

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

**B. Conditionally Permitted Uses**

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

*Amended effective 4/18/2008*

1. Strip mining or surface mining, subject to Subsections 105, 112, 114, 115, 116, 117, 120.
2. Topsoil removal, subject to Subsection 113.
3. Recycling and/or transfer station, subject to Subsections 107, 110, 111, 117, 136.
4. Junkyard, subject to Subsections 104, 110, 116, 132, 144, 145, 146, 147. Revised by township *Amended effective 4/3/2009*
5. Adult Entertainment uses, subject to Subsections 101, 102, 103, 104, 132, 136, 137, 150, 151. *Amended effective 4/3/2009*
6. Sanitary Landfill, subject to Subsections 101, 103, 104, 110, 116, 117, 132, 136, 137, 140, 145, 152. *Amended effective 4/3/2009*
7. Small wind energy systems, subject to subsections 117, 153. *Amended effective 4/3/2009*

SECTION 422.3 LOT REQUIREMENTS

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

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

- B. Minimum lot width – Eighty (80) feet.
- C. Minimum lot frontage – Fifty (50) feet.

SECTION 422.4 YARD REQUIREMENTS

- A. Minimum front yard depth forty-five (45) feet except as otherwise noted in Section 422.4D.
- B. Minimum rear yard depth twenty-five (25) feet except as otherwise noted in Section 422.4D.
- C. Minimum side yard width twenty-five (25) feet except as otherwise noted in Section 422.4D.
- D. Yards Adjoining a Residential District

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

SECTION 422.5 MAXIMUM BUILDING HEIGHT

Sixty (60) feet.

SECTION 422.6 PARKING AND LOADING REQUIREMENTS

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

**ARTICLE V**  
**SIGN REGULATIONS**

**SECTION 501 SIGNS**

**SECTION 501.1 PURPOSE**

The purpose of the following regulations is to protect property values, create a more attractive economic and business climate, enhance and protect physical appearance of the community, and promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types. *Amended effective 4/3/09*

**SECTION 501.2 LIMITATION ON THIS SECTION**

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

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

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

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

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

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

#### SECTION 501.4 GENERAL REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT

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

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

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

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

#### SECTION 501.5 MEASUREMENT OF SIGN AREA

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

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

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

1. One announcement sign or bulletin board of not more than thirty-two (32) square feet in area shall be permitted for any church, school, community center, or other public or institutional building.
2. One unlighted name plate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a "Home Occupation".
3. One unlighted sign not more than sixteen (16) square feet in area in conjunction with a roadside stand (farm market), which shall be used to advertise seasonal agricultural sales.
4. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed one hundred (100) square feet in area and shall be located within such development.

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

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

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

SECTION 501.8 TEMPORARY AND PORTABLE SIGNS

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

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

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

#### SECTION 501.9 FEES FOR SIGNS

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

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## ARTICLE VI

### PARKING AND LOADING REQUIREMENTS

#### SECTION 601 OFF-STREET PARKING

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

#### SECTION 601.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- A. Auditorium, Stadium, and Similar uses – One (1) for each four (4) seats based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios – One (1) for each one hundred fifty (150) square feet, or fraction thereof, of floor area, plus one (1) space for each two (2) employees.
- C. Churches and School Auditoriums – One (1) for each three (3) seats in principal auditorium, based on maximum seating capacity.
- D. Clubs and Lodges – One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.
- E. Dwelling – Two (2) for each dwelling unit plus one (1) additional for each five (5) dwelling units in multifamily dwellings or developments.
- F. Hospitals – One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- G. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Clinics – Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
- I. Restaurants – One (1) for each two (2) seats.
- J. Retail Stores and Personal Service Shops, etc. – One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.

- K. Indoor Theaters – One (1) for each three (3) seats.
- L. Lodging Houses, Boarding Houses – One (1) for each three (3) guest rooms but not less than two (2) in any case.
- M. Libraries and Museums – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- N. Automobile Repair Garages - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- O. Food locker - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- P. Car Washes:

- 1. Automatic Car Wash

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

- 2. Semi-Automatic Car Wash

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

- 3. Manual Car Wash

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

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

## SECTION 601.2 GENERAL REGULATIONS

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

landscaped strip is located between the parking area and the street right-of-way line. In all B and I District areas, open off-street parking facilities may occupy the required rear yard. *Amended effective 4/3/09*

F. Locating – The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property but shall not be allowed in residential districts.

G. Joint Use – Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally used between the hours of 6 a.m. and 6 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

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

## **SECTION 602   LOADING AND UNLOADING SPACE REQUIREMENTS**

### **SECTION 602.1   MINIMUM SPACES REQUIRED**

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

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

**SECTION 603    PARKING AND LOADING REQUIREMENTS FOR USES  
NOT SPECIFIED**

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

Loading space is required under this section shall be provided as shown  
in addition to other required parking spaces as indicated on the plan and  
and shall not be considered as required off-street parking space.

SECTION 603 PARKING AND LOADING REQUIREMENTS FOR USES  
NOT SPECIFIED

When the off-street parking and loading requirements for a use are not  
specifically defined herein, the parking and loading facilities for such use shall be  
developed as to be in accordance with the loading needs of the proposed  
use. No parking, loading or service shall be done on the right-of-way of any publicly  
dedicated thoroughfare.

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**ARTICLE VII**  
**NON-CONFORMING USES**

**SECTION 701 PURPOSE**

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

**SECTION 701.1 REGULATIONS**

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

A. Alterations and Enlargement

A non-conforming building, structure, or use existing at the time this Resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty-five (25) percent in square foot area, upon application and determination of the Board of Zoning Appeals.

B. Non-conforming to Non-conforming Use

A non-conforming use may be changed to another non-conforming use provided that the proposed non-conforming use is identical or less in conflict with character and use of the district than the existing non-conforming use as determined by the Board of Zoning Appeals.

C. Reconstruction

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution and is started within one (1) year of the aforementioned acts, and completed one (1) year after construction starts, and provided such replacement or repair does not extend the non-conforming use in square foot area.

D. Construction Approved Prior to Resolution

Nothing in this Resolution shall prohibit the completion of construction and use of a non-conforming building for which a zoning certificate has

been issued prior to the effective date of this Resolution or any amendment thereto provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said zoning certificate.

E. Displacement

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

F. Discontinuance or Abandonment

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

G. Unsafe Structures

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

H. Certificate of Non-conforming Use

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

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

I. District Changes

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



## ARTICLE VIII

### CONDITIONAL ZONING CERTIFICATES

#### SECTION 801 PURPOSE

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

#### SECTION 801.1 PROCEDURES FOR MAKING APPLICATION

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

##### A. Application Submitted to the Zoning Inspector

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

##### B. Data Required with Application

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

C. Review by the Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution. Such review and determination shall be completed within ninety-five (95) days of the date of submission, and shall be made at a public meeting.

D. Hearing

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

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

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

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

G. Termination

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

H. Continuance of Existing Uses Conditionally Permissible

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

## SECTION 801.2 BASIS OF DETERMINATION

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

### A. General Standards

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

3. For the purpose of providing temporary housing while permanent housing is being constructed or substantially renovated. Such certificate for a temporary mobile home shall only be issued if a zoning certificate for the permanent dwelling is obtained before the issuance of a conditional zoning certificate. At the completion of construction of the permanent dwelling or at the end of one (1) year, whichever time is first, such temporary mobile home shall be removed. The Board of Appeals may approve a renewal of such temporary mobile home permit if the permanent dwelling has not been completed. However, the maximum time for such temporary mobile home dwelling shall be two (2) years.
  - c. All mobile homes must have a minimum of seven hundred twenty (720) square feet of floor space and be limited to a single family unit.
  - d. The location of the mobile home must meet existing setback provisions.
  - e. All mobile homes must be enclosed from ground to floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.
149. A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.
150. Such uses shall not be located adjacent to any Residential District. *Amended effective 4/18/08*
151. The following regulations shall apply to adult entertainment uses as defined herein. *Amended effective 4/18/08*
  - a. Adult entertainment uses shall be located at least one thousand (1,000) feet from any church, public or private school, park, playground, social service facility, neighborhood center, or amusement arcade.
  - b. Adult entertainment uses shall be located at least five hundred (500) feet from any residence or boundary of any residential district.
  - c. Adult entertainment uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government. *Amended effective 4/3/2009*
  - d. Adult entertainment uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment use.
  - e. Advertisements, displays, or other promotional materials that convey or contain adult materials shall not be shown or exhibited so as to be visible to

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

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

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

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

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

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

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

q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning on the project and restoring the site when submitting the application for a conditional zoning certificate:

1. The anticipated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the cost of decommissioning and restoration;
4. The anticipated manner in which the project will be decommissioned and the site restored; and
5. The method of ensuring funds will be available for decommissioning and restoration.

r. Site Plan requirements shall include, but not be limited to:

1. Property lines and physical dimensions of the site.
2. Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under- ground utility lines, easements and any structures on the property. Also show location of sewage treatment system.  
*Amended effective 4/3/09*
3. Location of signage.
4. Elevation of the proposed small wind energy system tower.
5. Location of trees within a 100-ft. radius of the proposed small wind energy system.
6. Manufacturer's specifications, including make, model, and picture.
7. Scaled drawing no smaller than 1" = 100'. *Amended effective 4/3/09*



**ARTICLE IX**  
**BOARD OF ZONING APPEALS**

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

**SECTION 901.1    COMPOSITION AND APPOINTMENT**

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

**SECTION 901.2    ORGANIZATION**

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

**SECTION 901.3    QUORUM**

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

**SECTION 901.4    MEETINGS**

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

**SECTION 901.5    WITNESSES**

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

**SECTION 901.6    PROCEEDINGS**

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

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

## SECTION 901.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of this Resolution.
- B. In the event that the zoning inspector has made a wrongful interpretation of the code and the Board so finds in favor of the applicant, then all fees paid for the appeal shall be refunded to the applicant. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant conditional zoning certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and non-conforming uses as specifically provided in this Resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. \*

\*Ohio Revised Code 519.14 (D)

## SECTION 901.8 APPEALS TO THE BOARD

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

## SECTION 901.9 APPLICATIONS

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

## SECTION 901.10 PROCEDURE

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

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

## SECTION 901.11 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and other property owners of interest, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date

of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

**SECTION 901.12 DECISIONS**

A copy of the Board's decision shall be transmitted to the applicant or appellant and to the zoning inspector. Such decision shall be binding upon the zoning inspector and observed by the inspector, and he shall incorporate the terms and conditions of the same in the zoning certificate or conditional zoning certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

## ARTICLE X

### ADMINISTRATION FEES AND ENFORCEMENT

#### SECTION 1001 ADMINISTRATION

##### SECTION 1001.1 ZONING INSPECTION

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

##### SECTION 1001.2 BOARD OF ZONING APPEALS

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

##### SECTION 1001.3 SUBMISSION OF APPLICATIONS

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

##### SECTION 1001.4 ZONING CERTIFICATES REQUIRED

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

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

6. Conformance with Section 301.4 e.
7. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

B. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in Section 1001.5.

C. The zoning certificate shall become void at the expiration of one (1) year after the date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.

D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 801.1 shall be followed in lieu of the above regulations.

#### SECTION 1001.5 PAYMENT OF FEES

##### Zoning Certificate Fee Schedule:

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

#### SECTION 1002 VIOLATIONS AND PENALTIES

##### SECTION 1002.1 VIOLATIONS

In case any building is or is proposed to be located, erected, constructed, re-constructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of any provisions of this Resolution or supplements or amendments thereto, the board of township trustees, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, re-construction, enlargement, change, maintenance, or use.

##### SECTION 1002.2 PENALTIES

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

thereof, shall be fined not more than one hundred (100) dollars. Each day of continuation of a violation of this Resolution shall be deemed a separate offense.

SECTION 1002.3      COMPLIANCE CERTIFICATE

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

...that the ... (10) ...  
...of this ... shall be ...

SECTION 100.3 COMPLIANCE CERTIFICATE

...for any ... or ...  
...of an existing ... or ...

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## ARTICLE XI

### VALIDITY AND SEPARABILITY

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

ARTICLE XI

VALUITY AND SEPARABILITY

If any section hereof is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or any other provision hereof.

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## ARTICLE XII

### REPEALER

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

ARTICLE XII

REPEALER

All existing Resolutions of the Board of Directors of the Township of ...  
inconsistent herewith, are hereby repealed.

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## **ARTICLE XIII**

### **EFFECTIVE DATE**

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