revised Code 5104-01*. (Amended 7-6-2011)

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Strip mining, or surface mining, subject to subsections (7), (10), (14), (16), (17), (22), (23), (24), (25), (32), (53). *(Effective 12/22/2008)*
- (2) Recreational facility Type A, Recreational facility Type B, both subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (17), (32), (44) and (52). *(Amended 8/14/2010)*
- (3) Cemetery, subject to subsections (2), (4), (10), (11), (14) and (17). *(Amended 8/14/2010)*
- (4) Airports, airfields, and landing strips, subject to subsections (2), (3), (9), (14), (16), (17) and (32). *(Amended 8/14/2010)*
- (5) Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions, subject to subsections (1), (2), (4), (5), (10), (14), (16) and (17). *(Amended 8/14/2010)*
- (6) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52). *(Amended 8/14/2010)*
- (7) Parking lots in Residential Districts, subject to subsection (17) and (39). *(Amended 8/14/2010)*
- (8) Bed and Breakfast, subject to subsection (17) and (38). *(Amended 8/14/2010)*
- (9) Home Occupation, subject to subsection (17) and (37). *(Amended 8/14/2010)*
- (10) Septage shall only be approved as a Conditional Use in the R-1 Residential District only and comply to subsection (17) and (40). *(Amended 8/14/2010)*
- (11) Sludge shall only be approved as a Conditional Use in the R-1 Residential District only and comply to subsection (17) and (40). *(Amended 8/14/2010)*
- (12) Wild and Exotic Animals - The keeping or housing of wild or exotic animals subject to subsections (17), (33), (34), (35). *(Amended 8/14/2010)*
- (13) Wireless Telephone/Communications Facilities subject to Title V. Subject to subsection: (17). *(Amended 8/14/2010)*
- (14) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15), (16), (17), (30), (32), (44), (51) and (52). *(Amended 8/14/2010)*

D. TABLE OF REQUIREMENTS - SINGLE-FAMILY DWELLINGS

	<u>Without Public Sanitary Sewer</u>	<u>With Public Sanitary Sewer</u>
Minimum Lot Area.....	20,000 sq. ft.	20,000 sq. ft.
Minimum Width at Building Line	100 ft.	100 ft.
Minimum Frontage	100 ft.	80 ft.
Minimum Setback	50 ft.	50 ft.
Minimum Rear Yard Depth	30 ft.	30 ft.
Minimum Side Yard	10 ft.	10 ft.
Minimum Total Side Yard	25 ft.	25 ft.
Minimum Floor Area (1 floor).....	1,150 sq. ft.	1,150 sq. ft.
Minimum Floor Area (2 floors).....	1,250 sq. ft.	1,250 sq. ft.
Maximum Height.....	35 ft.	35 ft.
Maximum Height Accessory Buildings less than 80 sq. ft.	15 ft.	15 ft.
Maximum Height Accessory Buildings more than 80 sq. ft.	16 ft.	16 ft.

E. CALCULATION OF MINIMUM FLOOR AREA

The calculation of minimum floor area shall be exclusive of open porches, garages, breezeways, steps, terraces, attics, basements, and decks.

TITLE II. MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

A. PURPOSE

The purpose of this district is to provide for residential dwellings at densities of a medium density which will encourage development in groupings of townhouses and garden apartments in order to efficiently utilize existing community facilities such as water and sewers, streets, and schools.

B. PERMITTED USES

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

- (1) Two-family dwelling and/or a family home licensed under Section 5123.19 of the *Ohio Revised Code*.
- (2) Multi-family dwelling.
- (3) Lodging or boarding houses.
- (4) Public Buildings
- (5) Churches and other buildings for the purpose of religious worship.

- (6) Roadside Stand (farm market)
- (7) Periodic garage or yard sales are permitted by a resident for no longer than one (1) week period and no more than twice each year for any dwelling, and no zoning certificate will be required. Further sales of such nature shall be considered a business use, which is not permitted in a residential district.
- (8) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- (9) Signs as permitted and regulated in Section 9.
- (10) Off-street parking as permitted and regulated in Section 8.
- (11) *Type B Child Day Care Facility, as defined by the Ohio Revised Code 5104-01. (Amended. 7/6/2011)*

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Parking lots in Residential Districts, subject to subsection (17) and (39). *(Amended 8/14/2010)*
- (2) Home Occupation, subject to subsection (17) and (37). *(Amended 8/14/2010)*
- (3) Institutions for human medical care, such as hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions, subject to subsections (1), (2), (4), (5), (10), (14), (16) and (17). *(Amended 8/14/2010)*
- (4) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15), (16), (17), (30), (32), (44), (51) and (52). *(Amended 8/14/2010)*
- (5) Child Day-Care Centers subject to subsections (2), (14), (15), (17), (44), (50), and (51).
- (6) Recreational facility Type A, Recreational facility Type B, both subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (17), (32), (44) and (52). *(Amended 8/14/2010)*
- (7) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52). *(Amended 8/14/2010)*

D. TABLE OF REQUIREMENTS - MULTI-FAMILY RESIDENTIAL

	<u>Without Public</u>	<u>With Public</u>
	<u>Sanitary Sewer</u>	<u>Sanitary Sewer</u>
Minimum Lot Area	20,000 sq. ft.	12,000 sq. ft.
Minimum Lot area for each Additional Family Unit....	10,000 sq. ft.	3,000 sq. ft.
Minimum Width at Building Line	100 ft.	75 ft.
Minimum Frontage	100 ft.	80 ft.
Minimum Setback	50 ft.	50 ft.
Minimum Rear Yard	30 ft.	30 ft.
Minimum Side Yard	10 ft.	10 ft.
Minimum Total Side Yard	25 ft.	25 ft.
Additional Total Side Yard for each Additional Floor over 2.....	5 ft.	5 ft.
Maximum Percentage of Building to yard.....	25%	25%
Minimum Distance between buildings.....	20 ft.	20 ft.

(1) BUILDING SIZE

Minimum Floor Area		
1st Floor (2 families).....	1,500 sq. ft.	1,500 sq. ft.
Minimum Floor Area		
per unit (3 families).....	600 sq. ft.	600 sq. ft.
Minimum Area Per Unit -		
Multi-family Efficiency Apt.....	600 sq. ft.	600 sq. ft.
Minimum Area, Multi-family -		
1 Bedroom.....	700 sq. ft.	700 sq. ft.
2 Bedrooms.....	800 sq. ft.	800 sq. ft.
3 or more Bedrooms.....	900 sq. ft.	900 sq. ft.
Maximum Height	60 ft.	60 ft.
Maximum Height - Garage.....	16 ft.	16 ft.
Maximum area, Building Size -		
% of Rear Yard.....	40%	40%
Minimum Distance from Property Line.....	10 ft.	10 ft.

(2) CALCULATION OF MINIMUM FLOOR AREA

The calculation of minimum floor area shall be exclusive of open porches, garages, breezeways, steps, terraces, attics, basements and decks.

TITLE III. MOBILE HOME PARK DISTRICT (R-3)

A. PURPOSE

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

B. USES

Within a R-3 Mobile Home Park district, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

C. PERMITTED USES

- (1) Mobile home in a park only
- (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- (3) Signs as permitted and regulated by Section Nine.
- (4) Off-street parking as permitted in Title III (G), (7).
- (5) *Type B Child Day Care Facility, as defined by the Ohio Revised Code 5104-01. (Amended 7/6/2011)*

D. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Home Occupation subject to subsections (17) and (37) *(Amended 8/14/2010)*
- (2) Child Day-Care Centers subject to subsections (2), (14), (15), (17), (44), (50) and (51).
- (3) Recreational facility Type A, Recreational facility Type B, both subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (17), (32), (44) and (52). *(Amended 8/14/2010)*
- (4) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15), (16), (17), (30), (32), (44), (51) and (52). *(Amended 8/14/2010)*
- (5) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52). *(Amended 8/14/2010)*

E. MINIMUM LOT AND YARD REQUIREMENTS

- (1) Lot Area:
 - Mobile Home Park Twelve (12) Acres
 - Mobile Home Lot Five thousand (5,000) sq. ft.
- (2) Lot Width and Frontage:
 - Mobile Home Park Two hundred (200) feet
 - Mobile Home Lot Fifty (50) feet
- (3) Front Yard Depth, Rear Yard Depth, and Side Yard Width for Mobile Home Park Fifty (50) feet
- (4) Front Yard Depth for Mobile Home Ten (10) feet
- (5) Distance between Mobile Homes..... Twenty-five (25) feet clearance between individual homes, both at the sides.

F. MAXIMUM STRUCTURE OR BUILDING HEIGHTThirty-five (35) feet

G. SITE PLAN REQUIREMENTS

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

- (1) The applicant shall have permission in writing from the State and County Health Departments approving the site plans for the proposed mobile home park.
- (2) A mobile home park shall consist of a minimum of twenty-five (25) units or more.
- (3) Each unit shall have a minimum of nine hundred (900) square feet of living space per family for each mobile home.
- (4) All mobile home lots shall abut upon a street of not less than twenty-five (25) feet in width, which shall have unobstructed access to a public street.
- (5) All mobile homes shall set on a foundation approved by the Stark County Building Department.
- (6) Underground services and utilities shall be provided to each lot.
- (7) Each mobile home park operator shall provide two (2) parking spaces per mobile home, equal to two hundred (200) square feet per space, plus one (1) space for every two (2) mobile homes. All parking spaces shall be suitably paved.
- (8) A safe, usable recreation area shall be conveniently located in every park, which shall be not less than ten (10%) percent of the total area of the park.

- (9) All mobile homes must be enclosed from the ground to floor level with a solid-type enclosure.
- (10) The operator shall provide a separate area for utility trailers, campers and boats.

SECTION FIVE

COMMERCIAL DISTRICTS

TITLE I. OFFICE AND NEIGHBORHOOD BUSINESS DISTRICT (B-1)

A. PURPOSE

This District is established to provide for professional offices, nonprofit organizations, and limited business activities principally for convenience retail goods and personal services which are purchased for daily or weekly needs.

B. PERMITTED USES

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

- (1) Public Buildings
- (2) Churches and other buildings for the purpose of religious worship.
- (3) Administrative or executive offices.
- (4) Professional offices.
- (5) Financial institutions.
- (6) Radio and television broadcasting station, not including transmission towers.
- (7) Convenience retail uses and personal service stores, being defined as food sales, drug store, barber shop, beauty shop, shoe repair shop and other similar uses, provided the floor area devoted to such use or store is no greater than five thousand (5,000) sq. ft.
- (8) Restaurant, not including drive-in facilities, carryout services, or curb services.
- (9) Roadside Stand (farm market)
- (10) Accessory uses clearly incidental to the uses permitted on the same premises.
- (11) Signs as permitted and regulated in Section Nine.
- (12) Off-street parking as permitted and regulated in Section Eight.
- (13) Printing, publishing and allied industries.

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Parking lots, accessory to uses permitted in an adjacent zoning district, subject to subsections (17) and (39). *(Amended 8/14/2010)*
- (2) Institutions for human medical care - hospitals, clinics, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to subsections (1), (2), (3), (5), (10), (14), (16) (17) and (39). *(Amended 8/14/2010)*
- (3) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15), (16), (17) ,(30), (32), (44), (51) and (52). *(Amended 8/14/2010)*
- (4) Planned Office Complex for two or more uses as permitted in this district, subject to subsections (1), (3), (5), (9), (10), (14), (16) and (17). *(Amended 8/14/2010)*
- (5) Child Day-Dare Centers subject to Title VI, subsections (2), (14), (15), (17), (44), (50), and (51).
- (6) Wireless telephone/communications facilities subject to Title V, *subject to subsection (17)*. *(Amended 8/14/2010)*
- (7) Recreational facility Type A, Recreational facility Type B, both subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (17), (32), (44) and (52). *(Amended 8/14/2010)*
- (8) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52). *(Amended 8/14/2010)*

D. MINIMUM LOT AND YARD REQUIREMENTS

- (1) Lot Area Fifteen thousand (15,000) sq. ft.
- (2) Lot Width..... Seventy-five (75) feet
- (3) Lot Frontage..... Fifty (50) feet
- (4) Front Yard Depth Fifty (50) feet
(Minimum of ten (10) percent to be landscaped)
- (5) Side Yard Width.....Twenty-five (25) feet
(Except when adjacent to a residential district..... Fifty (50) feet
- (6) Rear Yard Depth..... Twenty-five (25) feet
(Except when adjacent to a residential district..... Fifty (50) feet

E. MAXIMUM BUILDING AND STRUCTURE HEIGHT..... Forty (40) feet

F. PARKING AND LOADING REQUIREMENTS

As regulated by Section Eight thereof.

TITLE II. COMMERCIAL BUSINESS DISTRICT (B-2)

A. PURPOSE

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

B. PERMITTED USES

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

- (1) All permitted uses in the B-1 Office and Neighborhood Business District.
- (2) Retail stores.
- (3) Indoor and Outdoor recreational facilities including, but not limited to theaters, tennis and racquet clubs, health spas, and physical exercise facilities.
- (4) Drive-in establishments for food sales and banking facilities.
- (5) Off-street public parking lot.
- (6) Veterinary hospital and animal clinic.
- (7) Automobile Service Station and Auto Service Shop.
- (8) Car Wash
- (9) Commercial greenhouse and garden supply sales.
- (10) Hotel, motel, tourist home.
- (11) Public or private transportation agency and terminal, including bus, taxi, rail stations, and airport terminals.

- (12) Automobile, truck, trailer and farm implement sales, service and storage and major repairs such as motor, body and fender, and radiator.
- (13) Funeral home and mortuary.
- (14) Printing and publishing operations.
- (15) 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 non-transparent 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. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any residential district.
 - (d) Public storage garage and yards.
- (16) Carpenter, cabinet, upholstery, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
- (17) Laundry, cleaning, and dyeing plant.
- (18) Mini-warehouses or Storage Facility.
- (19) Recreational facility Type A, Recreational facility Type B, Recreational facility Type C. *(Amended 8/14/2010)*

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Parking lots, accessory to uses permitted in an adjacent zoning district, subject to subsections (17) and (39). *(Amended 8/14/2010)*
- (2) Institutions for human medical care - hospitals, clinics, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to subsections (1), (2), (3), (5), (10), (14), (16), (17) and (39). *(Amended 8/14/2010)*
- (3) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52). *(Amended 8/14/2010)*

- (4) Planned Office Complex for two or more uses as permitted in this district, subject to subsections (1), (3), (5), (9), (10), (14), (16) and (17). *(Amended 8/14/2010)*
- (5) Child Day-Dare Centers subject to subsections (2), (14), (15), (17), (44), (50) and (51).
- (6) Wireless telephone/communications facilities subject to Title V, [subject to subsection \(17\)](#). *(Amended 8/14/2010)*

D. MINIMUM LOT AND YARD REQUIREMENTS

- (1) Lot area Fifteen thousand (15,000) sq. ft.
- (2) Lot WidthSeventy-five (75) feet
- (3) Lot FrontageFifty (50) feet
- (4) Front Yard Depth Fifty (50) feet
- (5) Side Yard WidthTwenty-five (25) feet
(Except when adjacent to a residential district).....Fifty (50) feet
- (6) Rear Yard Depth.....Twenty-five (25) feet
(Except when adjacent to a residential district).....Fifty (50) feet
(Amended effective 7/5/2006)

E. MAXIMUM BUILDING STRUCTURE HEIGHTSixty-five (65) feet

F. PARKING AND LOADING REQUIREMENTS

As regulated by Section Seven hereof.

G. OUTDOOR DISPLAY AREAS

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

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SECTION SIX

INDUSTRIAL DISTRICTS

TITLE I. RESTRICTED INDUSTRIAL DISTRICT (I-1)

A. PURPOSE

The purpose of this district is to provide an environment exclusively for, and conducive to, the development and protection of modern administrative facilities, research institutions and other similar uses which are office like in appearance and service requirements; and to provide for light industrial uses in the fields of repair, storage, wholesaling and distribution, limited manufacturing and processing; free from the encroachment of residential, retail and institutional uses. Due to their special nature, products or processes, these uses are better served in locations having convenient access to major transportation facilities, such as limited access highways, airports and railroads.

B. PERMITTED USES

Only the following uses shall be permitted.

- (1) Administrative, executive, regional offices, financial, professional, accounting, clerical, drafting, and other similar offices.
- (2) Experimental, testing, and research facilities, provided such testing or experimentation creates no hazard or common law nuisance beyond the confines of the building. All research testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of such building.
- (3) Motor freight, garage, truck or transfer terminal, office, warehousing and storage, within the confines of the building.
- (4) Distributor's warehouse and wholesale outlet, including such break bulk operations as bottling and/or packaging, within the confines of a building.
- (5) The manufacture, compounding, processing, assembling and packaging of such products as:
 - (a) Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries, and other food products, except when such operation would create a hazard or common law nuisance beyond the confines of the building.
 - (b) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs and household appliances.
 - (c) Musical instruments, toys, 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, or wood, all equipment operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.
 - (e) Professional, scientific and controlling instruments; clerical and office equipment, and similar products.
 - (f) Printing, publishing and allied industries.
- (6) Accessory buildings and uses incidental to the principal use and which do not include any activity conducted as a separate business.
- (7) Recreational facility Type A, Recreational facility Type B, Recreational facility Type C. *(Amended 8/14/2010)*

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven, Title IV.

- (1) Wireless telephone/communications facilities subject to Title V, [subject to subsection \(17\)](#). *(Amended 8/14/2010)*
- (2) Surface mining or strip mining subject to subsections (7), (10), (17), (22), (23), (24), (25), (32) and (53). *(Amended 12/22/2008)*
- (3) Top soil removal, subject to subsections (14), (17) and (36).
- (4) Recreational facility, Type D, [subject to subsections \(1\), \(2\), \(3\), \(5\), \(10\), \(12\),\(13\), \(14\), \(15\), \(16\), \(17\), \(32\), \(44\) and \(52\)](#). *(Amended 8/14/2010)*
- (5) Government buildings subject to subsections - (1), (2), (3), (5), (7), (14), (16) *and (17)*. *(Amended 8/14/2010)*
- (6) Any other lawful use or purpose which is not objectionable to near-by property by reason of odor, dust, smoke, fumes, gas, glare, noise, or vibrations, or is not hazardous to the health and property of the neighborhood because of the danger of fire or explosion, [subject to subsection \(17\)](#). *(Amended 8/14/2010)*
- (7) Recreational facility, Type E, [subject to subsections \(2\), \(3\), \(5\), \(6\), \(10\), \(12\), \(13\), \(15\), \(16\), \(17\), \(32\), \(44\), \(51\), \(52\) and \(53\)](#). *(Amended 8/14/2010)*

D. LOT REQUIREMENTS

- (1) Minimum Lot AreaTwenty thousand (20,000) sq. ft.
- (2) Minimum Lot Width at 100 feet Front Set Back Lines.....One hundred (100) feet
- (3) Minimum Lot FrontageOne hundred (100) feet

E. YARD SET BACK REQUIREMENTS

- (1) Minimum Front Yard DepthFifty (50) feet
(Minimum of Ten per cent (10%) to be landscaped)
- (2) Minimum Rear Yard WidthTwenty-five (25) feet
(except as otherwise required in Section 6, Title I (E) 4)
- (3) Minimum Side Yard DepthTwenty-five (25) feet
(except as otherwise required in Section Six, Title I (E) 4)
- (4) Yards Adjoining Any Residential District.....One hundred (100) feet

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

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

F. MAXIMUM BUILDING HEIGHT

80 Feet

G. PARKING AND LOADING REQUIREMENTS

As regulated by Section Eight, hereof.

H. SIGNS AND BILLBOARDS

As regulated by Section Nine, hereof.

I. ADDITIONAL REGULATIONS FOR BUILDINGS OVER THIRTY-FIVE (35) FEET HIGH.

- (1) Front Yard - One (1) foot for each additional one (1) foot in height.
- (2) Rear Yard - One (1) foot for each additional one (1) foot in height.
- (3) Side Yard - One (1) foot for each additional one (1) foot in height.

J. Maximum Percent of Lot Coverage with Buildings:

Thirty-five (35) percent

TITLE II. GENERAL INDUSTRIAL DISTRICT (I-2)

A. PURPOSE

The purpose of this district is to create areas where heavy industry can operate and still ensure the protection of the neighboring environment.

B. PERMITTED USES

Within an I-2 General 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:

- (1) All uses specifically permitted in a B-1, B-2 and I-1 district.
- (2) Automobile assembly and major repair.
- (3) The following type 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 other similar type of metal shop, including machine shop operations of the tool, die, and gauge type.
 - (f) Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
- (4) 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, non-transparent, 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) Contractors' 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. Inflammable liquids, underground storage only if located less than three hundred (300) feet from any Residential District.
 - (d) Public storage garage and yards.
 - (e) Printing, publishing and allied industries.
- (5) Warehouses and wholesale business establishments.
 - (6) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
 - (7) Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
 - (8) Laundry, cleaning, and dyeing plant.
 - (9) Repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body and fender, radiator, and tire services involving re-treading and vulcanizing.
 - (10) Stone or monument works if, employing power tools, within a completely enclosed building.
 - (11) Accessory uses incidental to the uses permitted on the same premises.

C. CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may issue Conditional Use Permits for uses listed herein subject to the general and specific requirements of Section Seven Title IV, referred to below:

- (1) Wireless telephone/communications facilities, subject to Title V, [subject to subsection \(17\)](#). *(Amended 8/14/2010)*
- (2) Surface mining or strip mining subject to subsections (7), (10), (17), (22), (23) (32) and (53). *(Effective 12/22/2008)*
- (3) Top soil removal, subject to subsections (17) and (36).
- (4) [Recreational facility, Type D, subject to subsections \(1\), \(2\), \(3\), \(5\), \(10\), \(12\), \(13\), \(14\), \(15\), \(16\), \(17\), \(32\), \(44\) and \(52\)](#). *(Amended 8/14/2010)*
- (5) Government buildings subject to subsections (1), (2), (3), (10), (14), (15) [\(17\)](#) and (32). *(Amended 8/14/2010)*

- (6) Salvage Yard subject to subsections (1), (2), (3), (6), (7), (10), (14), (17), (26), (32), (43), and (44), *(Amended effective 7/5//2006)*
- (7) Demolition disposal sites subject to subsections (1), (2), (3), (6), (7), (10), (14), (17), (21), (32), (44), (45), (47), (48), and (49).
- (8) Sanitary Landfill sites subject to subsections (1), (2), (3), (6), (7), (10), (14), (17), (21), (32), (44), (47) and (49). *(Amended effective 7/5/2006) (Amended effective 8/2/2007)*
- (9) Sexually Oriented land use subject to subsections (1), (2), (3), (4), (6), (9), (12), (14), (15), (16), (17), (39),(42), (44), and (52). *(Amended effective 7/5/2006)*
- (10) Any other lawful use or purpose which is not objectionable to near-by property by reason of odor, dust, smoke, fumes, gas, glare, noise, or vibrations, or is not hazardous to the health and property of the neighborhood because of the danger of fire or explosion, [subject to subsection \(17\)](#). *(Amended 8/14/2010)*
- (11) Sexually oriented land use subject to subsections (1), (2), (3), (4), (6), (9), (12), (14), (15), (16), (17),(39), (42), (44) and (52). *(Amended 7/5/2006)*
- (12) [Recreational facility, Type E, subject to subsections \(2\), \(3\), \(5\), \(6\), \(10\), \(12\), \(13\), \(15\), \(16\), \(17\), \(32\), \(44\), \(51\), \(52\) and \(53\)](#). *(Amended 8/14/2010)*
- (13) [Skill Game/Gambling land use subject to subsections \(2\), \(3\), \(9\), \(14\), \(15\), \(16\), \(17\), \(39\), \(44\), \(46\), \(52\) and \(54\)](#). *(Adopted 10/16/2012)*

D. LOT REQUIREMENTS

- (1) Minimum Lot AreaTwenty thousand (20,000) sq. ft.
- (2) Minimum Lot Width at 100 feet Front Set Back Lines.....One hundred (100) feet
- (3) Minimum Lot FrontageOne hundred (100) feet

E. YARD SET BACK REQUIREMENTS

- (1) Minimum Front Yard DepthFifty (50) feet
(Minimum of Ten per cent (10%) to be landscaped)
- (2) Minimum Rear Yard DepthTwenty-five (25) feet
(except as otherwise required in Section Five Title II (E) 4)
- (3) Minimum Side Yard WidthTwenty-five (25) feet
(except as otherwise required in Section Five Title II (E) 4)
- (4) Yards Adjoining Any Residential District.....One hundred (100) feet

Where the boundary of an I-2 District adjoins the boundary line of any Residential (R) District, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet.

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

F. MAXIMUM BUILDING HEIGHT

80 FEET

G. ADDITIONAL REGULATIONS FOR BUILDINGS OVER THIRTY-FIVE (35) FEET HIGH.

- (1) Front Yard - One (1) foot for each additional one (1) foot in height.
- (2) Rear Yard - One (1) foot for each additional one (1) foot in height.
- (3) Side Yard - One (1) foot for each additional one (1) foot in height.

H. MAXIMUM PERCENT OF LOT COVERAGE WITH BUILDINGS

Thirty-five (35) percent.

I. PARKING AND LOADING REQUIREMENTS

As regulated by Section Eight hereof.

J. SIGNS AND BILLBOARDS

As regulated by Section Nine hereof.

K. SEXUALLY ORIENTED ADULT CABARET *(Deleted in its entirety, effective 7/5/2006)*

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SECTION SEVEN

CONDITIONAL ZONING CERTIFICATES

TITLE I. PURPOSE

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

TITLE II. PROCEDURES FOR MAKING APPLICATION

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

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

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

B. DATA REQUIRED WITH APPLICATION

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

C. REVIEW OF APPLICATION BY THE BOARD OF ZONING APPEALS

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

D. HEARING OF APPLICATION

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

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

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

F. RESUBMISSION OF APPLICATION FOR CONDITIONAL USE ZONING CERTIFICATE

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

G. TERMINATION

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

H. CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE

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

TITLE III. BASIS OF DETERMINATION

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

A. GENERAL STANDARDS

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

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

TITLE IV. REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN Section 4, Title I (C); Section 4, Title II (C); Section 4, Title III (D); Section 5, Title I (C); Section 5, Title II (C); Section 6, Title I (C); and Section 6, Title II (C)

(A) SUBSECTIONS:

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares.
- (3) No lighting shall impair safe movement of traffic on any street or highway or shine directly on adjacent properties.
- (4) Such use should be located on major thoroughfares or highways.
- (5) Such uses shall not require uneconomical extensions of utility services at the expense of the Township.
- (6) Such operation shall be at least two hundred (200) feet distance from any residential

dwelling, one hundred fifty (150) feet distance from any adjacent residential property line in a Residential District and one hundred (100) feet distance from any adjacent business or industrial property line in a Business District or Industrial District, and work conducted in connection with such permitted operation shall be conducted only during the hours as agreed to by the permit holder and the Board of Zoning Appeals and as determined to be for the good of the community. *(Amended 7/5/2006)*

- (7) Adequate truck routes shall be established for movement in and out of the permitted property that will minimize damage to public streets and prevent hazards and damage to other properties in the community **and suitable measures shall be taken to control dust on such truck routes.** *(Amended 7/6/2011)*
- (8) The maximum size of each unit in a mini-warehouse or storage facility shall be five thousand (5,000) square feet, and the maximum height of buildings shall be two stories or forty (40) feet.
- (9) Such use should be located on a major thoroughfare, adjacent to non-residential uses such as commerce, industry or recreation, or adjacent to sparsely-settled residential uses.
- (10) Adequate screening with shrubs, trees or hedges shall be provided parallel to property lines adjacent to or abutting any *business or residential use.* *(Amended 7/5/06)*
- (11) No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any public road nor within fifty (50) feet of an adjacent property.
- (12) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, such as refreshment stands, souvenir stands, and concessionaire stands.
- (13) Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year around occupancy shall be permitted.
- (14) All facilities and structures shall meet all county and/or *State of Ohio* health, building, electrical, and other applicable codes.
- (15) 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 promote the well being of the township residents and to assure against any nuisance to surrounding properties.
- (16) 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.
- (17) Any Conditional Zoning Certificate for a 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 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 issue a continuation of the Conditional Use Zoning Certificate for an additional one (1) year period. If no violation exists and 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. (*Amended effective 7/5/2006*)

- (18) Such facility shall be used only for rental of storage facilities and not for a transfer and storage business where the use of vehicles is part of such business.
- (19) No outside storage areas are permitted in or adjacent to residential districts.
- (20) Living quarters shall be provided on such site for a resident manager for security and maintenance of the facility.
- (21) The storage of explosives or other hazardous material shall be prohibited.
- (22) A copy of the application for such strip mining or surface mining operation, as approved by the *State of Ohio, Division of Reclamation*, shall be filed with the Board of Appeals, including any revisions to the application approved subsequent to the issuance of the Conditional Use Certificate by the Township.
- (23) Reclamation of the area involved in such operation shall be completed within one year of the expiration date of a Conditional Use Certificate and shall meet reclamation requirements as approved by the *State of Ohio, Division of Reclamation*.
- (24) Location of processing equipment shall be subject to approval by the Board of Appeals and such equipment shall be located on the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
- (25) The storage or processing of minerals, peat, coal from other properties involved in a mining operation shall be permitted only in an Industrial District.
- (26) The area of use shall be completely enclosed with an eight (8) foot non-transparent fence and appropriately landscaped to be harmonious with surrounding properties.
- (27) There shall be no burning of refuse, garbage or other waste materials.
- (28) Minimum Lot and Yard Requirements for a group home shall be as listed for "Multi-Family Dwellings" in Section Four, Title II (D) of these Regulations.
- (29) No such group home shall be located within a one-mile radius of another such facility for the developmentally disabled.

- (30) Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- (31) One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Section Nine of these regulations.
- (32) *Provide a performance bond, with adequate surety amount as determined by the Pike Township Board of Trustees, for maintenance and restoration of any township maintained road leading to and from said operation or permitted use, and to be restored as finally determined by the Pike Township Board of Trustees.
(Amended effective 7/5/2006)*
- (33) All wild or exotic animals must be kept in a secure enclosure that will prevent escape or injury to any person as specified in O.D.N.R. Division of Wildlife, Publication 306 and USDA subchapter "A" Animal Welfare.
- (34) Any person keeping or housing wild or exotic animals must obtain all permits and/or licenses required by Federal, State and Local law.
- (35) Any person keeping or housing wild or exotic animals outside the person's primary residence must maintain them in a building, cage or other fenced enclosure as specified in O.D.N.R. Division of Wildlife, Publication 306 and USDA Subchapter "A" Animal Welfare and must be one hundred (100) feet from any adjacent occupied dwelling.
- (36) Conditional Use Zoning Certificate for the removal of **top soil** shall meet the following requirements:
- (a) Every applicant granted a top soil removal certificate as herein provided shall furnish a performance bond of two thousand dollars (\$2,000.00) per acre with a minimum bond of five thousand dollars (\$5,000.00) to the Township of Pike as a guarantee that such work will be done in a satisfactory manner.
 - (b) A reclamation plan shall include a substitute re-soiling material that will support vegetation capable of self-regeneration and plant succession.
 - (c) Operations on Sundays, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas shall be prohibited. Actual working hours requested by applicant are subject to approval or modification by the Board of Appeals.
 - (d) Applicant must designate approximate time of completion of reclamation.
 - (e) Reclamation shall be progressive to prevent erosion.
 - (f) The storage of top soil from other sites shall be permitted only in Industrial Districts (I-1 & I-2).

- (37) Home Occupation uses shall be permitted subject to the following conditions:
- (a) Such use shall be conducted entirely within the dwelling unit, and/or *accessory structure*. (Amended 12/25/2008)
 - (b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - (c) Such use shall be conducted by persons residing in the dwelling unit *and may include up to 2 non-residents*. (Amended 12/25/2008)
 - (d) *(delete in entirety)* (Amended 12/25/2008)
 - (e) *(delete in entirety)* (Amended 12/25/2008)
 - (f) One (1) unlighted name plate not more than four (4) square feet in area, announcing the name and home occupation shall be permitted.
 - (g) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
 - (h) Parking spaces shall be provided off-street for any traffic generated by such use.
- (38) Bed and Breakfast uses shall be permitted subject to the following conditions:
- (a) No home shall use more than three bedrooms on any given night for tourists. A tourist may stay in the home for no more than seven (7) nights per year.
- (39) Parking Lots shall be permitted subject to the following conditions:
- (a) The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
 - (b) Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street in the district in which use for which the parking is provided, permitted or conditionally permitted.
 - (c) Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
 - (d) No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
 - (e) Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential District.

- (f) Such parking lot shall be efficiently screened on each side by a fence of acceptable design, wall, or compact hedge. Such fence, wall or hedge shall be not less than four (4) feet in height and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition. The planting strip for hedges shall be no less than three (3) feet in width. At least one (1) water outlet shall be provided not more than fifty (50) feet from the lot for maintenance of plant materials. The space between such fence, wall, or hedge and the side lot line of adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.
 - (g) The Board may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions, and use and character of adjacent properties. The Board may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.
- (40) Septage and Sludge shall be permitted subject to the following conditions:
- (a) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
 - (b) Minimum area to place Septage or Sludge is 40 acres. No Septage or Sludge shall be placed within fifty (50) feet of a property line, or five hundred (500) feet of any residence. These products can only be placed in Rural areas away from any development.
 - (c) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
 - (d) All facilities and structures shall meet all County and/or *State of Ohio* health, building, and other applicable codes.
- (41) Temporary Building/ Structure shall be permitted subject to the following conditions:
- (a) Type of temporary unit, must be approved by the Board of Zoning Appeals at time permit is issued.
 - (b) Unit cannot be used for living quarters.
 - (c) Unit can only be used as office space, tool shed and equipment repair related to on site construction.
 - (d) Unit must be removed at end of construction.
- (42) Any sexually oriented *land use* shall not be operated within One Thousand (1,000) feet of *any house of religious worship*, public or private school, boundary of a Residential

District or property line of any *parcel of real property used for residential purposes outside of a Residential District. Any sexually oriented land use shall only be permitted within an I-2 General Industrial District. (Amended effective 7/5/2006)*

- (43) **SALVAGE YARD** - The scrap and/or junk yard use shall only be permitted under the following conditions:
- (a) All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
 - (b) The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - (c) Suitable control measures shall be taken whenever dust is a problem or potential problem.
 - (d) There shall be no burning of refuse, garbage, or other waste materials.
 - (e) Salvage yards and demolition sites shall be located no closer than two hundred (200) feet to any R District and/or public street right-of-way line and shall otherwise have front, side, and rear setbacks of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications.
 - (1) The fifty (50) foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screening.
 - (2) Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
 - (3) The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect and no visual opening shall exist.
 - (4) Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
 - (f) A minimum area of seventy five (75) acres shall be required for a use proposed under this category.
 - (g) All items (a through f) must be in place before a Conditional Use Permit can be issued.
- (44) There shall be no more than one (1) advertisement located on each abutting road identifying the activity.

- (45) Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- (46) The proposed use shall conform to all requirements and/or conditions as the Board may deem necessary to meet the following criteria: *(Amended 10/16/2012)*
- (a) Vehicular approaches to the property shall be designed as not to create an interference with traffic on surrounding public streets or roads.
 - (b) Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with gravel, bituminous concrete, asphalt, or equivalent. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
 - (c) The property must be served by central sewer facilities approved by the appropriate State and County Health Departments, [Sanitary Engineering Departments](#) and operated and maintained according to the inspection and [rules and regulations](#) of said departments. *(Amended 10/16/2012)*
- (47) All Sanitary/Demolition/Residual Solid Waste and **Hazardous Waste** landfill sites, must consist of not less than **two hundred (200)** acres and are subject to approval of the County Health Department, and State and Federal requirements shall be equipped with an Environmental Protection Agency (FEPA) approved radioactive monitoring system. All Sanitary/Demolition/Residual Solid Waste and **Hazardous Waste** landfill operations and work conducted in connection with such permitted operation shall only be permitted during such hours of operations as agreed to by the permit holder and the Board of Zoning Appeals and as determined for the good of the community. *(Amended 8/2/2007)*
- No Sanitary/Demolition/Residual Solid Waste or Hazardous Waste landfill site shall be located **within a two (2) mile radius from the outermost property line of an existing, operating, disbanded or closed site.** *(Amended 8/2/2007)*
- (48) Demolition Materials Site is any site, location, tract of land, area, building, structure or premises used for stabilization, conversion, transfer, or burial of construction or demolition materials. The term does not include any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed.
- (49) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (50) Outside play area shall be enclosed with a six (6) foot fence.

- (51) Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
- (52) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (53) Such operation shall be at least two hundred (200) feet distance from any residential dwelling, six hundred (600) feet distance from any adjacent residential property line in a Residential District and one hundred (100) feet distance from any adjacent business or industrial property line in a Business District or Industrial District, and work conducted in connection with such permitted operation shall be conducted only during the hours as agreed to by the permit holder and the Board of Zoning Appeals and as determined to be for the good of the community. *(Effective 12/ 22/2008)*
- (54) Any skill game land use shall not be operated within One Thousand (1,000) feet of any house of religious worship, public school, boundary of a Residential District or property line of any parcel or real property used for residential purposes outside of a Residential District. Any skill game land use shall only be permitted within an I-2 General Industrial District and use conducted in connection with such permitted operation shall be conducted only during the hours as agreed to by the permit holder and the Board of Zoning Appeals and as determined to be for the good of the community. *(Amended 7/6/2011)*

TITLE V. WIRELESS TELECOMMUNICATION FACILITIES

A. INTENT

Wireless telecommunications facilities are either permitted or conditionally permitted in a variety of zoning districts contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through siting, design and construction, and reduction of the need for new towers. Amateur radio operators licensed under Part 97 of the FCC rules are exempt.

B. GENERAL REQUIREMENTS

The following requirements apply to wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for Industrial, Business and Residential districts as set forth in subtitles C and D, which follows:

- (1) When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may be supplement to the plot plan.
- (2) The applicant shall provide a map indicating the proposed facility and extending

outward a minimum of six (6) mile radius surrounding the facility. This map shall have shown all existing telecommunications facilities within this radius and shall show all existing structures that are 100 feet or taller.

- (3) The location of the tower and equipment shelter shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplain, wetlands and steep slopes.
- (4) Security fencing eight feet in height shall surround the tower, including guy wires, and equipment shelter either completely or individually.
- (5) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses and/or properties. Existing vegetation, trees and shrubs, shall be preserved to the maximum extent possible in the surrounding area. The landscaping shall be kept debris free and no equipment shall be stored outside of the equipment shelter.
- (6) Any applicant requesting permission to install a new tower shall provide evidence of written contact with the wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Board of Zoning Appeals as a means of demonstrating the need to a new tower.
- (7) The tower and all associated structures including the equipment shelter shall be painted a non-contrasting grey or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). The tower and all associated structures shall be kept in good repair. The appearance of all structures shall be maintained and visually appealing.
- (8) No advertising is permitted anywhere on the facility, with the exception of identification signage. The name and phone number of the responsible party for the facility shall be posted and readily visible on the entrance to the facility.
- (9) All providers utilizing towers shall present a report to the Zoning Inspector notifying of any tower facility located in Pike Township whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days. The Zoning Inspector may declare the facility abandoned. This excludes any dormancy period between construction and the initial use of the facility. The facility's owner/operator and property owner, where applicable, will receive written notice from the Zoning Inspector and instructed to either reactivate the facility's use within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Township can remove or can contract to have removed the facility. The Township will then have the authority to use said bond described in Section Seven, Title V – (10) for the removal of the facility.

- (10) The owner/operator of the wireless telecommunication facility or the land owner shall provide a \$25,000 bond, issued in the name of Pike Township Board of Trustees for each facility. Such bond shall be renewed on an annual basis and evidence of renewal shall be forwarded to Pike Township. The renewal information shall indicate the applicable Conditional Use Zoning Certificate number for the facility. Said bond shall remain in effect at all times for a facility until such facility has been completely removed by the owner/operator. If said Bond is to be canceled, notification of cancellation shall be forwarded to Pike Township sixty (60) days prior to the cancellation date. A replacement bond shall be in place thirty (30) days prior to the cancellation date of the bond to be canceled.
- (11) No tower under one hundred fifty (150) feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between one hundred fifty (150) and two hundred (200) feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. White strobe lighting will not be permitted. Security lighting around the equipment shelter is permitted. Lighting used shall not constitute a nuisance to adjacent property owners.
- (12) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- (13) The applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided.
- (14) A Conditional Use Zoning Certificate must be obtained from the Board of Zoning Appeals for construction of new towers, or towers attached to existing structures/buildings in the Residential District (R-1). Towers located in Industrial (I-1 and I-2) and Business Districts (B-1 and B-2) or replacement towers to be constructed at the site of a current tower are permitted uses and do not need to obtain a Conditional Use Zoning Certificate. Wireless telecommunications facilities that include towers are prohibited in R-2 and R-3 Districts, except for those specified under Section Seven, Title V, subsection D.
- (15) A Conditional Use Zoning Certificate is required of all new or replacement towers, accessory equipment, antennas or equipment shelters.
- (16) Underground equipment shelters are encouraged, especially in Residential and Business Districts. All utilities from the equipment shelter to the main utility lines are to be buried a minimum of 30 inches. This requirement excludes the wiring from the equipment shelter to the antennas.
- (17) The wireless telecommunication facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- (18) Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided about the circulation driveways of the existing use. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the

principal use. There shall be no parking of service vehicles on the public right-of-ways or streets.

(19) **REGISTRATION OF CELLULAR COMMUNICATIONS TOWERS:** For each cellular communications tower to be erected in this district, the owner of the property upon which the tower is to be erected must complete a registration form to be maintained in the records of the Zoning Inspector. There shall be no charge for registering a cellular tower.

(20) **ABANDONED CELLULAR COMMUNICATIONS TOWERS PROHIBITED:** Notwithstanding any other section of this Resolution, no property owner may maintain upon his property an abandoned cellular communications tower as defined in the definition section of this Resolution.

(21) **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 by the municipality, county, township, or state government, a homeowners association, charitable organization, or a private, non-profit conservation organization.

C. BUSINESS AND INDUSTRIAL DISTRICTS

Wireless Telecommunications Facilities proposed for the Business and Industrial Districts are permitted use, subject to the following conditions. The Wireless Telecommunications Facility may be a sole use on the lot or may be permitted with an existing use.

(1) 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 of the tower shall be twenty (20) feet or twenty percent (20%) of the building height, whichever is greater, above the existing building or structure.

(2) Sole use on a lot or combined with another use.

(a) The existing use on the property where applicable, may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the Wireless Telecommunications provider. The Wireless Telecommunications Facility will not be considered an addition to the structure or value of the nonconforming use.

(3) **FACILITY REQUIREMENTS:**

(a) Minimum Lot Size.....400 feet x 400 feet

(b) Minimum Yard Requirements:

Tower:.....200 feet from all property lines

Shelter:100 feet from all highways

Rear :25 feet except when adjacent to residential, then 50 feet

Side:50 feet except when adjacent to residential, then 100 feet

(c) Maximum Height Requirements:

Tower.....250 feet

Shelter.....20 feet

(d) Maximum Size of Equipment Shelter:.....NOT to exceed 300 feet

D. RESIDENTIAL DISTRICTS

Wireless Telecommunications Facilities that include towers are Conditionally Permitted in R-1 District ONLY. Wireless Telecommunication Facilities are Conditionally Permitted in R-2 and R-3 Districts, with exception of placement of any property with an institutional use (e.g., church, park, library, and municipal/government, hospital, school, utility located In either of these two districts. However, antennas attached to existing buildings or structures are permitted. In applying for a Conditional Use Zoning Certificate in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to location in a more appropriate non-residential zone. Once those efforts have been exhausted, a Wireless Telecommunications Facility may be located in a residential district subject to the following conditions:

- (1) **Combined with an existing structure:** An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including but not limited to, a church, a township or government building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
 - (a) Maximum height of the tower shall be twenty (20) feet or twenty percent (20%) of the building height, whichever is greater above the existing building or structure.
 - (b) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the minimum setback requirements for the district.
- (2) **Sole use on a lot or combined with another use:** A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including but not limited to a church, hospital, school, township or government building, facility, or structure, agricultural use and utility use, subject to the following conditions.

- (a) In order to locate a telecommunications facility on a property that is vacant or with an agricultural use the tract shall be at least five (5) acres.
- (3) **Located on a Residential building:** An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:
- (a) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the minimum setback requirements for the district.
- (4) **FACILITY REQUIREMENTS:**
- (a) Minimum Lot Size.....400 feet x 400 feet
 - (b) Minimum Yard Requirements:
 - Tower.....200 feet from all property lines
 - Shelter.....100 feet from all highways
 - Rear.....25 feet except when adjacent to residential, then 50 feet
 - Side.....50 feet except when adjacent to residential, then 100 feet
 - (c) Maximum Height Requirements:
 - Tower.....250 feet
 - Shelter.....20 feet
 - (d) Maximum Size of Equipment Shelter:.....NOT to exceed 300 feet

SECTION EIGHT

PARKING AND LOADING REQUIREMENTS

TITLE I. OFF-STREET PARKING

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

A:	TABLE	SPACES REQUIRED
	Auditoriums, stadiums, or structures of Similar Use.....	1 for each 4 seats
	Churches and School Auditoriums.....	1 for each 3 seats
	Indoor Theaters.....	1 for each 3 seats
	Restaurants.....	1 for each 2 seats
	Clubs and Lodges.....	1 for each 3 seats in main assembly or 1 for each 150 sq. ft. or fraction of floor area
	Banks and Studios, Business and Professional Offices.....	1 for each 150 sq. ft. of floor area or fraction thereof plus.....1 for each 2 employees
	Retail Stores and Personal Services' Shops	1 for each 100 sq. ft. of floor area
	Libraries and Museums.....	1 for each 500 sq. ft. of floor area plus.....1 for each 2 employees
	Hospitals.....	1 for each 2 beds plus.....1 for each 3 employees
	Tourist Hotels, Motels, Bed & Breakfast.....	1 for each 1 sleeping room
	Lodging House.....	1 for each 3 guests
	Food Locker.....	1 for each 2 employees plus.....1 for each 500 sq. ft. or fraction thereof, of floor area
	Medical and Dental Office.....	5 for each physician or dentist plus.....1 for each 2 employees
	Dwellings.....	2 for each family unit plus.....1 for each 5 dwelling units in multi-family dwelling units in multi-family dwelling or developments

Roadside Stand.....4

Garages for Repairs1 for each employee
plus.....1 for each 500 sq. ft .or fraction thereof, of floor area

Mini Storage Facilities1 for each 10 storage units

B. 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 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 (2-1/2) off-street parking spaces per exit lane; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles entering or exiting the washing facility.

(2) Semi-Automatic Car Wash

Car washes in which automatic machinery is used to wash the vehicle, but the vehicle provides the power through the production line shall have and maintain on the premises at least 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 (1-1/2) off-street parking spaces per exit lane; and 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 washing 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.

C. GENERAL REGULATIONS

(1) Floor Area

For the purpose of this section "floor area" in offices, merchandising, and service types of uses shall mean the area for service to the public and exclude areas used principally for non-public purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, fractions of required floor area over one half (1/2) shall require one (1) parking space.

(2) Parking Space

Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.

(3) Parking Area Design

Such parking areas shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the requirements of the County Engineer. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources such as the stringing of light bulbs shall be permitted. 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 of sloping surfaces, and to prevent bumper over-hang.

(4) Entrances and Exits.

Entrances 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 nor more than thirty (30) feet at the curb line of street. Residential uses may have access ways of not less than eight (8) feet.

(5) Yard Restrictions

Off-street parking facilities shall not occupy any part of any required front or side yard in all R-1 and R-2 District areas, but where open space may be included as part of a required open space for a 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 twenty (20) foot wide landscape strip is located between the parking area and the street right-of-way line. In all C and I District areas, open off-street parking facilities may occupy the required rear yard.

(6) Locating

The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in Section Seven, Title IV, subsection (39).

(7) Joint Use

Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally

used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

Parking spaces already provided to meet off-street parking requirements for business and industrial establishments lying within five hundred (500) feet of a place of public assembly along lines of public access, that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking may be used to meet not more than fifty (50) percent of the total requirements of parking space.

D. LOADING AND UNLOADING SPACE REQUIREMENTS

- (1) Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations.
- (2) 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.
- (3) Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
- (4) Loading space as required under this section shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.

E. PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

Where the off-street parking and loading requirements for a use are not specifically defined here, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare.

SECTION NINE

SIGN REGULATIONS

TITLE I. PURPOSE, SIGNS AND BILLBOARDS

The purpose of this article is to provide for the use, location, size of signs.

A. LIMITATIONS OF THESE REGULATIONS

The Township's authority and regulation is limited in accordance with the *Ohio Revised Code*, as follows:

- (1) Signs erected and maintained pursuant to and in discharge of any governmental regulation are exempt from these regulations.
- (2) Signs along interstate and primary highways must meet regulations of the *Ohio Department of Transportation* in accordance with *Ohio Revised Code, Chapter 5516*, in addition to the Pike Township Resolution.
- (3) Outdoor advertising (off-premises) signs are permitted in districts zoned for manufacturing or business, in accordance with *Ohio Revised Code 519.02 - 519.05*; however, permits must be issued and requirements of these regulations met.

B. PERMITTED SIGNS IN ANY DISTRICT WITHOUT A ZONING CERTIFICATE

- (1) One name plate not exceeding two (2) square feet in area shall be permitted for each dwelling.
- (2) One unlighted real estate sign not exceeding nine (9) square feet in area located on premises offered for sale, provided such sign is set back ten (10) feet from the street right-of-way line and is removed immediately after the sale or rent of the property in question.
- (3) Temporary sign of architect, engineer or contractor when work is in progress, not exceeding thirty-two (32) square feet in area, and provided such sign is set back ten (10) feet from the street right-of-way and removed immediately upon completion of work.
- (4) Driveway directional signs which do not contain any advertising matter.

TITLE II. SIGNS PERMITTED IN ANY DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING PERMIT

The following signs are permitted in any district of Pike Township, but require a Zoning Permit, and are subject to the following regulations:

- (1) 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 and shall be set back ten (10) feet from any street right-of-way line.

- (2) One unlighted name plate not more than four (4) square feet in area for a "**Home Occupation**" shall be permitted and shall be located ten (10) feet from any street right-of-way line.
- (3) One unlighted sign not more than twenty (20) square feet in area shall be permitted for a roadside stand (farm market), or **Agritourism Activity**, and shall be located ten (10) feet from any street right-of-way line. *(Amended 11/5/2018)*
- (4) Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed thirty-two (32) square feet in area and shall be set back ten (10) feet from any street right-of-way line.

TITLE III. THE FOLLOWING SIGNS ARE PERMITTED IN ALL COMMERCIAL DISTRICTS, PROVIDED NO BUSINESS SIGN SHALL BE LOCATED CLOSER THAN TWENTY-FIVE (25) FEET TO ANY LOT LOCATED IN ANY "R" DISTRICT

- (1) Signs appropriate to a public or quasi-public building for purpose of displaying the name and activities or services therein. Such signs shall not exceed twenty (20) square feet in area and shall be restricted to the premises. Such sign shall not be located closer than ten (10) feet from any street right-of-way line.
- (2) One unlighted real estate sign not exceeding thirty-two (32) square feet in area pertaining only to the sale, lease, or rent of the particular building, property or premises upon which displayed. Such sign shall not be closer than ten (10) feet from any street right-of-way line.
- (3) One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which sign is located and maintained upon the issuance of a temporary six (6) month renewable zoning permit and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed thirty-two (32) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.
- (4) 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 the premises. Such sign may be affixed flat against the wall of building or may project there from, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projecting signs shall not be over twelve (12) feet in height and in no case shall exceed the height regulations nor shall exceed fifty (50) square feet in area.
- (5) One pole type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not have an area of more than twenty (20) square feet. In districts where setbacks are required no such sign shall be located closer than ten (10) feet from the street right-of-way line. Such sign shall not be over twenty-five (25) feet in height.

One pole type high rise sign which advertises a retail business or service conducted on the premises of a Service Plaza may be permitted for each retail establishment provided such sign shall have an area not greater than one hundred and sixty (160) square feet per side.

TITLE IV. THE FOLLOWING SIGNS ARE PERMITTED IN ALL INDUSTRIAL DISTRICTS PROVIDED NO SIGN SHALL BE LOCATED CLOSER THAN TWENTY-FIVE (25) FEET TO ANY LOT LOCATED IN AN "R" DISTRICT

- (1) One unlighted real estate sign not exceeding thirty-two (32) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed. Such sign shall not be closer than ten (10) feet from any street right-of-way line.
- (2) One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new industrial park within which such sign is located may be located and maintained upon the issuance of a temporary six (6) months renewable zoning certificate and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed thirty-two (32) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.
- (3) One exterior sign may be erected which advertises an industrial activity conducted upon the premises and/or advertises products, merchandise, or commodities produced on the premises. Such sign may be affixed flat against the wall of buildings or may project, there from, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projected signs shall not be over twelve (12) feet in height and in no case shall exceed the height regulations nor shall exceed fifty (50) square feet in area.
- (4) One non-pole type free standing sign shall be permitted on the premises of a business or industry provided said sign shall not exceed ten (10) feet in overall height, including supports; ten (10) feet in length, and fifty (50) square feet in area per side.

TITLE V. BILLBOARDS AND OUTDOOR ADVERTISING SIGNS SHALL BE PERMITTED IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS

- (1) Such signs shall be located so as to maintain the minimum front yard, side yard, and rear yard as required for buildings located in the same district. Such signs shall not be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such signs shall not exceed a gross area of five hundred and fifty (550) square feet. Such a sign shall not be permitted which has blinking, flashing, revolving light, or utilizes reflective surfaces. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of any public parkway, public square, or entrance to any public park, public or private parochial school, library, church, or similar institution.

TITLE VI. GENERAL REQUIREMENTS

- (1) Signs shall not project over or obstruct the required windows or door of any building, or attach to or obstruct a fire escape.
- (2) Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street intersections, or signals at railroad grade crossings.
- (3) Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", etc., or otherwise resemble highway traffic or directional signals.
- (4) No sign shall be located within any public right-of-way.
- (5) Signs which are illuminated, shall use indirect lighting only. The source of light shall not be visible from the street, and no flashing, revolving, or intermittent illumination shall be employed.

SECTION TEN

NON CONFORMING USES

TITLE I. NON CONFORMING USES

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 thereof.

TITLE II. REGULATIONS

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

- (A) **ALTERATION AND ENLARGEMENT:** A nonconforming building, structure, or use existing at the time this Resolution takes effect may be altered or enlarged as to extend such use of structure not to exceed an additional twenty-five (25) percent in square foot area, upon application and approval by the Township Board of Appeals.
- (B) **NONCONFORMING TO NONCOMFORMING USE:** A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is identical or in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Appeals.
- (C) **NOTHING IN THIS RESOLUTION SHALL PREVENT THE CONSTRUCTION,** 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 exceed two (2) years or does not extend the nonconforming use in square feet area, except as permitted in Section Ten, Title II (A).
- (D) **CONSTRUCTION APPROVED PRIOR TO RESOLUTION:** Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment thereto, provided that the construction is commenced within ninety (90) days after the adoption of this Resolution that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.
- (E) **DISPLACEMENT:** No nonconforming use shall be extended to displace a conforming use.
- (F) **DISCONTINUANCE OR ABANDONMENT:** Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Resolution.
- (G) **UNSAFE STRUCTURES:** Nothing in this Resolution shall prevent the strengthening or restoring to safe condition of any portion of the building or structure declared unsafe by a proper authority.

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

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

(2) A copy of each "*Certificate of Nonconforming Use*" shall be filed in the office of the Zoning Inspector.

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

SECTION ELEVEN

BOARD OF ZONING APPEALS

TITLE I. BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

(A) COMPOSITION AND APPOINTMENT

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

(B) ORGANIZATION

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

(C) 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.

(D) MEETINGS

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

(E) 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.

(F) PROCEEDINGS

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records

of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

(G) POWERS AND DUTIES: The Board of Zoning Appeals shall have the following powers:

- (1) 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.
- (2) The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- (3) The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses as specifically provided in this Resolution.
- (4) The Board shall have the power to revoke an authorized variance or Conditional Use 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.

NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.

(H) APPEALS TO THE BOARD

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

(I) APPLICATIONS

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

(J) 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 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 of case number under one or another of the following headings:

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

(K) NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and purpose of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and other property owners 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.

(L) DECISIONS

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

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SECTION TWELVE

ADMINISTRATION, FEES AND ENFORCEMENT

TITLE I. ZONING INSPECTOR

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.

(A) 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.

(B) ZONING CERTIFICATES REQUIRED

- (1) Before construction 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:
 - (a) Obtain House Number, Septic Tank Permit from the Stark County Board of Health, or Sanitary Sewer Permit from the County Sanitary Engineer's Office **before** making application for a Zoning Permit.
 - (b) A certified surveyor plat plan drawn to scale showing the exact dimensions and area of the lot to be build upon.
 - (c) The location, dimensions, height, and bulk of structures to be erected (construction plans).
 - (d) The intended use.
 - (e) The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
 - (f) The yard, open area, and parking space dimensions.
 - (g) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
 - (h) Conformance with Section Three, Title IV - (E) & (F).
 - (h) No zoning certificate shall be issued by the Pike Township Zoning Inspector until the Fees herein prescribed have been paid.
- (2) Within five (5) 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 is accompanied by the proper fee as

indicated in Section Twelve. However, where approval of the Stark Regional Planning Commission shall be required in compliance with the Section Regulations, no zoning certificate shall be issued until such approval is obtained.

- (3) The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of zoning certificate, a new zoning certificate is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning certificate.
- (4) One (1) set of construction plans and one (1) certified surveyor plat plan for new structures and Alterations and additions for single-family and two-family residences.
- (5) Two (2) sets of construction plans and one (1) certified surveyor plat plan for new structures and alterations and additions and commercial and industrial structures, which plans shall be reviewed by the Township Fire Department for conformance with the State Fire Laws.

(C) REPORTS AND RECORDS

- (1) The Pike Township Zoning Inspector shall keep suitable records, which shall be kept on file in the township office and in which shall be recorded the location and character of every building structure, or other work for which a certificate is issued; and a copy of every report of inspection of such building, structure or land use, all so arranged that the full history of the inspections shall appear therein in consecutive order and showing the date or dates upon which such inspection was made. All original notes or records made by the Township Zoning Inspector, or by assistants, shall be signed and properly filed for permanent record.
- (2) At the beginning of each calendar month, the Township Zoning Inspector shall prepare and file with the Township Trustees a report covering the activities of the office during the preceding calendar month. This report shall show, for the period covered, the number, type, and kind of buildings, including location, structures or other work for which zoning certificates have been issued, the number of family units to be accommodated, and the fees collected therefrom. A full account and settlement shall be made to the Township Trustees for the fees collected during the period for which the report covers.
- (3) At the beginning of each calendar year, the Township Zoning Inspector shall prepare and file with the Township Trustees an annual report, summarizing the activities of the office for the preceding calendar year and containing comments, recommendations and other pertinent matter in connection therewith. A copy of this annual report shall also be filed with the secretary of the Pike Township Zoning Board of Appeals and Zoning Commission.

(D) INSPECTIONS

For the purpose of enforcement of this Zoning Resolution in a manner consistent with the intent to promote public health, safety, morals, and general welfare in the Township, the Pike Township Zoning Inspector shall make, or cause to be made, such

zoning inspections as he or she, or the Pike Township Board of Zoning Appeals, deem necessary or advisable, from time to time.

(E) FAILURE TO OBTAIN ZONING CERTIFICATE BEFORE CONSTRUCTION HAS COMMENCED

The zoning certificate required herein shall be obtained by the property owner, business owner, or agent **before** any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced.

Where construction is commenced prior to obtaining a 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 insure that the construction already commenced fully complies with the requirements of this resolution. If within ten (10) days after said inspection an application has not been filed, an additional fifty (\$50.00) dollars shall be charged.

(F) REVOCATION OF ZONING CERTIFICATES

- (1) The Pike Township Zoning Inspector may revoke any zoning certificate or approval issued under the provisions of this Zoning Resolution and may stop work for any of the following reasons:
 - (a) Whenever there is a violation of any of the provisions of this Zoning Resolution; or any statute or the State of Ohio relating to the same subject matter or any violation of the regulations of Stark County to which this Zoning Resolution refers jurisdictional authority.
 - (b) Whenever the continuance of any work becomes dangerous to life or property.
 - (c) Whenever there is a violation of any condition upon which the issuance of the zoning certificate or approval was based.
 - (d) Whenever any false statements or misrepresentations have been made in the application plans on which the issuance of the permit or approval was based.
- (2) The Notice of the Revocation of the zoning certificate shall, in every case, be in writing and shall be served upon the owner, his agent, or the person having charge of the work by certified mail. A revocation notice shall also be posted upon the building or use in question by the Township Zoning Inspector when possible. After the notice is received and posted it shall be unlawful for any person to proceed with the construction or use for which such zoning certificate was issued. No part of the fees for such certificate shall be returned. The revocation shall be lifted upon compliance with these Zoning Regulations.

(G) REFUND OF ZONING CERTIFICATE FEES

When a zoning certificate shall have expired by limitation or the project for which a certificate was issued has been abandoned, such zoning certificate shall be returned to the Township Zoning Inspector for cancellation and he /she shall be authorized to issue a refund to the applicant an amount equal to one half (1/2) of the total zoning

certificate fee paid. No refund shall be allowed where the total zoning certificate fee paid is less than twenty-five dollars (\$25.00).

(H) 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 on 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, erection, construction, reconstruction, enlargement, change, maintenance, or use.

TITLE II. BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Section Seven, Conditional Use Zoning Certificates of this Resolution, and shall have the powers as specified in Section Eleven of this Resolution.

TITLE III. ZONING AMENDMENTS

(A) INITIATING A ZONING CHANGE

Amendments or supplements to the zoning resolution may be initiated as provided for in *Section 519.12 of the Ohio Revised Code*, by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees, or by the filing of an application therefore, by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, or supplement, with the Township Zoning Commission. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

(B) PUBLIC HEARING

Upon the adoption, certification or filing of such a proposal, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of such action. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

(C) NOTIFICATION

Upon request for rezoning of land, written notice of the hearing must be mailed by the Zoning Commission by Certified Mail and First Class Mail at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned. The applicant is required to furnish these names and addresses to the Township Zoning Commission in the exercise of sound practice, but the responsibility for sending the notices to these named persons rests with the Zoning Commission.

The notice as appears in the newspaper and as sent to the property owners of the proposed amendment or supplement shall include a statement that after the conclusion of such hearing the matter will be referred to the Board of Trustees.

Within five (5) days after the filing of the application for a rezoning, a copy of the application, together with any changes in text and map, must be sent to the Stark County Regional Planning Commission, Stark County Office Building, Canton, Ohio 44702. The recommendation of the Stark County Regional Planning Commission must be considered at the public hearing held by the Township Zoning Commission.

A decision recommending an approval or denial of the proposed amendments, supplement, rezoning request or an approval of some modification thereof, must be submitted to the Board of Trustees **within 30 days** of the public hearing before the Zoning Commission. In addition, the Zoning Commission must submit to the Board of Trustees the recommendations of the Stark County Regional Planning Commission, the application or resolution originally introduced for the rezoning and other documents pertaining to the rezoning request or amendment to the zoning resolution.

TITLE IV. PENALTIES

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than one hundred dollars (\$100.00). 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.

TITLE V. FEES

(A) ZONING CERTIFICATE FEE SCHEDULE *(Amended, in entirety, effective 7/5/06 as follows)*

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 Pike Township Board of Trustees, during their annual re-organizational meeting or as may be Amended and established by the Pike Township Board of Trustees from time to time.

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SECTION THIRTEEN

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 this remaining portions of this Resolution or amendments thereto.

SECTION FOURTEEN

REPEALER

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

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