

ARTICLE I

PURPOSE, CONFORMANCE, EXEMPTIONS

SECTION 101 PURPOSE

This resolution is enacted in accordance with the Ohio Revised Code to provide for the regulation of land use for those purposes as set forth in ORC Section 519.02, and any amendments made thereto. *Amended effective 12/20/2007*

SECTION 102 AGRICULTURE EXEMPTED

In accordance with Ohio Revised Code Section 519.21, and any amendments thereto. *Amended effective 12/20/2007*

SECTION 103 PUBLIC UTILITIES AND RAILROADS

Public utilities, and buildings will be governed in accordance with Ohio Revised Code Section 519.211, and any amendments made thereto. *Amended effective 12/20/2007*

SECTION 104 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES

Section 519.21 of the Revised Code confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. *Amended effective 12/20/2007*

SECTION 105 OUTDOOR ADVERTISING

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 land used for agricultural purposes. However, zoning certificates are required in accordance with regulations of Article V. *Amended effective 12/20/2007*

SECTION 106 CONFORMANCE

Prohibition against violating resolution. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution or amendment or supplement to such resolution, adopted by any board of township trustees under Sections 519.02 to 519.25, inclusive, of the Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

SECTION 107 FAMILY/CHILD DAY-CARE HOMES AND CENTERS

According to ORC Section 5104.054, any type B family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

Evidence of current licensing by the county director of human services must be provided for operation of child day-care center or type A family day-care home.

The provider of child care in a type B family day-care home that is not certified by the county director of human services shall request an inspection of the type B home by the fire marshal who shall inspect the type B home pursuant to Section 3737.22, Ohio Revised Code, to determine that it is in compliance with rules established pursuant to Section 1504.052, Ohio Revised Code. *Amended effective 4/3/2009*

SECTION 108 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

*5511.01 Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by certified 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. *Amended effective 4/3/2009*

SECTION 109 FAMILY HOMES AND GROUP HOMES

*5123.19 Licensed family homes and licensed group homes for developmentally disabled persons are limited from zoning control under Section 5123.19. Such facilities shall be permitted and regulated in accordance with this Resolution in addition to other laws of the State of Ohio.

*Ohio Revised Code

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ARTICLE II

DEFINITIONS

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

ABANDONED: Is a home when a mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least (90) days AND the property has been vacant for at least ninety (90) days.

ACCESSORY BUILDING OR USE: A subordinate building or use customarily incidental to, and located upon the same lot occupied by the main building and use. A guest house or accessory living quarters shall be considered as an accessory use.

ADULT BOOK STORE: An establishment which utilizes ten (10) percent or more of its retail selling areas for the purpose of retail sale or rental, for the purpose of display by coin or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section and which excludes minors by reason of age. *Amended effective 12/20/2007*

ADULT ENTERTAINMENT USE: 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 not limited to: adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, and adult cabarets. *Amended effective 12/20/2007*

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 constitute adult material as defined in this section and excludes any minor by reason of age. *Amended effective 12/20/2007*

ADULT HEALTH CLUB: An establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity to perform their duties and excludes any minor by reason of age. *Amended effective 12/20/2007*

ADULT MASSAGE PARLOR: An establishment that administers therapeutic manipulation for payment and excludes any minor by reason of age. *Amended effective 12/20/2007*

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing, or any service, capable or arousing interest through sight, sound, or touch, and:

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

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

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

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

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

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

“Sexual Excitement” means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal. *Amended effective 12/20/2007*

ADULT MINI-MOTION PICTURE THEATER: An establishment with a capacity for less than fifty (50) persons which utilizes ten (10) percent or more of its total viewing time for presenting material distinguished or characterized by emphasis on matter depicting, describing or related to adult materials as defined in this section and excludes any minor by reason of age.

Amended effective 12/20/2007

ADULT MOTION PICTURE THEATER: An establishment with a capacity for fifty (50) or more persons which utilizes ten (10) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials as defined in this section and excludes any minor by reason of age.

Amended effective 12/20/2007

AGRICULTURE: Agriculture includes farming; ranching; aquaculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy

production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
Amended effective 12/20/2007

ALLEY: A public thoroughfare which affords only a secondary means of access to a lot or abutting property.

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

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

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

BED AND BREAKFAST: 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.

BLIGHTED PARCEL: A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by an agency that is responsible for the enforcement of housing, building, or fire codes as unfit for human habitation or use.

BLIGHTED AREA and SLUM: An area in which at least Seventy Percent (70%) of the parcels are blighted parcels which substantially impair or arrest the sound growth of the state or a political subdivision of the state, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals or welfare in the condition and use.

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

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 a gable, hip, and gambrel roof.

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

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

BUILDING SETBACK LINES: A line parallel to the street right-of-way line or from the lot lines, defining the limits of the required front, side and rear yards, in which no building or structure may be located, except as otherwise provided herein. *Amended effective 12/20/2007*

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

CAR WASH FACILITY: A building or enclosed area that provides facilities for washing and cleaning motor vehicles which may use production line methods with a conveyor, blower or other mechanical device and/or which may employ hand labor. *Amended effective 12/20/2007*

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

CEMETERY: Land used for 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 the cemetery.

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

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

CHILD DAY-CARE CENTER: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. *Amended effective 12/20/2007*

CHURCH (PLACE OF WORSHIP): Any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. *Amended effective 12/20/2007*

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

COAL: Coal is composed mostly of carbon and is formed from partly decayed vegetable matter under great pressure and heat in the earth. *Amended effective 12/20/2007*

COMMISSION: The Township Zoning Commission.

COMPLIANCE CERTIFICATE: For any new commercial or industrial uses or the compliance by a new tenant of an existing business or industrial use, building or land use.

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

COURT: An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

CONVALESCENT OR NURSING HOME: A home used for the reception and care of individuals, who by reason of illness or physical or mental impairment, require skilled nursing care and of individuals who require personal care, but not skilled nursing care, and for which a license has been issued by the State of Ohio. *Amended effective 4/18/08*

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

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

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

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

DRIVE-IN, DRIVE-THRU, DRIVE-UP: A business or any portion of a building where business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. *Amended effective 12/20/2007*

DWELLING: Any building, or portion thereof, which is designed or used primarily for residence purposes, including one and two family and multifamily units, but not hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling.

DWELLING, GROUP: More than one (1) dwelling, whether single-family, two-family, or multi-family, or a combination thereof, located on one lot and including common driveway, parking and open space facilities as required by these Regulations. *Amended effective 12/20/2007*

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

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

DWELLING, MULTIFAMILY: A dwelling designed for or occupied by three (3) or more families living independently of each other.

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.

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, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, structures, and towers, reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety, or general welfare. *Amended effective 12/20/2007*

FACTORY-BUILT HOUSING: A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purpose of this resolution, “factory-built housing” shall include manufactured homes and modular homes. *Amended effective 12/20/2007*

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, provided that unless all members are related to each other by blood, legal adoption, or marriage, no such family will contain more than five (5) persons. *Amended effective 12/20/2007*

FAMILY HOME: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities. (ORC 5123.19)(A)(3) *Amended effective 4/18/08*

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 address side of a building and/or 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 determining of 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 for which it is accessory. Garages containing more than one thousand (1,000) square feet shall not be permitted in R-1 residential districts.

GARAGE, AUTO SERVICE SHOP: A building or portion of a building, in which repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.

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

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

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

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

GROUP HOME: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine, but not more than sixteen, persons with developmental disabilities. (ORC 5123.19)(A)(4) *Amended effective 4/18/08*

GUEST HOUSE OR ACCESSORY LIVING QUARTERS: Living quarters located on the second floor of a private garage for the use of persons employed on the premises, or for the temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION: An accessory use to a residential dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. *Amended effective 4/18/08*

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

HOTEL: Any structure consisting of one or more buildings, with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. "Hotel" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories. *Amended effective 12/20/2007*

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK YARD: Is the use of more than twenty-five(25) square feet of any land, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, or parts of motor vehicles, plastic, iron, paper, rags, rubber, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled for more than 15 days. *Amended effective 12/20/2007*

LANDSCAPED: Sodded, seeded, shrubed and/or treed areas on a lot or tract of land. *Amended effective 12/20/2007*

LANDSCAPED STRIP: The area of ground required between nonresidential properties consisting of grass, flowers, shrubs, trees or other vegetation. *Amended effective 12/20/2007*

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

LODGING HOUSE: A building where lodging only is provided by the week or the month for compensation for three (3) or more, but not more than twenty (20) persons.

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

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

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

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

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

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

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

LOT LINE, FRONT: The line separating a lot from the street on which the lot fronts and/or to which it is addressed. *Amended effective 12/20/2007*

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

LOT LINE, SIDE: Any lot line other than a front or rear lot line; a side lot line separating a lot from a 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 LINES: The property lines defining the limits of a lot.

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

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

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body-feet or more in width or forty (40) body feet or more in length, or, when erected on the site, is seven hundred twenty (720) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. *Amended effective 12/20/2007*

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

MINI-STORAGE or MINI-WAREHOUSE FACILITIES: A building or group of buildings in a controlled access and/or fenced compound containing **varying sized** individual storage compartments, stalls, or lockers for the dead storage of customers' goods or wares. *Amended effective 12/20/2007*

MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it. *Amended effective 12/20/2007*

MODULAR HOME: Factory-built housing certified as meeting the local or State building code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes. *Amended effective 12/20/2007*

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

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

OPEN SPACE: The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building or buildings for use for recreation and other leisure activities normally carried on outdoors. Streets, parking areas, structures for habitation, trash collection sites and the like shall not be included in the calculation of open space. *Amended effective 12/20/2007*

OUTDOOR ADVERTISING SIGN: A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in this definition shall include: erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. *Amended effective 12/20/2007*

OUTDOOR DISPLAY: The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping, packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area. *Amended effective 12/20/2007*

OUTDOOR STORAGE: The keeping, in an area outside of a building, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display. *Amended effective 12/20/2007*

OUTDOOR WOOD-BURNING FURNACE: Any equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises. *Amended effective 4/18/08*

OVERBURDEN: All of the earth and other materials, except topsoil, covering a natural deposit of coal, and also means such earth and other materials after removal from their natural state in the process of coal mining. *Amended effective 12/20/2007*

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

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

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

PERSONAL SERVICES: Any business enterprise which primarily offers services to the general public, such as shoe repair, watch repair, barber and beauty shops and similar activities. *Amended effective 12/20/2007*

PLANNED COMMERCIAL COMPLEX: A planned, coordinated development of a tract of land with two (2) or more separate buildings or structures planned, designed and/or constructed for one (1) or more permitted uses in a business district. *Amended effective 12/20/2007*

PLANNED INDUSTRIAL COMPLEX: A planned, coordinated development of a tract of land with two (2) or more separate buildings or structures planned, designed and/or constructed for one (1) or more permitted uses in an industrial district. *Amended effective 12/20/2007*

PLANNED OFFICE COMPLEX: A planned, coordinated development of a tract of land with two (2) or more separate buildings, or structures planned, designed and/or constructed for one (1) or more permitted office type uses. *Amended effective 12/20/2007*

PLANNED UNIT DEVELOPMENT: A planned, integrated development, which may include a mix of residential dwelling types and/or other uses and allows lot requirements to be modified somewhat to achieve particular design objectives, preservation of open space and economical extension of utilities. *Amended effective 4/18/2008*

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

PUBLIC BUILDINGS: Any structure owned and operated by a governmental agency or public school or school which is certified and/or licensed by the State of Ohio.

PUBLIC UTILITY: Any entity deemed a “public utility” for purposes of Ohio Revised Code Section 519.211. *Amended effective 4/18/2008*

RECLAMATION: Backfilling, grading, resoiling, planting, and other work that has the effect of restoring an area of land affected by surface mining so that it may be used for forest growth, grazing, agricultural, recreational, and wildlife purpose, or some other useful purpose of equal or greater value than existed prior to any mining. *Amended effective 12/20/2007*

RECYCLING TRANSFER FACILITY: A facility for collection, sorting, and transfer of waste products such as glass, paper, metals, and plastic.

RESIDENTIAL: A structure located in an area zoned for residential use with the primary purpose being living quarters.

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

ROADSIDE STAND (FARM MARKET): 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 on farms owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, and any amendments made thereto. *Amended effective 12/20/2007*

SANITARY LANDFILL: A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

SATELLITE DISH (SIGNAL-RECEIVER): A round, spherical or parabolic device used to transmit and/or receive radio or electromagnetic waves from/to earth orbiting satellites or similar sources as part of a basic service system, direct broadcast satellite system or multi-point distribution service system.

SIGN: Any structure, whether fixed or portable, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, 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 government, or governmental agency or of any charitable, religious, educational or similar organization. *Amended effective 4/18/2008*

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

NACELLE: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

POWER CENTER: Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.

ROTOR: The rotating part of a turbine, including the blades.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.

WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades. *Amended effective 11/7/2008*

SPOIL BANK: A deposit of removed overburden.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. *Amended effective 4/18/2008*

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

STREET, ARTERIAL OR MAJOR: A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. *Amended effective 12/20/2007*

STREET, COLLECTOR: A street providing traffic movement between the major arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county. *Amended effective 12/20/2007*

STREET, PUBLIC: A public or private dedicated thoroughfare subject to public easements thereto, and which affords the principal means of access to abutting property. *Amended effective 4/18/08*

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 RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes, or if no right-of-way line is established, the right-of-way shall be assumed to be sixty (60) feet. *Amended effective 4/18/08*

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

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 of cubical contents of the building. *Amended effective 4/18/08*

STRUCTURE: Anything constructed or erected, the use of which requires a permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including but not limited to advertising signs, billboards, pergolas, farmers' roadside stands, but not including fences, or walls used as fences. *Amended effective 4/18/08*

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

SWIMMING POOL, COMMERCIAL: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults and/or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool

as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

SWIMMING POOL, 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.

TELECOMMUNICATIONS TOWER: Telecommunications tower has the same meaning as division (B) (1) of the Ohio Revised Code Section 519.211 and any amendments thereto. *Amended effective 12/20/2007*

THOROUGHFARE: A street or alley.

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

TOPSOIL REMOVAL: Removal of topsoil from the premises. *Amended effective 12/20/2007*

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

TOWNSHIP: This word in these resolutions means - "all land lying in Sections 5, and 6, and East of the Tuscarawas River".

TRUSTEES: The Board of Trustees of Bethlehem 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 division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A homes shall be counted. *Amended effective 12/20/2007*

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 may be under two (2) years of age at one time. In counting children for the purposes of this division, 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, 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. *Amended effective 12/20/2007*

USEABLE OPEN SPACE: The required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the

building for recreational use and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space and shall be twenty (20) feet in least dimension on the ground. Balconies at least four (4) feet, six (6) inches wide, roof areas which are improved, and side and rear yards which have fences or walls at least five (5) feet high between the open space and adjacent property may also be counted as useable open space.

VACANT: The property is currently unoccupied for at least ninety (90) day but was previously used for primarily residential purposes within the past fifty (50) years, which can be documented.

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 or a practical difficulty in accordance with the law. *Amended effective 4/18/08*

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

WIRELESS TELECOMMUNICATIONS FACILITIES: The technology which enables the passage of information such as voice, video or data signals from the sender to one or more receivers in a usable form by means of any electro magnetic or other system.

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

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

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

ZONING MAP: The "Zoning Districts Map, Bethlehem Township, Stark County, Ohio".

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ARTICLE III

GENERAL PROVISIONS

SECTION 301 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Sections 5, and 6, and all land lying east of the Tuscarawas River in Bethlehem Township, Stark County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

SECTION 301.1 DISTRICTS

R-R Rural Residential District
R-1 Single Family Low Density Suburban Residential District
R-2 One and Two Family Low Density Urban Residential District
R-3 Medium Density Multifamily Residential District
R-6 Planned Unit Development (P.U.D.) District
B-1 Suburban Office District
B-2 Neighborhood Business District
B-3 Community Business District
I Industrial District

SECTION 301.2 ZONING DISTRICTS MAP

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

Amended effective 4/18/08

SECTION 301.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

a. Where Boundaries Approximately Follow Streets, Alleys or Highways

Where district boundaries are indicated as approximately following the center line or right-of-way-line of streets, the center line 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 center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

c. Vacation of Public Ways

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

SECTION 301.4 SUPPLEMENTARY REGULATIONS

a. Permitted Use

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

b. Permitted Height Exceptions

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

- structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building
- fire or parapet walls
- skylights, towers, steeples
- stage lofts and screens
- flagpoles, chimneys, smokestacks

- radio and television aerials, wireless masts
- water tanks or similar structures

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

c. Front Yard Depths or Setbacks

Where front yard depths or setbacks have been established at less than forty (40) feet by permanent structures on adjoining properties, or on properties on the opposite side of the street, road, or highway, and where compliance with a forty (40) feet setback would cause a definite appearance or functional hardship, a front yard depth or setback may be permitted down to a minimum of twenty-five (25) feet.

d. Corner Lot

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that District, facing both streets.

e. Compliance with Health, Safety, Building, and Subdivision Regulations

1. Sewage Disposal

No zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the permit has been requested.

2. Highway Access

No zoning certificate shall be granted for any structure which has ingress or egress to a state highway until the owner of such property has secured a permit from the Ohio Department of Transportation, in accordance with regulations adopted by that department.

3. 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.

f. Sewerage and Water Facilities

Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be one-half (1/2) acre for a single-family dwelling, unless a larger area is required by these regulations and/or the responsible Health Authority.

g. Parking and Storage of Vehicles

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

Amended effective 4/3/2009

In any residential district, the parking or storage of commercial construction equipment and/or tractor-trailers (semi) shall be prohibited. The parking and storage of other commercial vehicles shall only be permitted if said commercial vehicle is used by an occupant of the dwelling as transportation to and from work.

No more than two (2) recreational vehicles, such as a trailer home, or boat may be stored on residential lots, provided they have current licenses and are stored in the side or rear yard. *Amended effective 3/15/2000*

h. Essential Services

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

i. Construction

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations provided that foundations have been put in place before said effective date of these regulations and provided further that such building shall be completed within two (2) years from the date of passage of these regulations.

j. Principal Building

No more than one (1) dwelling shall be permitted on any lot unless otherwise specifically stated in these regulations and every dwelling shall be located on a lot having required frontage on a public street.

k. Substandard Lots

Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued before the effective date of these regulations shall not be issued a permit except upon approval of the Board of Zoning Appeals. Approval for such substandard lot shall be subject to the Stark County Board of Health approval.

l. Lots, Yards, and Open Space

No space which, for the purpose of a building, 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 open space requirement of or for any other building.

m. Projections Into Yard Areas

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, cornices, and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

An open un-enclosed porch, or paved terrace may project into the front yard for a distance not to exceed ten (10) feet.

n. Visibility at Corner Lots

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

o. Dwelling Other Than a Main Structure

No residential structure shall be erected upon a lot with another dwelling, except that a two-story garage with living quarters upon the second floor

may be permitted provided such quarters are occupied by guests or a servant (and his family) employed by the family occupying the main structure.

p. Accessory Building

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

Accessory buildings which are not a part of the main building shall not be located closer than fifteen (15) feet from the main building, may be built within eight (8) feet of the rear and side lot lines, and must conform to the front yard building setback line. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall not be located nearer than sixty (60) feet from any front lot line or side street lot line.

Accessory buildings in residential districts shall be limited to twenty (20) feet in height unless a greater height is authorized by the Board of Appeals.

q. Temporary Buildings

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

r. Inconsistencies

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

s. Prohibited Uses

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

t. Minimum Residential Floor Area

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

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

u. Swimming Pools

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1-1/2) 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.

The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

v. Fences, Walls, and Hedges

Fences, walls, and hedges in any Residential District may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall not be over two and one-half (2-1/2) feet in height and/or no closer than fifty (50) feet from the centerline of any roadway. The maximum height for side and rear yard fences, walls, or hedges shall be six (6) feet. *Amended effective 4/3/2009*

Fences, walls, and hedges in B-1, B-2, B-3, and I Districts may be permitted in any required yard or along the edge of any yard. Fences, walls, and hedges in these districts shall be a minimum of six (6) feet in height, maximum of eight (8) feet in height. An additional two (2) feet of barb wire is permitted, if applicable.

Fences, walls, and hedges must be placed on all lots so they do not impair vision to traffic on corner lots or interior lots. Zoning permits will not be required for fences, walls, and hedges. *Amended effective 3/15/2000*

w. Manufactured or Factory-Built Homes

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

1. The structure shall be installed upon and properly attached to a permanent foundation system approved by the Stark County Building Department.

2. All hitches, axles, wheels, and conveyance mechanism shall be removed from the structure.
3. The siting of the structure shall comply with all yard and setback requirements for the district for which it is proposed. *Amended effective 4/3/2009*
4. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed. *Amended effective 4/3/2009*
5. Evidence of an approved means of sanitary sewage disposal must be submitted.
6. The site shall be serviced by adequate essential utilities.
7. A hip, gable or gambrel style roof must be installed.
8. The structure shall be located on the site so that its long axis is parallel with the street. *Amended effective 4/18/2008*

x. Topsoil Removal and Surface Mining

Township zoning certificates shall be required and such uses shall meet these regulations, which are designed to supplement the state controls and address local concerns. A zoning certificate for topsoil removal or surface mining shall not be required when:

1. A zoning certificate has been issued for construction of a structure or structures on a development area, providing plans on file in the zoning office specify affected areas for such activity.
2. The removal of soils, peat, and minerals are from those areas needed to develop public or private roadways which have been platted and approved by Stark County officials in accordance with adopted Stark County Subdivision Regulations.

y. Adult Entertainment Uses

All “adult entertainment uses”, as defined by this Resolution, shall be located only within an I-Industrial District, as a conditional use, subject to conditions as noted in Section 422.2.B.5 as determined by the Board of Zoning Appeals under the provisions of Article VIII, Conditional Zoning Certificates. *Amended effective 4/18/2008*

z. Outdoor Wood-Burning Furnaces

An outdoor wood-burning furnace may be conditionally permitted in an R-R Rural Residential District on a minimum lot size of 2 acres. All furnaces, shall meet the following requirements:

located in rear yard area only

100-foot minimum setback from all property lines

no outdoor wood-burning furnace shall be utilized as a waste incinerator
Amended effective 4/3/2009

must separately comply with Stark County Building Department regulations (building, mechanical, electrical, heating)

No person shall cause, allow or maintain the use of an outdoor wood-burning furnace 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. *Amended effective 4/18/08*

aa. Small Wind Energy Systems

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

No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the zoning inspector and forwarded to the Board of Zoning Appeals in accordance with Article VIII, Conditional Zoning Certificates. *Amended effective 11/7/2008*

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ARTICLE IV
DISTRICT REGULATIONS

SECTION 401 R-R RURAL RESIDENTIAL DISTRICT

SECTION 401.1 PURPOSE

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

SECTION 401.2 USES

Within an R-R Rural Residential District, no buildings, 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. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
5. Signs - As regulated by Article V hereof.
6. Off-street parking as permitted and regulated in Article VI.
7. Roadside stands (farm market).
8. Licensed family home (for the developmentally disabled only).
Amended effective 4/18/08
9. Type B Family Day-care Homes as permitted and regulated by Article I, Section 107. *Amended effective 4/3/2009*
10. Agriculture as exempted and regulated by Article I, Section 102.
Amended effective 4/18/08

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

Amended effective 4/18/08

1. Private or governmentally owned and/or operated picnic areas, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses and golf-driving ranges. Uses permitted under this category shall be subject to Subsections 102, 103, 104, 105, 117, 131, 132, 136, 137. *Amended effective 4/3/09*
2. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 102, 103, 104, 105, 117, 131, 133, 136, 137. *Amended effective 4/3/09*
3. Cemetery subject to Subsections 103, 107, 129.
4. Surface mining or strip mining subject to Subsections 105, 112, 114, 115, 116, 117, 120.
5. Airports, airfields, and landing strips subject to Subsections 101, 104, 105, 125.
6. Home occupations subject to Subsection 119.
7. A mobile home for residential purposes subject to Subsection 148. *Amended effective 4/18/08*
8. Parking lots, accessory to uses permitted in adjacent zoning district, subject to Subsections 105, 126.
9. Topsoil removal, subject to Subsection 113.
10. Tourist dwellings subject to Subsections 107, 111, 117. *Amended effective 4/18/08*
11. Type A Family Day-care Homes subject to Subsections 102, 104, 105, 117, 128, 132, 136, 137, 141. *Amended effective 4/3/2009*

12. Outdoor wood-burning furnaces as permitted subject to Subsections 101, 110, 111, 117. *Amended effective 4/18/08*
13. Small wind energy systems, subject to Subsections 117, 153. *Amended effective 4/3/2009*
14. **Satellite Dish (Signal Receiver), subject to Subsections 103, 105, 109, 111, 117, 121.**
15. **Wireless Telecommunications Facilities, subject to Subsections 104, 105, 109, 111, 117, 145.**

SECTION 401.3 LOT REQUIREMENTS

- a. Minimum Lot Area Per Dwelling Unit or Other Main or Permitted Use – One (1) Acre.
- b. Minimum Lot Width at Building Line – One hundred fifty (150) feet.
- c. Minimum Lot Frontage – Ninety (90) feet.

SECTION 401.4 YARD REQUIREMENTS

- a. Minimum Front Yard Depth – Sixty (60) feet
- b. Minimum Rear Yard Depth – Fifty (50) feet
- c. Minimum Side Yard Width on Each Side – Twenty-five (25) feet.

SECTION 402 R-1 SINGLE FAMILY LOW DENSITY SUBURBAN RESIDENTIAL DISTRICT

SECTION 402.1 PURPOSE

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

SECTION 402.2 USES

Within an R-1 Low Density Suburban 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: *Amended effective 4/18/08*

A. Permitted Uses

1. Single-family residential dwelling.
2. Public buildings.
3. Churches and other buildings for the purpose of religious worship.
4. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
5. Signs as permitted and regulated in Article V.
6. Off-street parking as permitted and regulated in Article VI.
7. Roadside stands (farm markets).
8. Licensed family home (for the developmentally disabled only).
9. Type B Family Day-care Homes as permitted and regulated by Article I, Section 107. *Amended effective 4/3/2009*
10. Agriculture as exempted and regulated by Article I, Section 102. *Amended effective 4/18/08*

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, subject to Subsections 102, 103, 105, 109, 111, 117.
2. Cemetery subject to Subsections 103, 107, 129.
3. Surface mining or strip mining subject to Subsections 105, 112, 114, 115, 116, 117, 120.
4. Parking lots, accessory to uses permitted in adjacent zoning districts, subject to Subsections 105 and 126.

5. Institutions for higher education subject to Subsections 102, 103, 104, 105, 111, and 137. *Amended effective 4/3/09*
6. Tourist dwelling subject to Subsections 107, 111, 117.
7. Home occupations subject to Subsection 119.
8. Topsoil removal, subject to Subsection 113.
9. A mobile home for Residential Purposes subject to Subsection 148.
Amended effective 4/18/08
10. Type A Family Day-care Homes subject to Subsections 102, 104, 105, 117, 128, 132, 136, 137, 141. *Amended effective 4/3/2009*
11. Small wind energy systems, subject to Subsections 117, 153.
Amended effective 4/3/2009
12. **Satellite Dish (Signal Receiver) subject to Subsections 103, 105, 109, 111, 117, 121.**
13. **Wireless Telecommunications Facilities subject to Subsections 104, 105, 109, 111, 117, 118.**

SECTION 402.3 LOT REQUIREMENTS

- a. Minimum Lot Area - Twenty thousand (20,000) square feet without centralized sewer and water. Twelve thousand (12,000) square feet with centralized sewer.
- b. Minimum Lot Width at Building Line - One hundred (100) feet, without centralized sewer and water. Eighty (80) feet with centralized sewer.
- c. Minimum Lot Frontage - Fifty (50) feet.
- d. Minimum First Floor Area - Seven hundred twenty (720) square feet.

SECTION 402.4 YARD REQUIREMENTS

- a. Minimum Front Yard Depth - Forty-five (45) feet.
- b. Minimum Rear Yard Depth - Fifty (50) feet.
- c. Minimum Side Yard Width - Ten (10) feet.

SECTION 403 R-2 ONE AND TWO FAMILY LOW DENSITY URBAN RESIDENTIAL DISTRICT

SECTION 403.1 PURPOSE

The purpose of this district is to provide for single and two-family residences at a density of two to six dwelling units per net acre in areas that are or may reasonably be expected to be provided with central sewer and water facilities.

SECTION 403.2 USES

Within an R-2 One and Two Family Low Density Urban 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. Two-family dwelling.
3. Public buildings.
4. Churches and other buildings for religious worship.
5. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated in Article V.
7. Off-street parking as permitted and regulated in Article VI.
8. Roadside stands (farm markets).
9. Licensed family home (for the developmentally disabled only).
10. Type B Family Day-care Homes as permitted and regulated by Article I, Section 107. *Amended effective 4/3/2009*
11. Agriculture as exempted and regulated by Article I, Section 102. *Amended effective 4/18/08*

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Parking lots, accessory to uses permitted in an adjacent zoning district, subject to Subsection 105, 126.
2. Institutions for higher education subject to Subsections 102, 103, 104, 105, 111, 137. *Amended effective 4/3/09*
3. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as riding academies, drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Subsection 101, 102, 103, 104, 105, 117, 131, 132, 136, 137.
4. Institutions for human medical care-hospitals, clinics, sanitariums, convalescent homes, nursing homes subject to Subsection 102, 103, 105, 109, 111, 117, 137. *Amended effective 4/3/09*
5. Home occupation subject to Subsection 119, 137. *Amended effective 4/3/09*
6. Type A Family Day-care Homes subject to Subsections 102, 104, 105, 117, 128, 132, 136, 137, 141. *Amended effective 4/3/2009*
7. Small wind energy systems, subject to subsections 117, 153. *Amended effective 4/3/2009*
8. **Satellite Dish (Signal Receiver) subject to Subsections 103, 109, 111, 117, 121.**
9. **Wireless Telecommunications Facilities subject to Subsections 104, 105, 109, 111, 117, 118.**

SECTION 403.3 LOT REQUIREMENTS

A. Minimum Lot Area:

1. Single-family dwelling:

Twenty-thousand (20,000) square feet without centralized sewer and water.

Ten thousand (10,000) square feet with centralized sewer.

2. Two-family dwelling:

Thirty thousand (30,000) square feet without centralized sewer and water.

Fifteen thousand (15,000) square feet with centralized sewer.

B. Minimum Lot Width at Building Line

1. Single-family dwelling:

One hundred (100) feet, without centralized sewer and water.

Seventy (70) feet, with centralized sewer and water.

2. Two-family dwelling:

One hundred twenty (120) feet, without centralized sewer and water.

Ninety (90) feet, with centralized sewer.

C. Minimum Lot Frontage - Fifty (50) feet.

SECTION 403.4 YARD REQUIREMENTS

a. Minimum Front Yard Depth - Forty-five (45) feet.

b. Minimum Rear Yard Depth - Fifty (50) feet.

c. Minimum Side Yard Width - Ten (10) feet.

d. Minimum First Floor Area - Seven Hundred Twenty (720) square feet.

SECTION 404 R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

SECTION 404.1 PURPOSE

The purpose of this district is to permit apartment development at densities up to twelve (12) dwelling units per net acre. Development is to consist primarily of townhouses and garden apartments and in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and schools.

SECTION 404.2 USES

Within an R-3 Medium Density Multifamily 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. Two-family dwelling.
3. Multifamily dwelling, subject to the site plan requirements of 404.5.
4. Lodging or boarding houses.
5. Public buildings.
6. Churches and other buildings for the purpose of religious worship.
7. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
8. Signs as permitted and regulated by Article V.
9. Off-street parking as permitted and regulated in Article VI. *Amended effective 4/3/09*
10. Roadside stands (farm markets).
11. Licensed family home (for the developmentally disabled only).
12. Type B Family Day-care Homes as permitted and regulated by Article I, Section 107. *Amended effective 4/3/09*
13. Agriculture as exempted and regulated by Article I, Section 102. *Amended effective 4/18/08*

B. Conditionally Permitted Uses

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

1. All listed conditionally permitted uses in Section 402.2, B, and subject to subsections as referred to in that section.
2. Group dwellings, subject to Subsections 109, 122, 138, 140.
3. Licensed group homes, subject to Subsections 106, 108, 124, 127, 136, 137, 141. *Amended effective 4/18/08*
4. Small wind energy systems, subject to subsections 117, 153.

5. Satellite Dish (Signal Receiver) subject to Subsections 103, 105, 109, 111, 117, 121.
6. Wireless Telecommunications Facilities subject to Subsections 104, 105, 109, 111, 117, 118,

SECTION 404.3 MINIMUM LOT AND YARD REQUIREMENTS

Lot Area	Lot Frontage	Lot Width at Building Line	Front Yard Depth	Rear Yard Depth	Side Yard Width
Single Family Dwelling:					
8,000 sq. ft.	50 feet	60 feet	30 feet	15 feet	6 feet
Two Family Dwelling:					
10,000 sq. ft.	50 feet	70 feet	30 feet	15 feet	7 feet
Multi Family Dwelling:					
12,000 sq. ft. plus 3,500 sq. ft. for each dwelling unit over three (3)	50 feet	85 feet	30 feet	10 feet	15 feet
Other Permitted Uses:					
15,000 sq. ft.	50 feet	100 feet	40 feet	30 feet	25 feet
Minimum Side Yard Width on Corner Lot – Twenty (20) feet.					

SECTION 404.4 MAXIMUM BUILDING HEIGHT

Thirty-five (35) feet

SECTION 404.5 SITE PLAN REQUIREMENTS

All multifamily uses under Section 404.2 shall be permitted only after the review and approval of the site plans by the zoning inspector and upon finding that:

1. All the development features, including the principal buildings, open spaces, service roads, driveways, and parking areas, are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
2. Grading and surface drainage provisions are reviewed and approved by Stark County's Subdivision Engineer, or a total plan has been prepared by a registered engineer.
3. The site plan is so designed to permit adequate access by fire and police and ambulance vehicles.

4. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan.
5. A copy of the site plan will be filed with the permit and kept as a matter of public record.

SECTION 404.6 OFF-STREET PARKING AND LOADING

As regulated by Article VI.

SECTION 404.7 MINIMUM SQUARE FOOTAGE

Minimum square footage per dwelling unit for Multifamily is 575 square feet for one bedroom unit, 720 square feet for two bedroom unit, and 850 square feet for a three bedroom unit or more.

SECTION 404.8 OPEN SPACE

Multifamily dwellings shall require that not less than 25% of the lot area be devoted to open space.

SECTION 406 R-6 PLANNED UNIT DEVELOPMENT DISTRICT (P.U.D.)

SECTION 406.1 PURPOSE

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

- A. A wide choice of living environments by permitting a variety of housing and building types and a flexibility of their placement on the land.
- B. A more efficient use of the land through clustering of buildings, reducing street and utility extensions, resulting in substantial savings both now and for future maintenance. *Amended effective 4/18/08*
- 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 usable open space and recreation areas for use of the residents of the development. *Amended effective 4/18/08*

- 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 facilities, and community facilities. *Amended effective 4/18/08*

SECTION 406.2 PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT

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

Actual development of the P.U.D. can be accomplished by submission of one (1) or more final plans to the Board of Appeals, each containing not less than twenty (20) acres and which shall conform to the total minimum and maximum percentages as required in this section. *Amended effective 4/3/2009*

A. Site Plan Information

1. Names, addresses, and telephone numbers of applicant, owners of all property included in the development, registered surveyor, engineer, and/or urban planner assisting in the preparation of the Planned Unit Development Plan.
2. The boundaries of the proposed P.U.D. and total acreage included.
3. Topographic information such as is available from the Stark County Engineer's office.
4. Existing and proposed street system, street widths, and indicating those streets proposed to be public and/or private.
5. The areas proposed to be used for single-family dwellings, two-family dwellings, multifamily dwellings, business uses, location of proposed parking spaces, and number of dwellings by type.
6. The proposed density by dwelling units per acre.

7. The areas proposed for open space and recreational uses and descriptive data as to the methods to be employed to preserve and maintain the open space.
8. Description and location of water and sewer facilities and feasibility of extension into the development.
9. Existing land uses within three hundred (300) feet of the proposed Planned Unit Development.

SECTION 406.3 SPECIAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

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

A. Minimum Project Area

The requirement for a P.U.D. is twenty (20) contiguous acres of land which shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad rights-of-way. *Amended effective 4/18/08*

B. Project Ownership

The land included in the P.U.D. shall be owned, leased, or controlled either by a single person or entity or by a group of individuals or entities. Such ownership may be by a public or private entity. *Amended effective 4/18/08*

C. Provisions for Future Maintenance of Open Space Land

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

D. Central sanitary sewer facilities shall be required for any P.U.D.

E. Minimum Percentages of Uses Required:

1. Thirty (30) percent of the total land area must be devoted to usable open space and recreational facilities for the use of all the residents of the area being developed.
2. A minimum of twenty (20) percent of all units shall consist of single-family detached dwellings. The remaining units may consist of any combination of two-family and multifamily dwelling units. Single-family detached units shall be placed in proximity to the existing single-family residential areas to act as a buffer from the multifamily dwellings. In areas where multifamily units are proposed, there shall be no more than twelve (12) units in any contiguous group or building. Single family not required where no single family zoning currently is adjacent to proposed P.U.D. on all sides. If single family abuts one side only then the required minimum single family can be reduced to ten (10) percent.
3. No more than five (5) percent of the total area shall be devoted to accessory uses of businesses. Such businesses shall be located on one portion of the tract and shall be constructed in accordance with the approved plan. This provision only applies to a P.U.D. of twenty (20) acres or more. Only the following businesses shall be permitted:
 - a. Retail or service establishments, such as a grocery, drugstore, shoe repair shop, hardware store, beauty or barber shop, cleaning and laundry pickup station.
 - b. Business or professional offices.
 - c. Restaurant, cafe, bar, soda fountain.

F. Maximum Density and Minimum Lot Requirements

1. The maximum overall housing density of a P.U.D. shall not exceed eleven (11) dwelling units per acre of land excluding land required for open space. (Example: 10 acres x 30% for open space leaves 7 acres. 7 acres x 11 DU/acre = 77 total units.)
2. Setbacks may be varied for better use of the natural contour of the land, a more aesthetically pleasing view of the street, and a departure from street uniformity. An average setback of thirty (30) feet shall be maintained, and no front yard setback shall be less than twenty-five (25) feet.
3. No lot shall have less than twenty (20) feet frontage on a public or private street, and all lots shall be designed to abut on common open

space or have access to such common open space via public or private rights-of-way.

4. Minimum distance between buildings – Fourteen (14) feet for one and two story plus five (5) feet additional for each story over two.
 5. Rear yards – Where buildings are not attached, there shall be a minimum of ten (10) feet required, with each ten (10) feet accountable for three (3) dwellings.
 6. Perimeter yards – All buildings on the perimeter of the P.U.D. or being developed along previously dedicated roads shall have a minimum setback of thirty (30) feet.
- G. Minimum Floor Space per Dwelling Unit – Six hundred (600) square feet, exclusive of patios, carports, garages, covered porches, for one bedroom unit and seven hundred twenty (720) feet for two bedroom units or more.
- H. Maximum Height Requirement for Buildings in a P.U.D. District – Four (4) stories and not to exceed fifty-six (56) feet in height.
- I. Parking Requirements – All permitted uses in a P.U.D. shall be required to meet the parking requirements in Article VI of these Regulations. Parking on the streets, either public or private, shall be prohibited.

SECTION 411 B-1 SUBURBAN OFFICE DISTRICT

SECTION 411.1 PURPOSE

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

SECTION 411.2 USES

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

A. Permitted Uses

1. Single-family, two-family, and multifamily dwellings, subject to the lot and yard requirements of Section 404 - R-3 Multifamily Residential District.
2. Public buildings.

3. Churches and other buildings for the purpose of religious worship.
4. Administrative or executive offices.
5. Professional offices.
6. Financial institutions, not including drive-in facilities.
7. Radio and television broadcasting station, not including transmission towers.
8. Accessory uses clearly incidental to the uses permitted on the same premises.
9. Signs as permitted and regulated by Article V. *Amended effective 4/3/09*
10. Roadside stands (farm markets).

B. Conditionally Permitted Uses

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

1. Parking lots, accessory to uses permitted in an adjacent zoning district, subject to Subsections 105, 126.
2. Cemetery, subject to Subsections 103, 107, 129.
3. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, subject to Subsections 102, 103, 105, 109, 111, 117.
4. Institutions for education, subject to Subsections 102, 103, 104, 105, 111.
5. Quasi public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 102, 107, 109, 111, 131, 137.
6. Planned office complex for two or more uses as permitted in this district, subject to Subsections 107, 109, 130.
7. Child day care center, subject to Subsections 102, 104, 117, 128, 132, 136, 137, 140, 141. *Amended effective 4/18/08*

- 8. Drive-in, drive-thru, drive-up banking facilities, subject to Subsections 103, 123, 140.
- 9. Group dwellings, subject to Subsections 109, 122, 138, 140. *Amended effective 4/18/08*
- 10. Small wind energy systems, subject to Subsections 117, 153. *Amended effective 4/3/2009*
- 11. **Satellite Dish (Signal Receiver) subject to Subsections 103, 105, 109, 111, 117, 121.**
- 12. **Mini-Storage or Mini-Warehouse Facilities subject to Subsections 103, 104, 105, 110, 117, 140, 142, 142, 150.**

SECTION 411.3 LOT REQUIREMENTS

- A. Minimum Lot Area – Twenty thousand (20,000) square feet.
- B. Minimum Lot Width at Building Line – One hundred (100) feet.
- C. Minimum Lot Frontage – Fifty (50) feet.

SECTION 411.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – Forty (40) feet.
- B. Minimum Side Yard Width – Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only, otherwise the minimum side yard width shall be twenty-five (25) feet.
- C. Minimum Rear Yard Depth – Fifty (50) feet adjacent to a residential district, otherwise minimum of twenty-five (25) feet.
- D. Minimum of ten (10) feet of all yards adjacent to a residential district to be landscaped.

SECTION 411.5 MAXIMUM BUILDING HEIGHT

Thirty-five (35) feet.

SECTION 411.6 PARKING AND LOADING REQUIREMENTS

As regulated by Article VI.

SECTION 412 B-2 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 412.1 PURPOSE

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

SECTION 412.2 USES

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

A. Permitted Uses

1. All uses permitted in the B-1 Suburban Office District.
2. Convenience retail uses and personal services stores, being defined as food sales, drug stores, barber and beauty shops, shoe repair shops, coin-operated laundromat and dry cleaning, and other similar uses, provided the floor area devoted to such use or store is no greater than five thousand (5,000) square feet.
3. Restaurants, not including drive-thru, drive-in, drive-up facilities and carry-out services, except as permitted as a conditional use.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for all uses conditionally permitted in the B-1 Suburban Office District, Section 411.2.B. *Amended effective 4/18/2008*

1. Satellite Dish (Signal Receiver) subject to Subsection 103, 105, 111, 117, 121.
2. Mini-Storage or Mini-Warehouse Facilities subject to Subsections 103, 104, 105, 110, 117, 140, 142, 143, 150.

SECTION 412.3 LOT REQUIREMENTS

- A. Minimum Lot Area – Fifteen thousand (15,000) square feet.
- B. Minimum Lot Width at Building Line – Seventy-five (75) feet.

C. Minimum Lot Frontage – Fifty (50) feet.

SECTION 412.4 YARD REQUIREMENTS

A. Minimum Front Yard Depth – Forty (40) feet.

B. Minimum Side Yard Width – Fifty (50) feet if adjacent to residential district; twenty-five (25) feet otherwise.

C. Minimum Rear Yard Depth – Fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise.

D. Minimum of ten (10) feet of all yard requirements adjacent to residential districts to be landscaped.

SECTION 412.5 MAXIMUM BUILDING HEIGHT

No building or structure shall exceed thirty-five (35) feet in height.

SECTION 412.6 PARKING AND LOADING REQUIREMENTS

As regulated by Article VI hereof.

SECTION 413 B-3 COMMUNITY BUSINESS DISTRICT

SECTION 413.1 PURPOSE

The purpose of this district is to provide for a variety of retail, service, and administrative establishments which are required to 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 413.2 USES

Within a B-3 Community 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 Suburban Office District, and B-2 Neighborhood Business District, except residential uses.
2. Retail stores, including, but not limited to clothing, stationery, home furnishings.
3. Indoor and outdoor recreational facilities, including, but not limited to theaters, tennis and racquet clubs, health spas, physical exercise facilities.
4. Off-street public parking lot.
5. Hospitals, clinics, and veterinary hospitals.
6. Automobile service stations and service shops, including motor tune-ups, muffler shops, body work, and tire repairing.
7. Car wash.
8. Commercial greenhouse and garden supply sales.
9. Hotels and motels.
10. Public and/or private transportation agencies and terminals.
11. Automobile, truck, trailer, and farm implement sales, service, and storage.
12. Funeral homes and mortuaries.

B. Conditionally Permitted Uses

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

1. Planned Commercial Complex for two or more uses as permitted in this district, subject to Subsections 107, 109, 130.
2. Mini-storage or mini-warehouse facilities, subject to Subsections 103, 104, 105, 110, 117, 140, 142, 143, 150. *Amended effective 4/3/09*
3. Drive-in theaters, subject to Subsections 101, 103, 104, 105, 110, 117.
4. Child Day Care Center, subject to Subsections 128, 136, 137, 140, 141.
5. Planned Office Complex for two (2) or more uses as permitted in this district, subject to Subsections 107, 109, 130.
6. Drive-thru, drive-in, drive-up uses accessory to permitted uses in this district, subject to Subsections 103, 123, 140.
7. Small wind energy systems, subject to Subsections 117, 153. *Amended effective 4/3/2009*
8. **Satellite Dish (Signal Receiver) subject to Subsections 103, 105, 109, 111, 117, 121.**

SECTION 413.3 LOT REQUIREMENTS

- A. Minimum Lot Area – Twenty thousand (20,000) square feet
- B. Minimum Lot Width at Building Line – One hundred (100) feet
- C. Minimum Lot Frontage – Fifty (50) feet

SECTION 413.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – Forty (40) feet
- B. Minimum Rear Yard Depth – Fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise
- C. Minimum Side Yard Depth – Fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise

D. Minimum of ten (10) feet of all yard requirements adjacent to residential districts to be landscaped

SECTION 413.5 MAXIMUM BUILDING HEIGHT

Sixty (60) feet

SECTION 413.6 PARKING AND LOADING REQUIREMENTS

As required by Article VI hereof.

SECTION 413.7 OUTDOOR DISPLAY AREAS

Merchandise to be sold at retail on the B-3 Community Business District premises may be displayed out of doors except that no such display area shall be within fifty (50) feet of any residential district. Display areas shall be screened from abutting residential areas by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

Amended effective 4/3/09

SECTION 422 I INDUSTRIAL DISTRICT

SECTION 422.1 PURPOSE

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

SECTION 422.2 USES

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

A. Permitted Uses

1. All permitted uses in the B-1, B-2, and B-3 Districts, except residential uses.
2. Experimental testing and research facilities providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
3. Motor freight garage, truck, or transfer terminal, including office, warehouse and storage.

4. Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packing.
5. The manufacture, compounding, processing, assembling and packaging as follows:
 - a. Baking and dairy goods, candy, and other food products; cosmetics, pharmaceuticals and toiletries.

This does not include fish and meat processing plants or processes which manufacture sauerkraut, yeast and the rendering or refining of fats and oils.
 - b. Electrical and electric appliances, instruments, and devices, television sets, radios, phonographs, and household appliances.
 - c. Musical instruments, novelties, and other similar small, rubber, plastic, or metal products.
 - d. Products from previously and elsewhere prepared materials, such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operations shall be within a completely enclosed building, and no operations shall create a hazard or nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
 - e. Professional and scientific instruments, clerical, and office equipment.
 - f. Fabrication, welding, machine shop, and foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
 - g. Stone or monument works if, employing power tools, within a completely enclosed building.
6. Printing and Publishing
7. Accessory buildings and uses incidental to the principal uses and which do not include any activity conducted as a separate business.
8. Mini storage and warehouse facilities.
9. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6') solid painted fence with openings no greater than fifteen (15) percent.

- a. Building materials and lumber yard, including mill work when within a completely enclosed building.
 - b. Contractors' equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - c. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any Residential District.
 - d. Public storage garage and yards.
10. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
 11. Signs as permitted and regulated in Article V.
 12. Any other lawful use or purpose which is not objectionable to near-by property by reason of odor, dust, smoke, fumes, gas, glare, noise, or vibrations, or is not hazardous to the health and property of the neighborhood because of the danger of fire or explosion must be submitted to the Zoning Commission for review and recommendations.

B. Conditionally Permitted Uses

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

Amended effective 4/18/2008

1. Strip mining or surface mining, subject to Subsections 105, 112, 114, 115, 116, 117, 120.
2. Topsoil removal, subject to Subsection 113.
3. Recycling and/or transfer station, subject to Subsections 107, 110, 111, 117, 136.
4. Junkyard, subject to Subsections 104, 110, 116, 132, 144, 145, 146, 147. Revised by township *Amended effective 4/3/2009*
5. Adult Entertainment uses, subject to Subsections 101, 102, 103, 104, 132, 136, 137, 150, 151. *Amended effective 4/3/2009*
6. Sanitary Landfill, subject to Subsections 101, 103, 104, 110, 116, 117, 132, 136, 137, 140, 145, 152. *Amended effective 4/3/2009*

effective 4/3/2009

7. Small wind energy systems, subject to subsections 117,153 *Amended*

8. **Satellite Dish (Signal Receiver) subject to Subsections 103, 105, 109, 111, 117, 121.**

SECTION 422.3 LOT REQUIREMENTS

A. Minimum lot area one (1) acre (43,560 sq. ft.) without centralized sewer and water.

Minimum lot area – Twenty thousand (20,000 sq. ft.) with centralized sewer and water.

B. Minimum lot width – Eighty (80) feet.

C. Minimum lot frontage – Fifty (50) feet.

SECTION 422.4 YARD REQUIREMENTS

A. Minimum front yard depth forty-five (45) feet except as otherwise noted in Section 422.4D.

B. Minimum rear yard depth twenty-five (25) feet except as otherwise noted in Section 422.4D.

C. Minimum side yard width twenty-five (25) feet except as otherwise noted in Section 422.4D.

D. Yards Adjoining a Residential District

When the boundary of any Industrial District adjoins the boundary of any Residential District, the minimum front, side, and rear yard depths as the case may be shall be one hundred (100) feet. Of this one hundred (100) feet, the fifty (50) feet abutting the Residential District shall be landscaped to minimize the industrial effect on the residential lot, with the remaining fifty (50) feet to be used as parking spaces or open space.

SECTION 422.5 MAXIMUM BUILDING HEIGHT

Sixty (60) feet.

SECTION 422.6 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements for this district shall be regulated by Article VI hereof.

ARTICLE V
SIGN REGULATIONS

SECTION 501 SIGNS

SECTION 501.1 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. *Amended effective 4/3/09*

SECTION 501.2 LIMITATION ON THIS SECTION

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

1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation are exempt from these regulations.
2. Signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516, and regulations adopted thereto, in addition to the Bethlehem Township Zoning Regulations.
3. Outdoor advertising (off-premises) signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business, or lands used for agricultural purposes; however, permits must be obtained and other requirements met, as listed in this section (Sec. 519.02-519.05).

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

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

1. One name plate, not exceeding one (1) square foot in area shall be permitted for each dwelling and licensed group home for the developmentally disabled.

2. One unlighted real estate sign not exceeding sixteen (16) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed, which shall not be located closer to the street right-of-way line than ten (10) feet. Such signs shall be removed immediately after the sale or rent of the property in questions.
3. Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed thirty-two (32) square feet in area. Such signs shall be removed upon completion of work.
4. Signs directing and guiding traffic shall be permitted on private property; however, such sign shall not contain any advertising material.

SECTION 501.4 GENERAL REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT

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

1. Any illuminated sign or lighting device shall employ only one exterior emitting lamp per side of constant intensity, and no sign shall be illuminated by or contain exterior flashing, intermittent, or rotating or moving lamps, with the exception of a message center. (consisting of time and temperature)
2. All illuminated signs or lighting devices shall have the exterior lamps properly shielded with rays directed toward the sign.
3. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.
4. No sign shall be placed on any structure's roof except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
5. All signs hung and erected shall be plainly marked with the name of the responsible firm or corporation for maintenance. Upon receipt of a written notice from the Zoning Inspector, the sign shall be put in a safe and secure condition or removed.
6. Signs shall not be constructed so as to obstruct traffic sight lines, control lights, traffic control devices, or railroad signal devices at grade crossings. Signs shall not in any way resemble traffic or directional signals or devices.
7. No sign shall be located within any public right-of-way except as indicated in Section 501.2 (1) above. Signs directing and guiding traffic shall be

permitted on private property provided such signs do not contain any advertising material.

8. No sign shall be located closer than twelve (12) feet to any front, side, or rear property line.
9. Directional signs shall not exceed thirty-six (36) inches in height and five (5) feet in width.

SECTION 501.5 MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall include the wall space between the individual letters.

SECTION 501.6 PERMITTED SIGNS IN ANY USE DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

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

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.
2. One unlighted name plate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a "Home Occupation".
3. One unlighted sign not more than sixteen (16) square feet in area in conjunction with a roadside stand (farm market), which shall be used to advertise seasonal agricultural sales.
4. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed one hundred (100) square feet in area and shall be located within such development.

SECTION 501.7 SIGNS PERMITTED ONLY IN BUSINESS AND INDUSTRIAL DISTRICTS UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

Two (2) permitted signs of the following types may be located on property in a business or industrial zone: *Amended effective 5/4/2000*

1. Exterior business signs affixed to the building which advertise a business or service conducted upon the premises and/or advertise products, merchandise, or commodities stocked and sold on the premises. Such sign may be affixed flat against the wall of the building or may project therefrom not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground or pavement level adjoining the building. Projecting signs shall not be over twelve (12) feet in height and in no case shall exceed fifty (50) square feet in area. *Amended effective 5/4/2000*
3. Pole-type business signs which advertise a business or service conducted upon the premises and/or advertise products, merchandise, or commodities stocked and sold on the premises shall not exceed a total sign area of sixty (60) square feet.
3. Billboard and outdoor advertising signs which shall maintain the minimum front, side, and rear yards as required for buildings located in the same district, and shall not be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such billboards shall not exceed a gross area of six hundred seventy-five (675) square feet, shall not be permitted within three hundred (300) feet of any entrance to a public park, public or parochial school, library, church, or similar institution. *Amended effective 5/4/2000*

SECTION 501.8 TEMPORARY AND PORTABLE SIGNS

All signs of a temporary nature, such as posters, banners, promotional devices and other signs of a similar nature, may be granted a temporary permit for a period not to exceed thirty (30) days subject to the following regulations:
Amended effective 5/4/2000

1. Such signs shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
2. No more than three (3) consecutive temporary sign permits shall be issued for any one property within a one-year period. *Amended effective 5/4/2000*
3. Temporary signs shall not exceed forty (40) square feet in area.

4. For purposes of this article a temporary sign is one that is not permanently affixed to the ground or to another structure. *Amended effective 5/4/2000*

SECTION 501.9 FEES FOR SIGNS

As regulated by Article X hereof. *Amended effective 5/4/2000*

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ARTICLE VI

PARKING AND LOADING REQUIREMENTS

SECTION 601 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 601.1 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 one hundred fifty (150) square feet, or fraction thereof, of floor area, plus one (1) space for each two (2) employees.
- 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 (1) additional for each five (5) dwelling units in multifamily dwellings or developments.
- F. Hospitals – One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- G. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Clinics – Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
- I. Restaurants – One (1) for each two (2) seats.
- J. Retail Stores and Personal Service Shops, etc. – 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 – One (1) for each three (3) guest rooms but not less than two (2) in any case.
- M. Libraries and Museums – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- N. Automobile Repair Garages - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- O. Food locker - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- P. Car Washes:

- 1. Automatic Car Wash

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

- 2. Semi-Automatic Car Wash

Car washes in which automatic machinery is used to wash the vehicle, but the vehicle provides the power through the production line shall have and maintain on the premises at least eight (8) paved off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least one and one-half (1-1/2) off-street parking spaces per exit lane; and said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or existing the washing facility.

- 3. Manual Car Wash

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

- Q. Industrial and Manufacturing Facilities – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- S. Roadside Stand (Farm Market) – Four (4) parking spaces.
- T. Mini Storage Facilities – One (1) for each twenty (20) storage units plus two (2) located by office facilities.
- U. Warehouse – One (1) for each two thousand (2,000) square feet or fraction thereof of floor space.

SECTION 601.2 GENERAL REGULATIONS

- A. Floor Area – For the purposes of this section "floor area" in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, fractions of required floor area over one-half (1/2) shall require one (1) parking space.
- B. Parking Space – Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.
- C. Parking Area Design – Such parking areas shall be of useable shape, improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the requirements of the Township Trustees. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces; and 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.
- E. Yard Restrictions – Off-street parking facilities shall not occupy any part of any required front or side yard in any R District areas, but where open may be included as part of a required open space for a rear yard. In all B and I District areas, open off-street parking facilities may be located in the required front yard provided that at least a twenty (20) foot wide

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 yard. *Amended effective 4/3/09*

- F. Locating – The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property but shall not be allowed in residential districts.
- G. Joint Use – Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally used between the hours of 6 a.m. and 6 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

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

SECTION 602 LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 602.1 MINIMUM SPACES REQUIRED

- A. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicles shall provide sufficient space on the premises for all loading 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 right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.

3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as are required under Section 601 and shall not be considered as supplying off-street parking space.

**SECTION 603 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 done on the right-of-way of any publicly dedicated thoroughfare.

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ARTICLE VII
NON-CONFORMING USES

SECTION 701 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 701.1 REGULATIONS

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

A. Alterations and Enlargement

A non-conforming 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 twenty-five (25) percent in square foot area, upon application and determination of the Board of Zoning Appeals.

B. Non-conforming to Non-conforming Use

A non-conforming use may be changed to another non-conforming use provided that the proposed non-conforming use is identical or less in conflict with character and use of the district than the existing non-conforming 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 non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution and is started within one (1) year of the aforementioned acts, and completed one (1) year after construction starts, and provided such replacement or repair does not extend the non-conforming use in square foot area.

D. Construction Approved Prior to Resolution

Nothing in this Resolution shall prohibit the completion of construction and use of a non-conforming 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 two (2) years after the issuance of said zoning certificate.

E. Displacement

No non-conforming use shall be extended to displace a conforming use.

F. Discontinuance or Abandonment

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

G. Unsafe Structures

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

H. Certificate of Non-conforming Use

Within one (1) year of the effective date of this Resolution the Zoning Inspector shall issue a "Certificate of Non-conforming Use" to all known owners of legal non-conforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.

1. In accordance with the provisions of this section no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Non-conforming Use" unless said use shall be in conformance with the provisions of the use zone in which the property is located.
2. A copy of each "Certificate of Non-conforming Use" shall be filed in the office of the Board of Zoning Appeals, and a copy retained by the Zoning Inspector.

I. District Changes

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

ARTICLE VIII

CONDITIONAL ZONING CERTIFICATES

SECTION 801 PURPOSE

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

SECTION 801.1 PROCEDURES FOR MAKING APPLICATION

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

A. Application Submitted to the Zoning Inspector

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

B. Data Required with Application

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their uses, and the acreage or area involved, including that for parking.
3. Complete plans and specifications for all proposed development and construction, and where appropriate, reclamation.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 801.2 below.

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 ninety-five (95) 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 of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

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

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

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

G. Termination

The Conditional Zoning Certificate shall become void at the expiration of two (2) years after date of issuance unless the structure or alteration thereof is started.

H. Continuance of Existing Uses Conditionally Permissible

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

SECTION 801.2 BASIS OF DETERMINATION

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

A. General Standards

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

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

SECTION 802 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES AS LISTED IN SECTIONS 401.2.B, 402.2.B, 403.2.B, 404.2.B, 411.2.B, 413.2.B, 422.2.B. *Amended effective 4/3/2009*

- 101 All structures and activity areas should be at least one hundred (100) feet from all property lines. *Amended effective 4/18/2008*

102. Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 104 There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- 106 Minimum Lot and Yard Requirements for a Licensed Group Home shall be as listed for "Other Permitted Uses" in Section 404.3 of these Regulations.
- 107 Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 108 No such Licensed Group Home shall be located within a one-mile radius of another such facility.
- 109 Such uses shall not require uneconomical extensions of utility services at the expense of the township. *Amended effective 4/18/2008*
- 110 Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 111 Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 112 No sand, gravel, or any type of strip mining shall be removed or stored or overburden stored within fifty (50) feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent do not have adequate lateral support.
- 113 A conditional use zoning certificate for the removal of topsoil shall meet the following requirements:
 - a. Every applicant granted a topsoil removal certificate as herein provided shall furnish a performance bond of two thousand five hundred dollars (\$2,500) per acre with a minimum bond of five

thousand dollars (\$5,000) to the Township of Bethlehem as a guarantee that such work will be done in a satisfactory manner.

- b. A reclamation plan shall include a substitute re-soiling material that will support vegetation capable of self-regeneration and plant succession.
 - c. Operations on Sundays, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Years Day shall be prohibited. Actual working hours requested by applicant are subject to approval or modification by the Board of Zoning Appeals. *Amended effective 4/18/2008*
 - d. Applicant must designate approximate time of completion of reclamation.
 - e. Reclamation shall be progressive to prevent erosion.
 - f. The storage of topsoil from other sites shall be permitted only in Industrial Districts.
- 114
- a. Reclamation is required within one year from expiration date of a conditional use certificate or the abandonment of the operation.
 - b. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation.
 - c. A copy of state application, as approved by the Division of Reclamation, and any revisions to the application over the life of the permit, shall be submitted to the Board of Zoning Appeals.
 - d. Applications or revisions submitted to the Division of Reclamation subsequent to the issuance of a Bethlehem Township surface mining or strip mining certificate shall be presented to the Board of Zoning Appeals within ten (10) days of approval by the Division of Reclamation. *Amended effective 4/18/2008*
- 115
- a. Processing equipment to be located at the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
 - b. The storage of minerals, peat, or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.
- 116
- Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public

- streets and prevent hazards and damage to other properties in the township. *Amended effective 4/18/2008*
- 117 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
- 118 The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 119 Home occupations shall be permitted subject to the following conditions:
- a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
 - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - c. Such use shall be conducted only by persons residing in the dwelling unit.
 - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
 - e. The use shall not involve the use of more than thirty-three and one third per cent (33-1/3%) of the floor area of only one (1) story.
 - f. No newspaper, radio, or television services shall be used to advertise such home occupations.
 - g. One (1) unlighted name plate not more than three (3) square feet in area announcing the name and home occupation shall be permitted.
 - h. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.
 - i. If additional parking spaces are required for the proposed home occupation, they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district.
 - j. All facilities and structures shall meet county and/or State of Ohio health, building, electrical and other applicable regulations and/or permit requirements. *Amended effective 4/18/2008*
- 120 a. Existing natural and manmade barriers at the site shall be provided as protection and screening against noise, dust, and visual protection for all operations.

- b. Haul roads shall be positioned to provide for safe access to state, county, and township roads. These roads shall be hard surfaced for dust control.
 - c. Stakes of one color shall be set and maintained along the perimeter of the area designated for topsoil or mineral removal at 100' intervals or less.
- 121 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- 122 Special provisions for group dwellings:
- a. Group dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements, the entire group as a unit requiring one (1) front and rear and two (2) side yards as specified for dwellings in the appropriate district.
 - b. Each two (2) or two and one-half (2-1/2) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in length, in addition to its required yards.
 - c. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.
 - d. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.
 - e. The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
 - f. All dwelling structures of the group except those facing a public street shall face upon the court.
- 123 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.

- c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
Amended effective 4/18/2008
 - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- 124 An adequate number of parking spaces shall be required in accordance with Article VI for such licensed group home, as determined by the Board of Zoning Appeals. *Amended effective 4/18/2008*
- 125 Such uses should be located on a major thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 126 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
 - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use for which the parking is provided, permitted, or conditionally permitted.
 - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
 - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
 - e. Entrance and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential district.
 - f. Such parking lot shall be sufficiently screened from each side by a fence, wall, or compact hedge. Such fence, wall, or hedge shall be not less than four (4) feet in height, and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition. The planting strip for hedges shall be no less than three (3) feet in width. Any space between such fence, wall, or hedge and the side lot line of adjoining premises in a Residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.
- 127 One unlighted name plate, not more than one (1) square foot shall be permitted for a licensed group home.
- 128 Outside play areas shall be enclosed by a six (6) foot fence.

- 129 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - b. Minimum area required for a cemetery site shall be ten (10) acres.
 - c. Pavement width of driveways shall be at least twenty (20) feet.
 - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
 - e. Area drainage and/or sanitary facilities are subject to approval by the appropriate state and county departments prior to the issuance of a conditional zoning certificate. *Amended effective 4/3/2009*
 - f. Only signs designating entrances, exits, traffic direction and titles shall be permitted and must be approved by the board.
 - g. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.
 - h. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located.
 - i. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any public road nor within fifty (50) feet of an adjacent property line.
- 130 An integrated planned commercial development, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
 - b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
- 131 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.

- 132 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a two (2) year period only. After a two (2) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector determine that the said use has been and is being operated according to the specifications of the Zoning Resolution and the previous Conditional Zoning Certificate. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.
- 133 No campsite shall be occupied by the same occupant or group and/or tent, trailer, or other camping equipment for a period longer than thirty (30) consecutive days. No cabin, lodge, room, or other rental accommodations shall be occupied by the same occupant or group for a period longer than thirty (30) consecutive days.
- 134 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
- 135 A minimum area of fifty (50) acres shall be required for a use proposed under these regulations.
- 136 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical and other applicable codes.
- 137 All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 138 The proposed project shall conform to all requirements and/or conditions as the board may deem necessary to meet the following criteria:
- a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
 - b. On-site circulation shall be designed to make possible adequate fire and police protection.
 - c. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and

two-way drives of twenty (20) feet paving width minimum shall be required of eleven (11) or more vehicle capacity.

- d. The property must be served by central sewer facilities approved by the appropriate state and county departments and operated and maintained according to the inspection and rules of said departments.
- 139 No zoning certificate shall be issued until final site plans have been submitted and approved in accordance with the Stark County Subdivision Regulations, where applicable, and the Board of Appeals. Zoning certificates shall not be issued until approval by the appropriate state and county departments has been obtained concerning the proposed sanitary sewerage facilities.
- 140 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.
- 141 Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
- 142 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business.
- 143 There shall be no outside storage adjacent to any residential district or uses.
- 144 The scrap or junk yard use shall only be permitted under the following conditions:
- a. All sites, procedures, and processes shall be subject to the approval of the appropriate County and State agencies; no Conditional Zoning Certificate shall be issued until the necessary County and/or State approvals are obtained.
 - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - c. Suitable control measures shall be taken whenever dust is a problem or potential problem.
 - d. There shall be no burning of refuse, garbage, or other waste material.
 - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any R-District and/or public street right-of-way line, and shall otherwise have front, side, and rear setbacks of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:

1. The fifty (50) foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screening value.
 2. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
 3. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect and no visual openings shall exist.
- f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.
- 145 Storage of explosive or hazardous materials shall be prohibited.
- 146 Outside storage areas shall be completely enclosed by walls, fences, building, landscaping, or a combination thereof. *Amended effective 4/3/2009*
- 147 Junk yards, scrap yards, must be enclosed by a minimum eight (8) foot painted solid fence.
- 148 A mobile home for residential purposes may be permitted after a public hearing by the Board of Zoning Appeals under a conditional permit and subject to the following conditions:
- a. All mobile homes shall have adequate health facilities available, including running water inside and toilet facilities connected to an approved septic system. Approval in writing from the Stark County Board of Health shall be required stating that all health requirements have been met.
 - b. A conditional zoning certificate for a mobile home as a temporary dwelling may be approved by the Board of Appeals for the following circumstances only:
 1. In case of fire, flood, storm or similar act of God which destroyed the permanent dwelling, a mobile home may be permitted while the permanent dwelling is being re-constructed and for a period of time as determined by the Board.
 2. For the purpose of providing housing for a member of the immediate family (father, mother, children or grandparents) of those residing in a dwelling already constructed on the lot for the duration of sickness or disability. Such condition must be substantiated by doctor's statement of the necessity of care from others. A conditional zoning certificate for this purpose shall be renewed annually upon complying with the applicable review and procedure of Article VIII and providing proof of continued sickness or disability.

3. For the purpose of providing temporary housing while permanent housing is being constructed or substantially renovated. Such certificate for a temporary mobile home shall only be issued if a zoning certificate for the permanent dwelling is obtained before the issuance of a conditional zoning certificate. At the completion of construction of the permanent dwelling or at the end of one (1) year, whichever time is first, such temporary mobile home shall be removed. The Board of Appeals may approve a renewal of such temporary mobile home permit if the permanent dwelling has not been completed. However, the maximum time for such temporary mobile home dwelling shall be two (2) years.
 - c. All mobile homes must have a minimum of seven hundred twenty (720) square feet of floor space and be limited to a single family unit.
 - d. The location of the mobile home must meet existing setback provisions.
 - e. All mobile homes must be enclosed from ground to floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.

149. A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.

150. Such uses shall not be located adjacent to any Residential District. *Amended effective 4/18/08*

151. The following regulations shall apply to adult entertainment uses as defined herein. *Amended effective 4/18/08*
 - a. Adult entertainment uses shall be located at least one thousand (1,000) feet from any church, public or private school, park, playground, social service facility, neighborhood center, or amusement arcade.
 - b. Adult entertainment uses shall be located at least five hundred (500) feet from any residence or boundary of any residential district.
 - c. Adult entertainment uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government. *Amended effective 4/3/2009*
 - d. Adult entertainment uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment use.
 - e. Advertisements, displays, or other promotional materials that convey or contain adult materials shall not be shown or exhibited so as to be visible to

the public from pedestrian sidewalks, walkways, or other public areas.
Amended effective 4/3/2009

- f. A minimum of one (1) attendant shall be on duty in the on-site parking area provided for the establishment during any and all hours of operation.

152 A sanitary landfill shall be permitted only under the following conditions:
Amended effective 4/18/08

- a. A minimum area of one hundred (100) contiguous acres shall be required.
- b. All sites, procedures and processes shall be subject to approval by the county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
- c. Suitable control measures shall be taken whenever dust or odor is a problem or potential problem.
- d. There shall be no burning of refuse, garbage, or other waste materials.
- e. Shall be located no closer than one thousand (1,000) feet to any Residential District and/or public right-of-way line, and shall otherwise have front, side and rear setbacks of at least one hundred fifty (150) feet. A fifty (50) foot wide landscape buffer strip shall be planted within the required setback for camouflaging purposes, according to the following specifications:
 - The fifty (50) foot wide strip shall be planted with Pine, Norway Spruce, or other plants of similar screening value.
 - Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
 - The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
 - Trees shall be planted that are at the optimum transplanting size and age while still being as large as possible.
- f. All work connected with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

153 Small wind energy systems shall meet the following requirements: *Amended effective 11/17/2008*

- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
- b. Minimum lot size of two (2) acres.
- c. One small wind energy system tower per lot or parcel.

- d. Small wind energy system shall be located only in the rear yard area.
- e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
- f. Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 110 percent of the tower height.
- g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
- h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
- i. Blade color shall be white or light gray.
- j. Lighting of the tower for aircraft and helicopter shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
- k. **The tower shall have either:**
 - 1. **Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure; *Amended effective 4/3/2009***
 - 2. **A locked anti-climb device installed on the tower; or**
 - 3. **Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.**
- l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
- o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
- p. No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.

- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning on the project and restoring the site when submitting the application for a conditional zoning certificate:
1. The anticipated life of the project;
 2. The estimated decommissioning costs in current dollars;
 3. The method and schedule for updating the cost of decommissioning and restoration;
 4. The anticipated manner in which the project will be decommissioned and the site restored; and
 5. The method of ensuring funds will be available for decommissioning and restoration.
- r. Site Plan requirements shall include, but not be limited to:
1. Property lines and physical dimensions of the site.
 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under- ground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
Amended effective 4/3/09
 3. Location of signage.
 4. Elevation of the proposed small wind energy system tower.
 5. Location of trees within a 100-ft. radius of the proposed small wind energy system.
 6. Manufacturer's specifications, including make, model, and picture.
 7. Scaled drawing no smaller than 1" = 100'. *Amended effective 4/3/09*

ARTICLE IX

BOARD OF ZONING APPEALS

SECTION 901 A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION.

SECTION 901.1 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 901.2 ORGANIZATION

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

SECTION 901.3 QUORUM

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

SECTION 901.4 MEETINGS

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

SECTION 901.5 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 901.6 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 901.7 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. In the event that the zoning inspector has made a wrongful interpretation of the code and the Board so finds in favor of the applicant, then all fees paid for the appeal shall be refunded to the applicant. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant conditional zoning certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and non-conforming 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 of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by an attorney or other representative, or they may present their position in writing. They may present evidence and examine witnesses appearing for or against them. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. *

*Ohio Revised Code 519.14 (D)

SECTION 901.8 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 from which the action appealed was taken.

SECTION 901.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by governmental officer, department, Board, and bureau. Such application shall be filed with the Secretary of the Board who shall transmit the same to the Board. The person filing the application shall be known as the appellant and the officer from whose action the appeal is taken shall be known as the appellee.

SECTION 901.10 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that if 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 901.11 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and 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 hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

SECTION 901.12 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 the inspector, and he shall incorporate the terms and conditions of the same in the zoning certificate or conditional zoning certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

ARTICLE X

ADMINISTRATION FEES AND ENFORCEMENT

SECTION 1001 ADMINISTRATION

SECTION 1001.1 ZONING INSPECTION

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

SECTION 1001.2 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Article VIII, Conditional Zoning Certificates of this Resolution and shall have the powers as specified in Article IX of this Resolution. *Amended effective 4/18/08*

SECTION 1001.3 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 1001.4 ZONING CERTIFICATES REQUIRED

A. A zoning certificate shall be required for the use of all buildings, structures, and land in accordance with these regulations. Before any construction or alterations are made to any building or structure, including accessory buildings, or before any land use or building use is changed, a new zoning certificate shall be required in order to assure compliance with these regulations. All applications for zoning certificates shall be submitted to the Zoning Inspector and shall include the following information at a minimum: *Amended effective 4/18/08*

1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
2. The location, dimensions, height, and bulk of structures to be erected.
3. The intended use.
4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
5. The yard, open area, and parking space dimensions.

- 6. Conformance with Section 301.4 e.
 - 7. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in Section 1001.5.
 - C. The zoning certificate shall become void at the expiration of one (1) year after the date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.
 - D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 801.1 shall be followed in lieu of the above regulations.

SECTION 1001.5 PAYMENT OF FEES

Zoning Certificate Fee Schedule:

Appropriate fees as set and regulated by the Bethlehem Township Trustees will be assessed.

SECTION 1002 **VIOLATIONS AND PENALTIES**

SECTION 1002.1 VIOLATIONS

In case any building is or is proposed to be located, erected, constructed, re-constructed, 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, re-construction, enlargement, change, maintenance, or use.

SECTION 1002.2 PENALTIES

Any person violating any provisions of this Resolution or supplements or amendments thereto shall be deemed guilty of a misdemeanor and, upon conviction

thereof, 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.

SECTION 1002.3 COMPLIANCE CERTIFICATE

Certificate for any new commercial or industrial uses or the compliance by a new tenant of an existing business or industrial use, building or land use.

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ARTICLE XI

VALIDITY AND SEPARABILITY

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

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ARTICLE XII

REPEALER

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

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ARTICLE XIII

EFFECTIVE DATE

This Resolution is in full force and effect from and after November 20, 1973; the date the votes and the election were certified by the Stark County Board of Elections.

