

BETHLEHEM TOWNSHIP ZONING RESOLUTION

**For the unincorporated areas of Sections 5 and 6
and all land lying east of the Tuscarawas River**

**Effective Date November 20, 1973
Reprinted with Amendments Effective July 19, 1989
Reprinted with Amendments Effective December 19, 1996
Reprinted with Amendments Effective April 3, 2009**

Please obtain a Sewage Treatment System Permit from the Stark County Board of Health
or a Sanitary Sewer Connection Permit from the Stark County Sanitary Engineer's Office
BEFORE making an application for a Zoning Permit.

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INTRODUCTION

Zoning Resolution for the Unincorporated Areas of Sections 5, and 6,
and all Land Lying East of the Tuscarawas River
in Bethlehem Township, Stark County, Ohio.

WHEREAS, the Board of Trustees of Bethlehem Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, morals, and general welfare for the residents of said township, by zoning the building and land use of the unincorporated territory of the unincorporated areas of Sections 5, and 6, and all land east of the Tuscarawas River in the township; and,

THEREFORE, the Board of Trustees of Bethlehem Township, in accordance with Section 519.04 and related sections of the Ohio Revised Code, shall appoint, for five (5) year-terms, five (5) persons, all of whom are legal residents of the unincorporated territory of Bethlehem Township to serve as a Zoning Commission for Bethlehem Township.

WHEREAS, it now becomes the duty of the said Bethlehem Township Zoning Commission to prepare reasonable, adequate and lawful rules and regulations in accordance with Section 519.01-519.99, inclusive of the Ohio Revised Code relative to Township Zoning, to regulate the use of the land in the unincorporated areas of Section 5, and 6, and all land lying east of the Tuscarawas River in Bethlehem Township so as to promote public health, safety, morals, and general welfare in said Township.

THEREFORE, in accordance with Section 519.05 and related sections of the Ohio Revised Code by the following text and accompanying maps, the Bethlehem Township Zoning Commission does hereby submit a plan for Zoning of the Unincorporated areas of Section 5, and 6, and all land lying east of the Tuscarawas River in Bethlehem Township, Stark County, Ohio, as follows:

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

SECTION 101 - FAMILY HOME AND GROUP HOMES

*§101.19 Licensed family homes and licensed group homes in development shall be permitted and regulated in accordance with this Resolution in addition to other laws of the State of Ohio.

101-19-01

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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.

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.

BILLBOARD: Same as "Outdoor Advertising Sign."

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

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.

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 sewerage 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, shrubbed 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 nonself-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 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 coal 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 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.

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 room 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 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 use for recreational 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.

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 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.

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".

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*

1. Outdoor Wood-Burning Furnaces

An outdoor wood-burning furnace may be conditionally permitted in an R-2 Residential District on a minimum lot size of 1/2 acre (21,780 sq. ft.) provided that the following requirements are met:

located in rear yard area only.

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no outdoor wood-burning furnace shall be allowed as a second furnace on the same lot.

that applicant comply with Stark County Building Department regulations (building mechanical, electrical, heating, etc.)

No person shall erect, alter or maintain the use of an outdoor wood-burning furnace without first having obtained a permit from the Stark County Building Department. Application for a permit shall be made to the Stark County Building Department. Fees collected with regard to the permit shall be set by resolution of the Board of Trustees. Applicant shall be responsible for removal of the furnace at the time of removal.

2. Small Wood-Burning Systems

It is the purpose of this regulation to promote the safe, efficient and reduced use of energy and energy systems located in certain residential areas. A small wood-burning system may be permitted in any zoning district as a conditionally permitted use.

The person shall erect, alter or maintain the use of a small wood-burning system without first having obtained a conditional use permit from the Board of Trustees. Application for a conditional use permit shall be submitted to the Stark County Building Department in the form of a Conditional Use Application. All applications for conditional use permits shall be reviewed by the Board of Trustees.

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*

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

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*

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. *Amended effective 4/3/09*

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 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*

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*

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*

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.