

ARTICLE I

SECTION 100 PURPOSE

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

*519.02 Township Trustees may regulate building and land use in unincorporated territory for public purpose. For the purpose of promoting the public health, safety, and morals, the board of township trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts of zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district of zone may differ from those in other districts or zones.

SECTION 110 CONFORMANCE

*519.23 Prohibition against violation 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 or township trustees under sections 519.02 to 519.25, inclusive, of the Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

ARTICLE II

TITLE

This Resolution shall be known as and shall be cited and referred to as the "Washington Township, Zoning Resolution."

*Ohio Revised Code

ARTICLE III

INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS

SECTION 300 INTERPRETATION OF STANDARDS

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

SECTION 301 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL IN ACCORDANCE WITH THE OHIO REVISED CODE

SECTION 301.1 AGRICULTURE EXEMPTED

Use of land or buildings for agricultural purposes not affected. Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board of township trustees or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. *519.21

SECTION 301.2 PUBLIC UTILITIES AND RAILROADS

Public utilities will be governed in accordance with Ohio Revised Code, section 519.211 and amendments made thereto.

SECTION 301.3 RETAIL ESTABLISHMENTS

Such sections confer no power on any board of county commissioners, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. *519.21

SECTION 301.4 OIL OR GAS DRILLING

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 or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operations of its own plants. *519.21

*Ohio Revised Code

Section 1509.39 of the Ohio Revised Code, permits the adoption of health and safety standards which are not less restrictive than the provision of the Ohio Revised Code or any rules adopted thereunder by the Division of Oil and Gas; however, this section prohibits township enforcement or requirements of permits

for such oil and gas well operations except for the permit provided in Section 4513.34 of the Ohio Revised Code. *1509.39 (enacted July 25, 1980)

SECTION 301.5 OUTDOOR ADVERTISING

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

SECTION 301.6 LIMITATION OF RESTRICTIONS ON THE LOCATION OF LICENSED RESIDENTIAL FACILITIES TO INCLUDE DEVELOPMENTALLY DISABLED PERSONS

This section limits restrictions of zoning authorities from prohibiting licensed family homes and licensed group homes, as defined by this section of the code. Such houses shall be subject to all lot and yard requirements of the district in which they are located and further subject to the parking and loading requirements of Article VI of these regulations. *5123.18 (enacted 10/31/77)

SECTION 301.7 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 official 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, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this resolution. *5511.01

*Ohio Revised Code

ARTICLE IV

DEFINITIONS

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

Abandoned Cellular Communication Tower: A tower erected for cellular communications which is no longer being used for that purpose, and which has not been used for that purpose for uninterrupted period of 180 days or more.

Accessory Use or Structure: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

Adult Entertainment Uses: Any premises, enterprise, business, or place open to some or all members of the public at or in which there is an emphasis on adult materials as defined in this section and excludes any minor by reason of age. Adult uses include but are not limited to: adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs and adult cabarets.

Adult Book Store: A shop for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, video tape or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “sexual activities” or “erogenous anatomical areas.”

Adult Cabaret: An establishment that provides dancing or other live entertainment in which persons appear in a state of nudity to perform their duties and the establishment features entertainment or services which constitutes adult material as defined in this section and excludes any minor by reason of age.

Adult Massage Parlor, Adult Health Club: A massage parlor or health club which restricts minors by reason of age, or which provides the service of “massage,” if such service is distinguished or characterized by an emphasis on “sexual activities” or “erogenous anatomical areas.”

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, video tape, DVD, phonographic record or tape, other tangible thing, or any service, capable of arising interest through sight, sound or touch, and: (a) which is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or humanly bodily function of elimination; or (b) which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity bestiality, or humanly bodily function of elimination.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material if such building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “sexual activities” of “erogenous anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material if such building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “sexual activities” or “erogenous anatomical areas” for observation by patrons therein.

Adult Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by sauna is distinguished or characterized by an emphasis on “sexual activities” or “erogenous anatomical” areas.

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

Alley: A public or private way affording secondary means of access to abutting property.

Apartment: See “Dwelling,” “Townhouse,” “Row House,” or “Multifamily.”

Automobile Service Station 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.

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

Bed and Breakfast Inn: An owner-occupied dwelling that contains no more than 3 guest rooms where lodging for no more than 14 consecutive days and meals are provided to guests.

Billboard: Same as “Outdoor Advertising Sign.”

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

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

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

Building, Height of: The vertical distance from the average established curb grade, or from the average finished grade along the front of the building if higher, measured to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height between the eaves and ridge for gable, hip and gambrel roofs.

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

Cemetery: Land used 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.

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

Commission: The Zoning Commission of Washington Township, Stark County, Ohio.

Conditional Use: A use permitted with a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

District: A section or sections of the unincorporated territory of township for which the regulations governing the use of building and premises or the height and area of buildings are uniform.

Domestic Animal: Includes livestock; other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from non-domestic animals or their kind, and other animals as defined by rule by the director of the state of Ohio department of agriculture. (Added 9-3-03)

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

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

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

C—DWELLING –MULTIFAMILY. A building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units.

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

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

Essential Services: The erection, construction , alteration or maintenance by municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems or sites, including poles,

wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety or general welfare.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farm Market: See “Roadside Stand.”

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

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

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Garage, Public: A building, or portion of a building, in which more than three (3) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work for hire is carried on.

Garage, Auto Service Shop: A building or portion of a building in which commercial repairs are made to motor vehicles.

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.

Home Occupations:

- 1.) Type A Home Occupation – An activity, profession, occupation, service, craft or revenue producing hobby conducted within the primary dwelling, carried on by only the inhabitants, which use is clearly incidental to the use as a dwelling and does not change the character of the dwelling or neighborhood. No permit is needed for Type A Home Occupations. Examples include but are not limited to: office, instruction in music, dance or similar arts, tailor, barbershops, beauty parlors and seamstress. This also includes home party sales, provided sales events in which customers come to the dwelling for purposes of viewing, ordering, or purchasing goods do not occur more frequently than one (1) time in any seven (7) day period.
- 2.) Type B Home Occupation – An activity, profession, occupation, service, craft or revenue producing hobby, conducted within an accessory building, which use is clearly incidental to the use of the principal dwelling and does not change the character of the dwelling or neighborhood. It cannot have more square feet than the principal dwelling. Not more than one (1) outside person may be employed on the premises in addition to the business owner

residing on the premises. They may be permitted upon issuance of a yearly, conditional use permit by the BZA. They are not permitted on a parcel that also contains a Type A Home Occupation. They are not permitted in R-1 and R-2 zone districts. Only one Type B Home Occupation on a property is permitted. Examples include but are not limited to: Maintenance or construction services, including but not limited to contractor offices for landscaping, plumbing, and/or electrical, production of crafts or goods and/or art studio, activities not listed as Type A Home Occupation and which are determined by the BZA to be similar in nature and impact.

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

Junkyard: The use of more than one hundred (100) square feet of any land, building or structure, whether for private and /or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

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

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

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

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

Lot Coverage: The portion of the lot area that is covered by any buildings.

Lot, Depth: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines defining the limits of a lot.

Lot Line, Front: The line separating a lot from the street on which it fronts.

Lot Line, Rear: The line opposite and most distant from the lot line.

Lot Line Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

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

Lot, Width of: The width of a lot, as measured at the building line.

Manufactured Homes: Has the same meaning as Ohio Revised Code 3781.06 (C)(4).

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.

Minimum Building Setback Line: A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot.

Mobile Home: See "Trailer."

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

Native Animal: Means any species of the animal kingdom indigenous to this state. (Domestic animals are not included in this definition.) (Added 9-3-03)

Non-Native Animals: Means any species of the animal kingdom not indigenous to this state. (Domestic animals are not included in this definition.) (Added 9-3-03)

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 Use Regulations of the District in which it is situated.

Nude or Nudity: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof or female breasts with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernable turgid state.

Open Space: (Common Open Space) Land devoted to conservation or recreational purposes, which is available to all occupants of the buildings or development for recreational and leisure activities. Streets, private parking areas, structures for habitation, trash collection sites and the like shall not be included in the calculation of open space. (Added 8-1-07)

Original Permit: A permit which is first in order; primitive; bearing its own authority, and not deriving authority from an outside source. An original permit is the first copy or archetype; that from which and other instrument can be transcribed, a copy or imitated. The original permit is not itself a copy, transcription, or imitation of another documented permit.

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 display, 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 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.

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.

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 Unit Development (PUD): A planned, integrated development, which may include a mix of residential dwelling types and/or other uses, to accommodate more flexible standards, including lot sizes, setbacks and density and the preservation of open space. (Added 8-1-07)

Public Buildings: Any structure owned and operated by a governmental agency or public school or a school which is certified by the State of Ohio.

Public Utility: Any entity deemed a “public utility” for purposes of Ohio Revised Code, Section 519.211.

Roadside Stand: A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised in farms owned and operated by the market operator in a normal crop year, in accordance with Ohio Revised Code, Section 519.21, as amended June 29, 1982.

Sexual Activity: Sexual conduct or sexual contact, or both.

Sexual Contact: As any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region, or, if the person is a female, a breast for the purpose of sexually arousing or gratifying either person.

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.

Solar Energy System – Accessory: A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or rated storage volume of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Solar Energy Equipment: Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy.

Solar Energy Production Facility - (Principal): An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structure and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).

Solar Photovoltaic (PV): The technology that uses a semiconductor to convert light directly into electricity.

Solar Thermal: Systems that use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air.

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

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and 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 arterials and local street, 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, 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 therefore.

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 Right-of-Way Lines: A dividing line between a lot, tract, or parcel of land and a continuous 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, farmer's roadside stands, fences, or walls used as fences over twenty-four (24) inches in height.

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

Surface Mining: All or any part of a process followed in 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, placating 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.

Telecommunications Tower: Has the same meaning as division (B)(1) of Ohio Revised Code 519.211 and any amendments thereto.

Thoroughfare: A street or alley

Tourist Dwelling: A dwelling where overnight accommodations are provided for tourists.

Trailer or Mobile Home: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct 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 motor powers.

Trustees: The Board of Trustees of Washington Township.

Type “A” Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this regulation, any children under six (6) years of age who are related to a licensee or administrator and who are on the premises of the Type “A” home shall be counted.

Type “B” Family Day-Care Home: A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this section, any children under six (6) years of age who are related to the provider and who are on the premises of the Type “B” home shall be counted.

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

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

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

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

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

Yard, Rear: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

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

Zoning Map: The “Zoning Districts” map of Washington Township.

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

ARTICLE V

ESTABLISHMENT AND INTERPRETATION OF ZONING DISTRICTS AND BOUNDARIES

SECTION 501 DISTRICTS ESTABLISHED

The unincorporated territory of Washington Township, Stark County, Ohio, shall be divided into the following zoning districts, which shall have uniform regulations for each permitted building, structure or use within each district.

SECTION 501.1 LIST OF DISTRICTS

- R-A Rural Agricultural District
- R-1 Low-Density Residential District
- R-2 Medium-Density Residential District
- R-3 Mobile Home Park District
- R-4 Planned Unit Development District (PUD) (Added 8-1-07)
- B-1 Office and Neighborhood Business
- B-2 Commercial Business District
- I-1 Industrial District

SECTION 501.2 ZONING DISTRICTS MAP

The boundaries of these districts are hereby established as shown on the Zoning Maps of the unincorporated area of Washington Township, Stark County, Ohio, which maps are hereby made a part of this Resolution. The said "Zoning Maps" and all notations, references and other matters shown thereon, shall be and are hereby made part of this Resolution, and shall be and remain on file in the offices of the Washington Township Trustees.

SECTION 501.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

- a. Where Boundaries Approximately Follow Streets, Alleys, or Highways.

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

- b. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right of Way Lines

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

c. Vacation of Public Ways

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

ARTICLE VI

GENERAL STANDARDS AND SPECIAL PROVISIONS

SECTION 601 CONFORMANCE

SECTION 601.1 PERMITTED USE

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with these regulations. Uses which are not specifically permitted shall be prohibited unless an amendment is adopted in accordance with law.

SECTION 601.2 COMPLIANCE WITH REGULATIONS GOVERNING SEWAGE DISPOSAL

Before making application for a zoning certificate, a sanitary sewer permit should be obtained from the Stark County Sanitary Engineer's Office or a septic disposal system permit from the Stark County Health Department, to authorize the proper sewage disposal system for the permitted use.

SECTION 601.3 HIGHWAY ACCESS

Before a zoning certificate is granted for a use having access to a state, county or local highway, a permit should be obtained from the Ohio Department of Transportation, the County Engineer, or the Township (whichever authority has jurisdiction), which will govern installation of a proper culvert to provide road drainage and safe ingress and egress to the property.

SECTION 601.4 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 or other certified authority having jurisdiction; and where applicable, the Subdivision Regulations, as adopted and administered by the Stark County Regional Planning Commission and the Stark County Commissioners.

SECTION 602 EXCEPTION AND MODIFICATIONS

SECTION 602.1 SUBSTANDARD LOTS

A lot of record or a 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 approval, before a zoning certificate may be issued.

SECTION 602.2 EXCEPTIONS TO MAXIMUM HEIGHT REQUIREMENTS

The following accessory and incidental parts of structures may be erected no more than fifteen (15) feet above the required height limitations 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.

SECTION 602.3 EXCEPTIONS TO MINIMUM YARD REQUIREMENTS

a. Projections

Required yard areas shall be free from structures except for the ordinary projection of skylights, sills, cornices, chimneys, flues and ornamental features of no more than two (2) feet.

Fences, walls and hedges may be constructed within any required yard areas. No zoning permits will be required for fences.

An open and uncovered paved terrace or patio may project into the required front yard.

b. Accessory Uses

Accessory buildings attached to a principal building shall be made structurally a part thereof and shall comply with the requirements of these regulations applicable to the principal building.

Accessory buildings which are not a part of the main building may be located within the required rear yard area, provided they are ten (10) feet distant from the principal building and a distance of five (5) feet from the rear lot line. Such accessory buildings shall not be located within a required front or side yard area and shall occupy not more than thirty (30) percent of the required rear yard area.

c. Front Yard Reductions

When existing buildings on adjoining properties are closer to the street than the required front yard setback in a district, the required front yard setback

for a new principal building on a lot may be reduced; but shall be no less than twenty-five (25) feet.

d. Corner Lots

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

SECTION 602.4 TEMPORARY BUILDINGS AND ESSENTIAL SERVICES EXEMPTED

- a. Temporary buildings or trailers, for uses incidental to construction work, may be erected without a zoning certificate; however, such temporary building or trailer shall be removed immediately upon the completion or abandonment of the construction work.
- b. Essential services, as defined by these regulations, shall be permitted as authorized under franchise or regulated by the State of Ohio; it being the intention hereof to exempt such essential services from these regulations.

SECTION 602.5 HOME OCCUPATIONS TYPE A AND TYPE B (Cottage Industries)

Home occupations, as defined by these regulations, shall be permitted as either Type A or Type B Home Occupations and follow the standards set by this Resolution.

Type A Home Occupation are defined as located within the dwelling, and with no employees, other than those family members who live within the dwelling. Type A Home Occupations do not require a permit. Type B Home Occupations require a yearly permit, may be located in an accessory building outside of a dwelling and allow one person to be employed that is not residing in the dwelling.

Type A & B Home Occupations shall comply with the following standards:

1. No more than 1 vehicle, greater than one ton, shall be parked in the lot.
2. No more than four cars (vehicles equal to or less than one ton) shall be parked in the lot.
3. No exterior alteration of the dwelling shall be permitted which is not consistent and compatible with the normal scale, orientation or appearance of typical dwellings in the neighborhood.
4. No outside storage of any kind related to the use of the home occupation is allowed.
5. No occupation shall alter the character of the neighborhood.
6. A sign may be installed in compliance with the Zoning Resolution Article 8, relating to home occupation signs.

7. Except for the specific permitted impact established in (1) through (6) above or other impacts approved by the Board of Zoning Appeals, no home occupation shall cause any impact which is perceptible outside of the dwelling, including: noise, smoke, fumes, electrical or electronic interference, use of utilities in excess of normal residential use, traffic, parking of vehicles upon the lot or upon the public road, exterior storage of materials, equipment or waste, lighting in excess of normal residential lighting, or other impacts dissimilar from normal dwelling use.
No use shall be permitted which causes or may cause a hazard which exceeds the typical use of the dwelling.
8. All operation of the home occupation must be within normal, reasonable work hours (8:00 AM until 9:00 PM)

SECTION 603 **SUPPLEMENTARY REGULATIONS**

SECTION 603.1 **PRINCIPAL BUILDING**

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

SECTION 603.2 **REDUCTION OF LOT REQUIREMENTS**

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

SECTION 603.3 **SWIMMING POOLS**

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1 ½) feet of water depth shall be considered as structures for the purpose of permits and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state codes.

SECTION 603.4 **BUSINESS DISPLAYS**

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

SECTION 603.5 **PARKING AND STORAGE OF VEHICLES**

Automotive or vehicles of any type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

SECTION 603.6 **MINIMUM RESIDENTIAL FLOOR AREA**

A single-family, one-story dwelling shall contain not less than 1200 square feet of usable ground floor area, exclusive of open porches, garages, or steps.

A story and one-half or two-story dwelling, shall contain not less than 800 square feet of ground floor area, exclusive of open porches, garages, or steps.

SECTION 603.7 INCONSISTENCIES

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

SECTION 603.8 JUNKYARDS

Junkyards, as defined by these Regulations, shall be prohibited in any area of Washington Township, except as conditionally permitted and regulated in an Industrial District under Section 1101.2.

SECTION 603.9 CELLULAR COMMUNICATIONS TOWER

For each cellular communications tower to be erected in any 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 registration of a cellular tower. A sample form is found in Appendix A of this resolution.

SECTION 603.10 ABANDONED CELLULAR TOWER

Notwithstanding any other section of this resolution, no property owner may maintain upon his property any abandoned cellular communications tower as defined in Article VI.

SECTION 603.11 FAMILY DAY CARE

Any Type “B” Family Day-Care home is limited from zoning control under the Ohio Revised Code 5104.054. Such facilities whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of the property for the purposes of Township Zoning and shall be a permitted use in all districts.

SECTION 603.12 PERMANENTLY SITED MANUFACTURED HOMES

Any manufactured home proposed to be located in any district shall comply with the following requirements:

- a. The structure shall be installed upon and properly attached to a permanent foundation system approved by the Stark County Building Dept.
- b. All hitches, axles, wheels and conveyance mechanisms shall be removed from the structure.
- c. Must meet minimum yard setback requirements.

- d. House number and septic permits are required.
- e. The structure must meet the standards required by Ohio Revised Codes 781.184 and all federal safety standards.
- f. Must comply with section 603.6 of this resolution.
- g. Skirting or some type of permanent enclosure shall be attached around the foundation.

SECTION 603.13 EXOTIC ANIMALS

A: NATIVE ANIMALS

The following native animals are prohibited in captivity in all districts in the township: Black Bear, Bobcat, Coyote, Fox, Skunk, Raccoon, and all Poisonous Reptiles. (Added 9-3-03)

B: NON-NATIVE ANIMALS

The following Non-Native animals may be kept in the township provided they are kept in escape resistant pens and conform to Section 519.21 of the Ohio Revised Code: Bovide (Cattle), Cervidae (Deer, Moose, etc.), Equidae (Equine), Camelidae (Llama, Alpaca, etc.). (Added 9-3-03)

Except for the above stated Non-Native animals, the following will be prohibited in all districts in the township: any Non-Native animal, bird, reptile, fish or insect which if released or escaped could cause serious injury or death to humans, create a threat to local ecology or proliferate to nuisance proportions. This includes all hybrids except diploid amurs (fish). (Added 9-3-03)

SECTION 603.14 ACCESSORY SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit for the zoning inspector. Application for a permit shall be made to the zoning inspector on forms provided. Fees collected with regard to this permit shall be set by resolution of the Board of Trustees.

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated for time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. A roof/structure mounted solar energy system:
 - a.) Shall be flush mounted or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted
 - b.) Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located
 - c.) May be mounted to a principal or accessory structure
 - d.) Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached
5. A ground pole/mounted solar energy system:
 - a.) Shall not exceed the maximum height allowed in that zoning district for accessory building
 - b.) Shall not be located within the required front yard setback
 - c.) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage
 - d.) The minimum setback distance from property lines for solar energy systems and their related equipment shall be at least one hundred ten percent (110%) of the height of the solar energy system or at least ten (10) feet from the nearest property line, whichever is greater
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
7. A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.
8. The design of the solar energy system must conform to all applicable industry standards.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property with twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
10. A site plan shall be submitted at the time of application and shall include:
 - a.) Property lines and physical dimensions of the site
 - b.) Location of solar energy systems(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems
 - c.) Location of any required signage
 - d.) Elevation of the proposed solar energy systems(s) at its maximum tilt
 - e.) Location of trees within a fifty (5) foot radius of the proposed solar energy systems(s)
 - f.) Manufacturer's specifications, including make, model and picture

g.) Scaled drawing no smaller 1" = 100'."

SECTION 603.15 PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY

It is the purpose of this regulation to promote the safe, effective and efficient use of utility-scale solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses, or designed primarily to produce energy to be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a permitted use in the *(higher intensity commercial and industrial)* districts, and a conditionally permitted use in the *agricultural* district, provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of a principal solar energy production facility without first having obtained a zoning permit from the zoning inspector. Application for a permit shall be made to the zoning inspector on forms provided. Fees collected with regard to this permit shall be set by resolution of the Board of Trustees.

All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposed of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
3. All on site utility and transmission lines shall, to the extent feasible, be placed underground
4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right of ways.
5. A clearly visible waring sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided screening in accordance with the landscaping provisions of this Resolution.
8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property with twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
10. A site plan shall be submitted at the time of application and shall include:
 - a.) Property lines and physical dimension of the site
 - b.) Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems
 - c.) Location of any required signage
 - d.) Elevation of the proposed solar energy system(s) at its maximum tilt

- e.) Location of trees within fifty (50) foot radius of the proposed solar energy systems(s)
- f.) Manufacturer's specifications, including make, model and picture
- g.) Scaled drawing no smaller than 1" = 100'."

11. Principal Solar Energy Production Facilities are permitted in B-2 and I-1 districts. They are to be conditionally permitted in RA districts.

ARTICLE VII

DISTRICT REGULATIONS

SECTION 701 R-A RURAL / AGRICULTURAL DISTRICT

SECTION 701.1 PURPOSE

The purpose of this district is to protect areas of the township, which, are uniquely suitable for agricultural production and to control the indiscriminate urban development in such areas.

SECTION 701.2 USES

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

A. Permitted Uses

1. Agriculture and its related and accessory buildings and structures, including roadside stands (farm markets).
2. Single-family and two-family dwellings.
3. Public buildings.
4. Churches and other buildings for the purpose of religious worship.
5. Accessory buildings and uses incidental to the principal use, which do not include any activity conducted as a business, except as permitted in Section 602.5.
6. Signs as permitted and regulated by Article VIII.
7. Off-street parking as permitted and regulated in Article IX.
8. Other special uses, as listed in Article XI, Conditional Uses, and subject to the regulations of that Article.

SECTION 701.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Minimum Lot Area Per Dwelling Unit or Other Main or Permitted Use – Two (2) acres.
- B. Lot Frontage – 100 feet of width to building line. (Added 9-3-03)

- C. Lot Width at Building Line – One hundred fifty (150) feet.
- D. Front Yard Depth – Sixty (60) feet.
- E. Rear Yard Depth – Fifty (50) feet.
- F. Side Yard Width on Each Side – Ten (10) feet for single-family dwelling; twenty (20) feet for a two – family dwelling.

SECTION 701.4 MAXIMUM HEIGHT OF BUILDINGS

Thirty-five (35) feet.

SECTION 702 R-1 LOW-DENSITY RESIDENTIAL DISTRICT

SECTION 702.1 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 streets, schools, sanitary sewers and other community facilities.

SECTION 702.2 USES

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

- A. Permitted Uses
 - 1. Single-family dwelling.
 - 2. Public Buildings.
 - 3. Churches and other buildings for the purpose of religious worship.
 - 4. Roadside Stand (farm market).
 - 5. Accessory buildings incidental to the principal use, which do not include any activity conducted as a business, except as permitted in Section 602.5.
 - 6. Signs as permitted and regulated by Article VIII.
 - 7. Off-street parking as permitted and regulated in Article IX.
 - 8. Other special uses, as listed in Article XI, Conditional Uses, and subject to the regulations of that Article.

SECTION 702.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Lot Area
 - 1. Single-family dwelling – Thirty thousand (30,000) square feet without central sewer system; fifteen thousand (15,000) square feet with central sewer system. (08-02-06)
 - 2. Other Permitted Uses – Thirty thousand (30,000) square feet. (08-02-06)
- B. Lot Frontage – Ninety (90) feet and continue to building line. Lots at terminal end of cul-de-sac would require sixty (60) feet of frontage. (08-02-06)
- C. Lot Width at Building Line – One hundred (100) feet.
- D. Front Yard Depth – Forty (40) feet.
- E. Rear Yard Depth – Forty (40) feet.
- F. Side Yard Width on Each Side – Ten (10) feet.

SECTION 702.4 MAXIMUM STRUCTURE OR BUILDING HEIGHT – Thirty-five (35) feet.

SECTION 703 R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

SECTION 703.1 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 townhouse, and garden apartments in order to efficiently utilize existing community facilities such as water and sewers, streets, and schools.

SECTION 703.2 USES

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

- A. Permitted Uses
 - 1. Single-family and Two-family dwelling.
 - 2. Multifamily 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. Accessory buildings incidental to the principal use, which do not include any activity, conducted as a business, except as permitted in Section 602.5.
8. Signs as permitted and regulated in Article VIII.
9. Off-street parking as permitted and regulated in Article IX.
10. Other special uses, as listed in Article XI, Conditional Uses, and subject to the regulations of that Article.

SECTION 703.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Lot Area (Central sewers required)
 1. Single-family and Two-family dwelling – Ten thousand (10,000) square feet.
 2. Multi-family dwelling – Twelve thousand (12,000) square feet, plus three thousand five hundred (3,500) square feet for each dwelling unit over three (3).
 3. Other Permitted Uses – Fifteen thousand (15,000) square feet.
- B. Width of Lot at Building Line
 1. Single-family and Two - family dwelling – Eighty-five (85) feet.
 2. Multi-family dwelling - One hundred (100) feet.
 3. Other Permitted Uses – One hundred (100) feet.
- C. Minimum Lot Frontage – Eighty-five (85) feet and continue to building line.
- D. Useable Open Space – For multifamily dwellings, at least twenty-five (25) percent of the actual lot area shall be devoted to useable open space.
- E. Front Yard Depth – Forty (40) feet.
- F. Rear Yard Depth
 1. Single-family and Two-family dwelling – Forty (40) feet.
 2. Multifamily dwelling and other Permitted uses – Fifty (50) feet.
- G. Side Yard Width on Each Side

1. Single-Family and Two-Family dwelling – fifteen (15) feet.
2. Multi-family dwelling – Twenty-five (25) feet.
3. Other Permitted Uses – Fifteen (15) feet.

SECTION 703.4 MAXIMUM STRUCTURE OR BUILDING HEIGHT – Forty-five (45) feet.

SECTION 704 R-3 MOBILE HOME PARK DISTRICT

SECTION 704.1 PURPOSE

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

SECTION 704.2 USES

Within an 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.

A. Permitted Uses

1. Mobile home (trailer) in a park only.
2. Accessory building incidental to the principal use, which does not include any activity, conducted as a business.
3. Signs as permitted and regulated by Article VIII.
4. Off-street parking as permitted and regulated in Article IX.
5. Other special uses, as listed in Article XI, conditional uses, and subject to the regulations of that Article.

ARTICLE 704.3 MINIMUM LOT AND YARD REQUIREMENTS

A. Lot Area

1. Mobile Home Park – Twelve (12) acres.
2. Mobile Home Lot – Five thousand (5,000) square feet.

B. Lot Width and Frontage

1. Mobile Home Park – Two hundred (200) feet.
2. Mobile Home Lot – Fifty (50) feet.

C. Front Yard Depth, Rear Yard Depth, and Side Yard Width for Mobile Home Park – Fifty (50) feet.

- D. Front Yard Depth for Mobile Home – Twenty (20) feet.
- E. Distance Between Mobile Homes – Twenty-five (25) feet clearance between individual mobile homes, both at the sides and ends.

SECTION 704.4 MAXIMUM STRUCTURE OR BUILDING HEIGHT – Thirty-five (35) feet.

SECTION 704.5 OTHER REQUIREMENTS FOR MOBILE HOME PARKS

All mobile home parks permitted under Section 704 shall be permitted only after the following requirements have been met:

- A. The applicant shall have permission in writing from the state and county health departments approving the site and plans for the proposed mobile home park.
- B. A mobile home park shall consist of a minimum of ten (10) units or more.
- C. Each trailer unit shall have a minimum of five hundred (500) square feet of living space per family for each mobile home.
- D. All mobile home lots shall abut upon a road of not less than twenty-five (25) feet in width, which shall have unobstructed access to a public street.
- E. All trailers shall be parked on a concrete slab area of minimum size of 14 x 50 feet.
- F. Underground services and utilities shall be provided for uses in the mobile home park.
- G. In addition to two (2) parking spaces on each individual mobile home lot, a separate parking lot, providing a minimum of one (1) parking space for every two (2) individual mobile home lots, shall be provided.
- H. A safe, useable recreation area shall be conveniently located in every mobile home park, which shall be not less than ten (10) percent of the total area of the trailer park.
- I. All mobile homes must be enclosed from the ground to the floor level with a solid or lattice type enclosure.

SECTION 705 R-4 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)
(Section 705 through 705.5 Added 8-1-07)

SECTION 705.1 PURPOSE

The purpose of the Planned Unit Development (PUD) district is to provide for progressive and innovative planning and development of land. Section 519.021 (B) of the Ohio Revised

Code authorizes the establishment of a planned-unit development, upon application of the property owners and designation of same on the zoning map in accordance with the procedures set forth in Section 519.12 of the Revised Code, and simultaneously adopting regulations as part of that same procedure that will apply only to that planned-unit development. Proposed planned-unit developments shall achieve one (1) or more of the following objectives:

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

SECTION 705.2 GENERAL PROVISIONS GOVERNING PLANNED-UNIT DEVELOPMENTS

Special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this section and those of other sections of this Resolution, the provisions of this section shall apply. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this Resolution. All planned-unit developments shall comply with the following requirements.

- A. Minimum Project Area – Ten (10) contiguous acres of land with one hundred (100) feet of frontage along an existing public road, which shall not be divided into parts by: any state or federal limited access highway or arterial road, a large area of land not included in the proposed development, a railroad right-of-way, or any other feature or characteristic which inhibits or precludes development in a manner which is cohesive, integrated and comprehensive, provided; however, that after a district is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
- B. Project Ownership - The land included in the PUD shall be owned, leased, or controlled by a single person or entity.
- C. Provision for Future Maintenance of Open Space Land - The responsibility for the maintenance of all open space shall be specified by the developer before approval of a final development plan.

D. Sewer and Water - Central sanitary sewer facilities and a public water source shall be required.

E. Open Space Minimum Requirements -

1. A minimum of ten (10) percent of the gross land area of the planned-unit development, excluding existing roadways, shall be devoted for open space for the residents of the development;
2. Shall be integrally related to the overall design of the development with respect to its location, distribution, size and shape so as to be beneficial and easily accessible to the maximum possible number of residents of the PUD;
3. Significant natural features, such as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, and similar conservation-oriented areas shall be conserved, to the extent possible (Trustees will designate the percentage of these features that may be included in the calculation as common open space);
4. Areas may be incorporated for outdoor recreation, such as walking paths, tennis courts, swimming pools and picnic shelters. Indoor recreational structures, such as club houses, may be limited to 10,000 square feet or fifteen (15) percent of the total common open space;
5. Be interconnected with open space areas on abutting parcels wherever practical.

F. Areas Not Included As Common Open Space –

1. Public street rights-of-way, private streets and private parking areas;
2. Required setbacks between buildings, private parking areas and project boundaries and between buildings and public or private streets;
3. Required spacing between buildings and between buildings and parking areas;
4. Private yards within subdivided lots;
5. Land that is subject to pre-existing conservation easements or similar limitations on development, including pre-existing drainage and utility easements;
6. The area of land within any FEMA designated 100-year floodplain.

G. Density, Setbacks, Building and Lot Requirements -

1. The maximum overall housing density of the planned-unit development shall not exceed four (4) dwelling units per gross acre of land.
 2. Front yard setbacks shall not be less than twenty-five (25) feet from the public road right-of-way or from the back of curb along a private street.
 3. Minimum ground floor area for a one-story dwelling shall not be less than 1,000 square feet per unit for a single- or two-family dwelling. A story and one-half or two-story dwelling shall require a minimum ground floor area of not less than 800 square feet.
 4. Maximum building height is thirty-five (35) feet.
 5. Subdivided fee simple lots shall be a minimum of 6,000 square feet per dwelling unit and no individual lot shall have less than fifty (50) feet frontage on a street platted in accordance with the Stark County Subdivision Regulations. Lots fronting around a permanent cul-de-sac may not have less than thirty (30) feet frontage. All lots shall be designed to have direct access to common open space via public right-of-ways, streets or walking paths.
 6. Side yard setbacks for subdivided fee simple lots will be ten (10) feet for two-family dwellings. Rear yard setbacks shall be forty (40) feet for single- and two-family dwellings.
 7. Minimum distance between buildings shall be fifteen (15) feet for single family dwellings.
 8. Where the boundary of a PUD district adjoins an R-A or R-1 district, the minimum side or rear yard setback, as the case may be, shall be fifty (50) feet, of which twenty (20) feet is required to be landscaped and maintained as a buffer yard.
 9. No portion of common open space areas may be utilized to meet minimum building setbacks or required yard area, or serve as part of the required separation between buildings.
- H. Parking - Off-street parking shall be provided as regulated in Article IX. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
- I. Utilities - All utilities are encouraged to be located underground, except that utility appurtenances may be constructed above-ground.
- J. Conditions and Modifications - Any additional conditions or modifications of the above standards, without changing the intention or spirit of such

standard, as deemed necessary by the trustees may be imposed to safeguard health, safety, general welfare, public convenience, prosperity, comfort and pleasant aesthetics. All such conditions and modification shall be a part of the final development plan submitted to and approved by the trustees.

SECTION 705.3 STREET CONSTRUCTION AND STORM DRAINAGE REQUIREMENTS

- A. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer. The Trustees may require review and approval of those plans by the township's engineering consultant or the County Subdivision Engineer, when the adopted Stark County Subdivision Regulations are not applicable.
- B. Roadways, if proposed to serve the PUD, shall be designed and constructed in accordance with the following minimum requirements:
 - 1. The typical section of the pavement (curb/gutter, cross slope, pavement width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
 - 2. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
 - 3. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
 - 4. The proposed street layout shall be reviewed and approved by the Township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

SECTION 705.4 PERMITTED USES

Within a Planned-Unit Development (PUD) District, no building, structure, or premises shall be used or designed to be used except for one (1) or more of the following uses:

- A. Permitted Uses
 - 1. Single- and two-family dwellings
- B. Permitted Secondary Uses
 - 1. Accessory buildings incidental to the principal use of the property
 - 2. Recreational structures and buildings, including swimming pools, golf courses, clubhouses and other similar uses, provided for the residents of the proposed PUD.

3. Signs as permitted in Article VIII
4. Convenience retail uses and personal services stores, being defined as food sales, drug stores, barber or beauty shops, shoe repair shops, and other similar uses, provided the floor area devoted to each such use or store is no greater than two thousand (2,000) square feet.

SECTION 705.5 PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT (PUD)

Property owners who wish to have Planned Unit Development (PUD) regulations apply to their property shall request to have the zoning map amended to rezone their property to an R-4 Planned Unit Development (PUD) District designation and have a general development plan approved. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other. All rezoning of property will be in conformance with the Ohio Revised Code, Section 519.12.

- A. Along with the zoning amendment application, three (3) copies of the general development plan shall be submitted, drawn at a scale of one-inch (1") equals one-hundred feet (100'), which includes the following information:
 1. Names, addresses and telephone numbers of applicant, owners of all property included in the development, registered surveyor, engineer and/or architect assisting in the preparation of the proposed PUD plan.
 2. Accurate boundaries of the proposed PUD and total acreage included.
 3. Existing topography at two-foot (2') foot contour intervals, wooded areas, flood plains, wetlands, conservation areas, creeks, streams and bodies of water.
 4. Existing and proposed street systems, including pavement widths, indicating those streets proposed to be public and/or private.
 5. Number, type and location of dwelling units proposed and number of parking spaces required.
 6. Location and acreage of common open space, recreational facilities and proposed method of future maintenance of such areas.
 7. Description and location of existing water and sewer facilities and other existing utilities, and proposed methods for extension.
 8. Existing land use within two-hundred feet (200') feet of the boundaries of the proposed PUD.
 9. Location of all existing structures and proposed uses.
 10. Summary table showing total acreage of the proposed development, number of acres devoted to each type of use, including streets, open

space and commercial, number of dwelling units by type, and the proposed density by dwelling units per acre.

11. Proposed phases, if the project is to be developed in stages. Also indicate the phases during which any common facilities are anticipated to be constructed.
12. Traffic impact statement and/or analyses.
13. Any other documentation needed for the evaluation of the general development plan.

B. If the proposed rezoning is approved, a final development plan for each phase of the PUD shall be approved by the Board of Township Trustees prior to the issuance of zoning certificates. Such final plan shall be substantially the same as the approved general development plan; however, the following additional information shall be submitted at this time:

1. The location, dimensions and area calculations for all open space and recreational facilities.
2. The location and dimensions of proposed platted lots, the location and dimensions of the building envelop (area) of each lot, required parking, driveways and other requirements as noted in this district.
3. Evidence that all requirements of Section 705.3 have been met.” (Added 8-1-07)

SECTION 711 B-1 OFFICE AND NEIGHBORHOOD DISTRICT

SECTION 711.1 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 family or weekly needs.

SECTION 711.2 USES

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

A. Permitted Uses

1. 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) square feet.
8. Restaurant, not including drive-in facilities, carry-out 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 Article VIII.
12. Off-street parking as permitted and regulated in Article IX.
13. Other special uses, as listed in Article XI, Conditional Uses, and subject to the regulations of that Article.
14. All uses as permitted in an R-2 Medium-Density Residential District and subject to the lot and yard requirements as listed in such district.

SECTION 711.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Lot Area – None, provided other lot requirements are met.
- B. Lot Width – One hundred (100) feet.
- C. Lot Frontage – One hundred (100) feet.
- D. Front Yard Depth – Forty (40) feet. (Minimum of ten (10) percent to be landscaped.
- E. Side Yard Width – Twenty-five (25) feet, except when adjacent to a residential district, then fifty (50) feet.
- F. Rear Yard Depth – Twenty-five (25) feet, except when adjacent to a residential district, then fifty (50) feet.

SECTION 711.4 MAXIMUM BUILDING AND STRUCTURE HEIGHT – Forty (40) feet.

SECTION 711.5 PARKING AND LOADING REQUIREMENTS – As regulated by Article IX hereof.

SECTION 712 B-2 COMERCIAL BUSINESS DISTRICT

SECTION 712.1 PURPOSE

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

SECTION 712.2 USES

Within a B-2 commercial business district, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses.

A. Permitted Uses

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, 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 foot (6') solid painted fence with openings no greater than fifteen (15) percent.
 - a. Building materials and lumber yard including millwork when within a completely enclosed building.
 - b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - c. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred feet (300') from any residential district.
 - d. Public storage garage and yards.
16. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
17. Laundry, cleaning, and dyeing plant.

SECTION 712.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Lot Area – None, provided other lot requirements are met.
- B. Lot Width – One hundred (100) feet.
- C. Lot Frontage – One hundred (100) feet.
- D. Front Yard Depth – forty (40) feet.
- E. Side Yard Width – Twenty-five (25) feet, except when adjacent to a residential district, then fifty (50) feet.
- F. Rear Yard Depth – twenty-five (25) feet, except adjacent to residential district, then fifty (50) feet.

SECTION 712.4 MAXIMUM BUILDING AND STRUCTURE HEIGHT – Sixty-five (65) feet.

SECTION 712.5 PARKING AND LOADING REQUIREMENTS – As regulated by Article IX hereof.

SECTION 712.6 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.

SECTION 721 I-1 INDUSTRIAL DISTRICT

SECTION 721.1 PURPOSE

The purpose of this district is to provide an environment exclusively for industrial uses in the community free from the encroachment of residential and small retail uses.

SECTION 721.2 USES

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

A. Permitted Uses

1. All uses permitted in the B-1 Office and Neighborhood Business and B-2 commercial Business Districts.
2. Uses involving the manufacture, compounding, processing, packaging and treatment of the following products:
 - a. Baking and dairy goods and other food products.
 - b. Electrical appliances, instruments and devices.
 - c. Musical instruments, novelties and other similar small rubber, plastic, or metal products.
 - d. Products from previously and elsewhere prepared materials such as cardboard, clay, cellophane, cloth, fibers, glass, leather, metals, paper, plastics, rubber, wax, textiles, tobacco or wood.
 - e. Professional and scientific instruments; clerical and office equipment.
3. Experimental testing and research facilities provided no testing or experimentation creates a hazard beyond the confines of the building.
4. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
5. Distributor's warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
6. Automobile assembly and major repair.

7. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities:
 - a. Pottery and figurines or similar ceramic products using previously pulverized clay, and kilns fired only with gas or electricity.
 - b. Electric and neon signs, billboard, and other commercial advertising structures.
 - c. Laboratories and processing – experimental, film, or testing.
 - d. Light sheet metal products including heating and ventilating equipment.
 - e. Blacksmith, welding, or other metal shop, including machine shop operations of the tool, die and gauge types.
 - f. Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
8. Warehouses and wholesale business establishments.
9. Foundry – casting lightweight nonferrous metals.
10. Repair services for machinery and equipment including tire services involving retreading and vulcanizing.
11. Stone or monument works, if employing power tools with-in a completely enclosed building.
12. Accessory uses incidental to the uses permitted on the same premises.
13. Signs, as permitted and regulated by Article VIII here-of.

SECTION 721.3 MINIMUM LOT AND YARD REQUIREMENTS

- A. Lot Area – None provided other requirements are met.
- B. Lot Width – One hundred (100) feet.
- C. Lot Frontage – One hundred (100) feet.
- D. Front Yard Depth – Forty (40) feet, except as otherwise required in Section 721.4.

- E. Rear Yard Depth – Twenty-five (25) feet, except as otherwise required in Section 721.4.
- F. Side Yard Width – Twenty-five (25) feet, except as otherwise required in Section 721.4.

SECTION 721.4 YARD REQUIREMENTS ADJACENT TO RESIDENT DISTRICTS

Where the boundary of an Industrial District adjoins the boundary line of any Residential District, the minimum front rear or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

SECTION 721.5 MAXIMUM BUILDING AND STRUCTURE HEIGHT – None

SECTION 721.6 PARKING AND LOADING REQUIREMENTS –

As regulated by Article IX hereof.

SECTION 721.7 SOLAR ENERGY SYSTEMS

Solar Energy Systems shall be permitted in all districts as an accessory to principal use.

Solar Energy Production Facilities shall be permitted in B2/Commercial Business, I-1/Industrial Districts and be conditionally permitted in RA/Rural Agriculture District.

(Added 8-4-2020)

ARTICLE VIII

SIGN REGULATIONS

SECTION 801 SIGNS

SECTION 801.1 PURPOSE

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

SECTION 801.2 LIMITATIONS ON 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 function or required by 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 ORC, Chapter 5516, in addition to the Washington Township Zoning Resolution.
3. Outdoor advertising (off-premises) signs are permitted in districts zoned for manufacturing or business or lands used for agricultural purposes in accordance with ORC Section 519.02-519.05; however, permits must be issued and requirements of these regulations met.

SECTION 801.3 PERMITTED SIGNS IN ANY DISTRICT WITHOUT A ZONING CERTIFICATE

The following signs are permitted in any district in Washington Township without obtaining a zoning certificate.

1. One nameplate not exceeding four (4) square feet in area shall be permitted for each dwelling.
2. One unlighted real estate sign not exceeding sixteen (16) 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 sixteen (16) 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.
5. A temporary and/or portable unlighted sign, of no more than forty (40) square feet in area, may be located on property in any district for a period not to exceed thirty (30) days in any one (1) year.

SECTION 801.4

GENERAL REGULATIONS FOR SIGNS IN ALL DISTRICTS

1. Illuminated signs shall employ only an emitting light of constant intensity, and no sign shall contain flashing, rotating or moving light or lights, with the exception of a message center (consisting of time, temperature, or public information).
2. No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
3. No sign shall project over or obstruct any windows or doors of any building or attach to or obstruct a fire escape.
4. Signs shall not obstruct traffic sight lines or control lights at street intersections or signals at a railroad crossing, nor in any way resemble traffic or directional signals.
5. No sign shall be located within any public right-of-way.
6. No sign shall be located closer than ten (10) feet to any side or rear property line.
7. No sign shall be attached to trees, telephone or power poles, public benches, streetlights or street sign poles.
8. No sign shall be placed on motor vehicles, trucks, or trailers, which are parked or located for the primary purpose of displaying said sign.
9. Sign for garage sales shall not exceed four (4) square feet. They may be erected three (3) days before the sale and removed the day after completion of the sale.

SECTION 801.5

MEASUREMENT OF SIGN AREA

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

Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall not include the wall space between the individual letters.

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

The following signs are permitted in any district of Washington Township, but requires a zoning certificate, 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 nameplate not more than three (3) 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 thirty-two (32) square feet in area shall be permitted to advertise seasonal agricultural sales.
4. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed sixteen (16) square feet in area and shall be set back ten (10) feet from any street right-of-way line.

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

1. One business sign, not exceeding a maximum area of three hundred (300) square feet, shall be permitted for any single business enterprise; however, shall be limited to four (4) square feet of sign area for each lineal foot of building width, or part of a building occupied by such business.
2. One pole-type business sign shall be permitted for a business conducted upon the premises, which shall not exceed an area of three hundred (300) square feet and shall not be more than thirty (30) feet in height, and shall be located not closer than ten (10) feet from all street right-of-way lines.
3. Billboards and outdoor advertising signs shall meet all yard requirements for buildings located in the same district. However, such billboard shall not be located closer than fifty (50) feet from any building and shall not exceed a gross area of three hundred (300) square feet.

SECTION 801.8 FEES FOR SIGNS

Check Fee Schedule approved by Washington Township Trustees.

ARTICLE IX

PARKING AND LOADING REQUIREMENTS

SECTION 901 OFF-STREET PARKING

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

SECTION 901.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

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

- K. Indoor Theaters – One (1) for each three (3) seats.

- L. Lodging Houses, Boarding Houses, and uses as permitted in Article I, Section 108, One (1) for each three (3)-guest rooms, but not less than two (2) in any case.

- M. Libraries and Museums, Warehouses, Industrial and Manufacturing Facilities – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.

- N. Health and Recreation Facilities, and Automobile Repair Garages –One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.

- O. Food Locker – One (1) for each three hundred (300) square feet or fraction thereof, of floor area.

- P. Roadside Stand/Farm Market – Four (4) parking spaces.

- Q. Mini Storage Facilities One (1) for each ten (10) storage units plus two (2) located by manager’s quarters.

- R. Car Washes

- 1. Automatic Car Wash

Car washes in which vehicles are mechanically moved through the production line shall have and maintain ten (10) off –street parking spaces on the premises for each twenty (20) lineal feet of production line within the confines of the building. In addition, there shall be provided at the exits 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) off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exits at least one and one-half (1-1/2) 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 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) off-street parking spaces for each parking stall. In addition, said parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.

SECTION 901.2

GENERAL REGULATIONS

- A. Floor Area – For the purposes of this section, “floor area” in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement or parking space, a fraction thereof shall require one (1) parking space.
- B. Parking Space – Off-street accessory parking areas shall provide parking spaces, each of which shall not be less than one hundred sixty-two (162) square feet in area exclusive of access drives or aisles.
- C. Parking Area Design – Such parking areas shall be of useable shape, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the Subdivision Regulations. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or street, and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces to prevent bumper overhang.
- D. 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 be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have access ways of not less than eight (8) feet.
- E. Yard Restrictions – In all B and I District areas, open off-street parking facilities may be located in the required front yard provided that at least a ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all B and I District areas, open off-street parking facilities may occupy the required rear or side yard provided that all parking shall be located a distance of five (5) feet from such lot line. These yard restrictions are intended to prevent all bumper overhang into driveway and street areas.

- F. Location – The parking spaces required for dwelling units shall be located on the lot, and parking spaces for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property. These parking spaces shall not be allowed in residential districts except as specifically permitted in these regulations.

SECTION 902 LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 902.1 MINIMUM SPACES REQUIRED

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

SECTION 903 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such 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 on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE X

NONCONFORMING USES

SECTION 1001 PURPOSE

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

SECTION 1001.1 REGULATIONS

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

A. Alterations and Enlargement

A nonconforming building, structure, or use existing at the time this Resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional fifty (50) percent in square foot area.

B. Nonconforming to Nonconforming Use

A nonconforming use may be changed to another use provided that such use is identical or of less conflict than the existing nonconforming use, as determined by the Board of Zoning Appeals.

C. Reconstruction

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided such replacement or repair does not extend the nonconforming use in square foot area, except as permitted in Section 1001.1 (A).

D. Construction Approved Prior to Resolution

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

thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.

E. 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 provision of this Resolution.

F. Unsafe Structures

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

ARTICLE XI

CONDITIONAL ZONING CERTIFICATES

SECTION 1101 PURPOSE

The purpose of this section is to provide for the issuance of conditional zoning certificates by the Board of Zoning Appeals for special uses in accordance with regulations as listed in Article XI.

SECTION 1101.1 PROCEDURES

An 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

Application for a Conditional Zoning Certificate shall be made in the office of the Township Zoning Inspector and forwarded to the Board of Zoning Appeals. Each application shall be accompanied by the current fee, which is non-refundable. In addition, if the Board refers an application to qualified consultants for a report or special study, the cost of such reports shall be at the expense of the applicants.

B. Information to be Submitted

A 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 shall be submitted at the time of application. Sufficient plans and specifications for all proposed development and construction shall be included.

C. Review by the Board of Zoning Appeals

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

D. Hearing

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

E. Issuance and Revocation of Conditional Zoning Certificates – Violation and Penalty

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

F. Resubmission of Application for Conditional Use Permit

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

G. Termination

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

H. Continuation of Existing Uses Conditionally Permissible

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

I. A conditional zoning certificate for a use permitted under these regulations shall be issued for a one (1) year period only. After a one (1) year period has elapsed, a renewal of the conditional zoning certificate shall be required. A conditional zoning certificate may be renewed provided the board and the zoning inspector determine that the said use has been operated according to the specifications of the zoning resolutions and original conditional zoning certificate. If necessary, the board may make additional requirements for the continued operation of the use as a prerequisite for renewal of the conditional zoning certificate.

SPECIAL USES PERMITTED UPON APPROVAL OF A CONDITIONAL USE CERTIFICATE BY THE BOARD OF ZONING APPEALS

- A. The Board of Zoning Appeals may issue conditional Zoning Certificates for uses listed herein subject to the general requirements of Section 1101.3 and the specific requirements of Section 1101.4, referred to below:
1. Strip mining and surface mining, subject to Section 1101.4 – (6), (7), (10), (13), (14), (16), (24), (25), (26), (27), and (35).
 2. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies and other similar outdoor recreational facilities and/or uses, subject to Section 1101.4 – (1), (2), (3), (12), (13), (14), (15), and (35).
 3. Cemetery subject to Section 1101.4 – (2), (4), (10), (11), (14) and (35).
 4. Airports, airfields, and landing strips, subject to Section 1101.4 – (2), (3), (9), (14), (16), and (35).
 5. Mobile home for hardship cases, subject to Section 1101.4 – (17), (18), (19), and (35).
 6. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions, subject to Section 1101.4 – (2), (3), (4), (5), (10), (14), (16), and (35).
 7. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various Fraternal, or Community Service Groups, subject to Section 1101.4 – (2), (5), (10), (15), (16), and (35).
 8. Veterinary Hospital, subject to Section 1101.4 – (3), (9), (14), and (35).
 9. Mini-warehouses or Storage Facility, subject to Section 1101.4 – (1), (2), (3), (4), (8), (9), (10), (13), (16), (20), (21), (22), (23), and (34).
 10. Junkyard – only in an Industrial District and subject to Section 1101.4 – (2), (3), (6), (7), (10), (13), (14), (28), (29), and (34).
 11. Sanitary landfill sites, only in an Industrial District, and subject to Section 1101.4 – (2), (3), (6), (7), (10), (13), and (14).
 12. Adult Use, only in B-2 and I-1 areas and subject to section 1101.4 – (1), (2), (3), (4), (14), (15), (28), (30), (31), (32), (33), and (34).

13. Bed & Breakfast Inn, subject to Section 1101.4 – (3), (13), (14), (15), and (35).

14. Telecommunications towers are subject to the following conditions:

(a) Any person proposing to erect a telecommunications tower shall provide notice to property owners and to the township board of trustees as required by Ohio Revised Code 519.211 (B) (3) and any amendment thereto.

(b) If the board of township trustees receives written notice from a property owner or an objection by a board member, then pursuant to Ohio Revised code 519.211 (B) (4) (a) and any amendments thereto, and upon notice to the person proposing to erect a telecommunication tower, the tower shall be subject to Ohio Revised Code 519.02 to 519.25 and any amendments thereto, and to the terms of this zoning resolution.

Also subject to section 1101.4:

(10), (13), (30), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), and section 603.9, 603.10 of this resolution, in R-1, R-2 and R-3 districts only.

15. Type “A” Family Day – Care Home subjected to section 1101.4 – (3), (13), (14), (28), (35) and (36).

SECTION 1101.3 GENERAL STANDARDS AND REQUIREMENTS

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

- 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;
- will not be hazardous or disturbing to neighboring uses;
- will not be detrimental to property in the immediate vicinity or to the community as a whole;
- will be adequately served by essential public facilities and services such as highways, schools, police and fire protection, drainage structures, or that the applicant shall be able to provide adequately any such service;
- will be in compliance with State, County, and Township regulations;

- will have vehicular approaches to the property which shall be designed not to create an interference with traffic on surrounding public streets or roads.

SECTION 1101.4 SPECIFIC REQUIREMENTS PERTAINING TO CONDITIONAL USES PERMITTED BY SECTION 1101.2 AND REFERRED TO BY THAT SECTION

The following specific requirements shall be met in addition to the general standards and requirements:

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 one hundred (100) feet distant from any property line in a residential district, and work conducted in connection with such operation shall be done only between the hours of 6:00 a.m. to 10:00 p.m.
7. Adequate truck routes shall be established for movement in and out of the development that will minimize damage to public streets and prevent hazards and damage to other properties in the community.
8. The maximum size if 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 nonresidential 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 residential uses.
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. The Board of Appeals may require any additional conditions it deems necessary to the interest of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining land uses.
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 present any hazard 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. Such mobile home shall be permitted for the purpose of providing housing for members of the immediate family of those residing in a dwelling already constructed on the lot, and only under the following circumstances:
 - a. In case of fire, flood, storm or similar act of God, which destroyed the present dwelling, a mobile home may be permitted for a period of time determined by the Board.
 - b. For the purpose of permitting the members of the family to reside in a mobile home for the duration of sickness or disability, which must be substantiated by a doctor's statement of the necessity for care from others.
18. The location of the mobile home shall be in back of the permanent residence and shall meet all yard requirements and shall be enclosed from ground to floor level with a solid or lattice type enclosure.
19. Such permit shall be for the duration of the original hardship.
20. Such facility shall be used only for rental or storage facilities and not for a transfer and storage business where the use of vehicles is part of such business.
21. No outside storage areas are permitted in or adjacent to residential districts.
22. Living quarters shall be provided on such site for a resident manager for security and maintenance of the facility.

23. The storage of explosives or other hazardous material shall be prohibited.
24. 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.
25. Reclamation of the area involved in such operation shall be completed and shall meet reclamation requirements as approved by the State of Ohio, Division of Reclamation.
26. 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.
27. The storage or processing of minerals, peat, or coal from other properties involved in a mining operation shall be permitted only in an Industrial District.
28. The area of use shall be completely enclosed with a six (6) foot high fence and appropriately landscaped to be harmonious with surrounding properties.
29. There shall be no burning of refuse, garbage or other waste materials.
30. Shall not be operated within one thousand (1,000) feet of a church; a public or private elementary or secondary school.
31. Structure shall not be within seven hundred fifty (750) feet of the boundary of a residential district; a public park; or the property line of a lot devoted to residential use.
32. Shall not be operated within five hundred (500) feet of another property devoted to adult use.
33. License security officers will patrol parking lot. One (1) officer for every 30 cars or parking spaces.
34. Only permitted in B-2 or I-1 districts.
35. Permitted in any district.
36. Shall follow all requirements of Section 602.5 "exemption for home occupations".

37. Plans shall be submitted with the application for a conditional use permit including elevation drawing of existing and proposed buildings, structures, and equipment.
38. An applicant for a conditional use permit shall furnish a copy of liability insurance policy showing coverage limitations and amount of insurance.
39. A freestanding telecommunications tower shall not exceed three hundred (300) feet in height.
40. A telecommunications tower attached to an existing building or structure shall not exceed fifty (50) feet above the height of the existing building or structure.
41. The minimum setback from all adjacent property lines for the tower and any accessory building or structure shall be one half (1/2) the height of the tower.
42. Guy wire or cable anchors shall be located at least ten (10) feet from all adjacent property lines.
43. The telecommunications tower shall be lighted with standard F.A.A. lighting. No strobe or similar high intensity lighting will be permitted. No lighting shall constitute a nuisance. No lighting shall impair safe movement of traffic on any; street or highway. No lighting shall shine directly on adjacent properties.
44. The telecommunication tower shall be painted a non-contrasting color to minimize its visibility, unless otherwise required by Federal Communications Commission or Federal Aviation Administration specifications.
45. The entire facility shall meet radio frequency emission standards as established by the Federal Communications Commission.
46. The telecommunications tower and all accessory buildings or structures must be surrounded by an eight (8) foot high chain link fence, with an additional three (3) strands of barbed wire on top.
47. The name and telephone number of the party responsible for the facility, as well as emergency contact information, shall be posted and readily visible at any entrance and exit to the facility.
48. Conditional certificate will be good for the length of the contract or five (5) years, whichever is less. This replaces Section 1101.1

ARTICLE XII

BOARD OF ZONING APPEALS

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

SECTION 1201.1 COMPOSITION AND APPOINTMENT

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

SECTION 1201.2 ORGANIZATION

At the first meeting of each year the Board shall elect a Chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 1201.3 QUORUM

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

SECTION 1201.4 MEETINGS

The Board shall meet monthly and at the call of its Chairman. All meetings of the Board shall be open to the public.

SECTION 1201.5 WITNESSES

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

SECTION 1201.6 PROCEEDINGS

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

SECTION 1201.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant Conditional zoning Certificates for the use of land, buildings, or other structures for as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses as specifically provided in this resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days for 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 hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.*

*Ohio Revised Code 519.14(D)

SECTION 1201.8 APPEALS TO THE BOARD

Appeals to the Board may be taken by any person aggrieved or by any office of the township affected by any decision of the administrative office. Such appeal shall be taken within twenty (20) days after the decision by filing, with the office from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken

shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 1201.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner. Such application shall be filed with the Secretary of the Board who shall transmit the same to the Board.

SECTION 1201.10 PROCEDURE

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

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

SECTION 1201.11 NOTICE OF HEARINGS

When 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 object 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 hearing. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

SECTION 1201.12 DECISIONS

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

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

SECTION 1301 ADMINISTRATION

SECTION 1301.1 ZONING INSPECTOR

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

SECTION 1301.2 BOARD OF ZONING APPEALS

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

SECTION 1301.3 SUBMISSION OF APPLICATIONS

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

SECTION 1301.4 ZONING CERTIFICATES REQUIRED

NOTICE: Please obtain septic tank permit from Stark County Board of Health and/or sanitary sewer permit from the County Sanitary Engineer's office before making application for a zoning permit. Additionally, all permits provided the zoning inspector for zoning permit must be "originals" as defined pursuant to these regulations.

- A. Before constructing or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:
1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
 2. The location, dimensions, and height, of any structure to be erected.
 3. The intended use.
 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
 5. The yard, open area, and parking space dimensions.

6. Appropriate sewage disposal certificate and, if required, appropriate permit for access to public street (Section 601.2 and 601.3).
 7. Required permit fee.
 8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Within fourteen (14) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirement of this Resolution and the application is accompanied by the proper fee as indicated in Section 1301.5. However, when approval of the Stark County Regional Planning Commission shall be required in compliance with Subdivision Regulations, no permit shall be issued until such approval is obtained.
- C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application. All construction shall be completed within two (2) years of date of the zoning permit.
- D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 1101.1 shall be followed in lieu of the above regulations.
- E. Failure to Obtain Permit Before Construction or Use had Commenced

The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void.

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 ensure that the construction already commenced fully complies with the requirements of this Resolution. Where such special preliminary inspection is necessary, and additional fee shall be charged for such zoning certificate and special inspection.

SECTION 1301.5 FEES – Check fee schedule approved by the Washington Township Trustees.

All fees are non-refundable.

SECTION 1302 VIOLATIONS AND PENALTIES

SECTION 1302.1 VIOLATIONS

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Resolution or supplements or amendments thereto, the board of township trustees, the prosecuting attorney of the county, the township zoning 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.

SECTION 1302.2 PENALTIES

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than one hundred (100) dollars. Each day of continuation of a violation of this Resolution shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law.

ARTICLE XIV

VALIDITY AND SEPARABILITY

If any section, subsection, or any provisions of this Resolution, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Resolution of amendments thereto.

ARTICLE XV

REPEALER

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

ARTICLE XVI

EFFECTIVE DATE

This amended Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Township Zoning
Commission

Date: _____

Chairman of the Township Zoning
Commission

Adopted by the Washington Township
Trustees

Date: _____

Attest by the Clerk of Washington Township:

Clerk

