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## **INTRODUCTION**

### **ZONING RESOLUTION FOR OSNABURG TOWNSHIP**

#### **STARK COUNTY, OHIO**

**WHEREAS**, the Board of Trustees of Osnaburg Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, and general welfare for the residents of said township; and,

**WHEREAS**, a zoning resolution for the building and land use within the unincorporated territory of the township was adopted in 1961, in accordance with Section 519.10 and related sections of the Ohio Revised Code; and,

**WHEREAS**, five (5) persons have been duly appointed by the Board of Trustees of Osnaburg Township to serve as a Zoning Commission for said Township; and,

**WHEREAS**, said Zoning Commission has recommended the complete revision of the Osnaburg Township Zoning Resolution and Official Zoning Map, and have submitted such amendments and map to the Board of Trustees of Osnaburg Township under the authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code on May 19, 2008.

**THEREFORE**, the Board of Trustees of Osnaburg Township did adopt the amendments to the Zoning Resolution and map on June 23, 2008, under the authority and in accordance with the provisions of the Ohio Revised Code, and said amendments became effective on July 23, 2008.

## ARTICLE I

### PURPOSE AND CONFORMANCE

#### SECTION 100 PURPOSE

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

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

#### SECTION 110 CONFORMANCE

Ohio Revised Code, Section 519.23 Prohibition against violating resolution. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any board of township trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

## **ARTICLE II**

### **TITLE**

This Resolution shall be known as and shall be cited and referred to as the  
"Osnaburg Township, Stark County, Ohio, Zoning Resolution."

## **ARTICLE III**

### **INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS**

#### **SECTION 300 INTERPRETATION OF STANDARDS**

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

#### **SECTION 310 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL**

##### **SECTION 310.1 AGRICULTURE**

Land used for agriculture, as defined by Ohio Revised Code Section 519.01 and any amendment made thereto, will be exempt from zoning only to the extent set forth under Ohio Revised Code Section 519.21, and any amendments made thereto. Additionally, any parcel of land subject to subdivision (B) of Ohio Revised Code Section 519.21 will be subject to the regulations contained herein.

##### **A. Agricultural Uses**

As authorized in ORC 519.21, the following provisions are established to regulate the use of land for agricultural purposes on small parcels. The use of land five (5) acres or greater, when used for agricultural purposes, is exempt from these provisions.

1. On lots of (1) one acre or less:
  - a. Agriculture is a conditionally permitted use in residential districts.
  - b. A minimum setback of fifty (50) feet from all lot lines is required for all buildings, and pasture/feeding/storing areas for agriculture animals.
  - c. Growing areas for crops, trees or other plants are subject to the setback requirements of the district in which the use is located; and
  - d. All buildings and/or structures are subject to the size and height requirements applicable to the district in which the use is located.
2. On lots greater than one (1) acre but less than five (5) acres:
  - a. All buildings or structures incidental to the use of land for agricultural purposes shall comply with the required building setback lines, height and size regulations for an accessory structure applicable to the district in which the use is located.
  - b. All buildings, yards, or other confinements for animals must be located at least one hundred (100) feet from any building used for

- human habitation or occupancy, other than the residence of the owner, manager, or caretaker of the animals.
3. A pasture/feeding/storing area that is provided for agricultural animals shall be completely surrounded by a fence in accordance with this Zoning Resolution.
  4. For the purpose of this Section, an agricultural animal is a domestic animal, including but not limited to a horse, cow, llama, goat, hog, mink, fowl, dog or cat.
  5. Notwithstanding (4) above, the keeping of a kennel, whether harbored for agricultural or other purpose, is prohibited in a residential district on a lot of one (1) acre or less.
- B. Farm Market, Roadside Stand
1. Any temporary stand or vehicle used for the purpose of selling seasonal agricultural products may be placed on the property by the owner or tenant of the property in any district, provided that the stand is located a minimum of:
    - a. Ten (10) feet from the rear lot line;
    - b. Ten (10) feet from the side lot line;
    - c. Twenty (20) feet from the road right of way line;
    - d. Ten (10) feet from the principal building on the property.
  2. The temporary stand or structure shall not exceed eighteen (18) feet in height.
  3. All farm markets or roadside stands shall provide a minimum of four (4) parking spaces on the lot and not in the public right-of-way.

#### **SECTION 310.2 PUBLIC UTILITIES AND RAILROADS**

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

#### **SECTION 310.3 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES**

Sections 519.02 to 519.25 of the Ohio Revised Code confer no power on any board of township trustees, township zoning commission, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

#### **SECTION 310.4 OIL AND GAS DRILLING**

Such sections do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for natural gas well drilling, or production activities, or the location of conduct of oil associated facilities, or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants. Ohio Revised Code Section 519.21

Section 1509.39 of the Ohio Revised Code, as enacted July 25, 1980, permits the adoption of health and safety standards which are not less restrictive than the provisions of the Ohio Revised Code or any rules adopted there under by the Division

of Oil and Gas; however, this section prohibits township enforcement or requirement of permits for such oil and gas well operations except for the permit provided for in Section 4513.34 of the Ohio Revised Code, concerning overweight vehicles.

**SECTION 310.5 OUTDOOR ADVERTISING**

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

**SECTION 310.6 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, 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. Ohio Revised Code Section 5511.01

**SECTION 310.7 LICENSED FAMILY HOMES AND LICENSED GROUP HOMES FOR DEVELOPMENTALLY DISABLED PERSONS**

Such facilities are limited from zoning control under Section 5123.19, Ohio Revised Code. However, zoning permits shall be required and such facilities will be regulated by this Resolution in addition to other laws of the State of Ohio.

**SECTION 310.8 ABANDONED CELLULAR COMMUNICATION TOWER**

Notwithstanding any other section of the Resolution, no property owner may maintain upon his property an abandoned cellular communication tower as defined in ARTICLE IV DEFINITIONS.

**SECTION 310.9 FAMILY/CHILD HOMES AND CENTERS**

Such Facilities are limited from zoning control under Section 5104.054, ORC. Any Type “B” family home, whether or not certified by the County Director of Human Services, shall be considered to be a residential use of property and shall be a permitted use in all zoning districts in which residential uses are permitted and no conditional use permit or other special exception certification for such type “B” family home shall be required. However, the provider of children in a Type “B” family home that is not certified by the County Director of Human Services shall request an inspection of such home by the fire marshal in accordance with applicable state law. Evidence of licensing by the County Director of Human Services must be provided for operation of a child center of Type “A” family home.

## ARTICLE IV

### DEFINITIONS

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the "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 any individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

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

ACCESSORY SOLAR ENERGY SYSTEM: A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment and is intended to primarily reduce onsite consumption of utility power.

ACCESSORY USE OR STRUCTURE: A use or structure incidental to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

AGRICULTURE: Land used for agriculture, as defined by Ohio Revised Code Section 519.01 and any amendment made thereto, will be exempt from zoning only to the extent set forth under Ohio Revised Code Section 519.21, and any amendment made thereto. Additionally, any parcel of land subject to subdivision (B) of Ohio Revised Code Section 519.21 will be subject to the regulations contained herein.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas.

ADULT BOOK STORE, ADULT NOVELTY STORE, And ADULT VIDEO STORE: A commercial use in which 50% or more of its revenues or 50% or more of its interior business or advertising is devoted to the sale, rental, and/or for any form of consideration, of anyone or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representation which are characterized by the depiction of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

ADULT CABARET: Nightclub, juice bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video, cassettes, slides, or similar photographic reproductions are

regularly shown which are characterized by the depiction or description of specified anatomical area or specified sexual activities, nudity or sexual or genital areas.

ADULT USE: Shall include all of the following:

1. Adult Arcade
2. Adult Bookstore, Adult Novelty Store or Adult Video Store
3. Adult Cabaret
4. Adult Motel
5. Adult Motion Picture Theater
6. Massage Establishment

ADULT MOTEL: A motel, hotel or similar commercial use which:

1. Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or
  - a. description of specified sexual activities or specified anatomical areas and which
  - b. advertises the availability of this sexually oriented type of material by means of a sign
  - c. visible in the public right-of-way, or by means of any off-premises advertising but not limited to newspapers, magazines, pamphlets or leaflets, video or television; or
2. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
3. Allows a tenant, or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

ANIMAL GROOMING: A place used for the grooming of animals. No animal shall be kept on the premises for longer than one (1) day. *See also "animal hospital" and "kennel".*

ANIMAL 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. The meaning of this term is not included and does not include the meaning of the term "hospital" which is a facility for human medical care.

ANIMAL HUSBANDRY: The keeping or raising of domestic animals incidental to the use of land for agricultural purposes.

APARTMENT: See "Dwelling," "Townhouse," "Row House," or "Multi Family."

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

BASEMENT: A story having more than one half its height below the 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, Osnaburg Township, Stark County, Ohio.



**BOARDING OR LODGING HOUSE:** A building other than a hotel or motel, where for compensation by the week, or month, meals and/or lodging are provided for at least three (3) but not more than twenty (20) persons.

**BUILDING:** Any structure having a roof supported by columns or 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.

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

**CEMETERY:** Land used 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.

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

**CHILD CENTER:** Any place in which child 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 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.

**CHURCH:** Any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

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

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

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

**COMPOSTING FACILITY:** A business where composting of organic solid waste occurs in accordance with State and County regulations and Chapter 3745 of the Ohio Administrative Code. The Composting Facility must be registered with a valid Class I, II, III, or IV Composting permit or license. The Composting Facility includes the area of materials placement and any leachate management system structures.

**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.

CONVALESCENT HOME: A "rest home" or "boarding home" for the aged or mentally or physically infirmed conducted within any building for the reception and care, for a consideration, of three (3) or more persons who, by reason of age or mental or physical infirmities are not capable of properly caring for themselves and for which a license has been issued by the State of Ohio.

COURT: An open, unoccupied space other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

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

DEMOLITION MATERIALS SITE: Any site, location, tract of land, area, building, structure or premise used for stabilization, conversion, transfer, or burial of construction or demolition materials; including a temporary transfer site. The term does not include any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed.

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

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

DEVELOPMENTAL DISABILITIES: 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 motor propelled vehicle, motor home, trailer, or accessory use to the same, which is being or is in the process of being wrecked, dismantled, or stored and which does not have a valid license plate on it and is being continuously left outside.

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

DRIVE-THRU, DRIVE-IN, DRIVE-UP: A place of business where patrons or customers are served or accommodated while remaining in their auto or other motor vehicle.

DWELLING: Any building, or portion thereof, which is designed or used primarily for residence purposes, including one- and two-family and multi-family units, but not including house trailer or

manufactured home, basement dwelling, hotels, motels, boarding houses, lodging houses, and tourist dwellings.

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

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

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

DWELLINGS, GROUP: More than one (1) dwelling, whether single-family, two-family, or multi-family or a combination, located on one lot and around a common court or courts.

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, reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety, or general welfare.

FAMILY: Persons occupying a dwelling unit and living as a single housekeeping unit.

FAMILY DAY-CARE HOME (TYPE "A"): 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" home shall be counted.

FAMILY DAY-CARE HOME (TYPE "B"): 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 purpose of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type "B" home shall be counted.

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.

FARM MARKET: See definition of "Roadside Stand".

FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two

buildings. Floor area for the purpose of these regulations will not include basement, garages, 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.

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

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

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.

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.

HOME OCCUPATION: Home Occupations are of two types for the purpose of this Resolution:

1. Type A: any activity, profession, occupation, service, craft or revenue producing hobby conducted within a principal dwelling and carried on by the inhabitants and/or one employee thereof, which is clearly incidental to the use of the dwelling and does not change the character thereof, and must comply with the provisions of this Resolution.
2. Type B: any activity, profession, occupation, service, craft or revenue producing hobby conducted within an accessory building that does not change the character thereof, and carried on by the inhabitants and/or one employee thereof, and must comply with the provisions of this Resolution.

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

INDUSTRIAL SERVICES: Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

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

JUNKYARD: The use of more than twenty-five (25) square feet of any land, building, or structure, whether private or commercial, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, or handled for more than fifteen (15) days.

KENNEL: A place where dogs are boarded, bred or trained for compensation. See also “Animal Hospital” and “Animal Grooming”

LANDSCAPE: Sodded, seeded, and/or shrubbed materials or areas on a lot or tract of land.

LIGHT MANUFACTURING AND ASSEMBLY: The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

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

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

LOT AREA: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established 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 frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

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

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

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

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

**LOT LINE, SIDE:** Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

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

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

**MANUFACTURED HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974, “88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and Ohio Revised Code 3781.06.

**MANUFACTURED HOME PARK:** Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority.

**MARIJUANA:** Means marijuana as defined in section 3719.01 of the ORC. (O) “Marihuana” means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. “Marihuana” does not include the mature stalks of the plant, fiber produced from the stalks, oils, or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

**MASSAGE:** Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

**MASSAGE ESTABLISHMENT:** Any fixed place of business where a person offers massages:

1. In exchange for anything of value; or
2. In connection with the provisions of another legitimate service.

**MASSEUR (MASSEUSE):** Any individual who performs massages at a massage establishment.

**MEDICAL MARIJUANA:** Means that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**MINERALS:** Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, or non-metalliferous ore, topsoil, other natural material or substance of value from natural deposits on or in the earth.

**MINI-WAREHOUSE:** A building or group of buildings in a controlled access and/or fenced compound containing storage compartments, stalls, or lockers with a maximum individual storage unit size of 300 square feet for the dead storage of customer goods.

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

**MOBILE HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length, or when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C) (3) of the Ohio Revised Code.

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

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

**NUDITY** The showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
2. The female breast with less than a fully opaque covering on any part of the nipple.

**OPEN SPACE:** The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. This space shall not be devoted to service driveways or off-street parking or loading spaces, and shall be twenty (20) feet in the least dimension on the ground. Balconies projecting at least four feet six inches (4'6"), roof areas which are improved may also be counted as open space.

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

**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.

**OVERBURDEN:** All of the earth and other materials which cover a natural deposit of minerals, coal and peat. Also means such earth and other materials after removal from their natural state in the process of surface and strip mining.

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

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

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

**PERSONAL SERVICES:** Any enterprise conducted for gain in which services are offered to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities.

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

**PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground or roof mounted solar collector devices and solar related equipment.

**PROFESSIONAL AND MEDICAL OFFICES:** Establishments are primarily engaged in activities or services which require licensing or certifications and have minimal impact on adjacent properties. Examples of this use include medical offices, accountants, attorneys, surveyors and engineers, and other similar uses.

**PROPERTY CARETAKER:** An individual, other than the short-term rental permit holder, who is responsible for the oversight and care of the short-term rental.

**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 for primary or secondary education.

**PUBLIC PARK** Land owned by a governmental entity which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, county, or state.

**PUBLIC UTILITY:** Any entity deemed a “public utility” for purposes of Ohio Revised Code, Section 519.211 and any amendments made thereto.



**RECYCLING TRANSFER FACILITY:** A facility for the collection of waste products, such as paper, glass, and metals.

**RESEARCH AND DEVELOPMENT FACILITIES:** An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**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 a developmental disability resides.

**RESTAURANTS AND TAVERNS:** A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted. For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

**RETAIL AND SERVICE COMMERCIAL USES:** Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

**ROADSIDE STAND:** A vehicle or structure without a 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 by or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21.

**ROADSIDE STAND (AGRICULTURE):** 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, as amended June 29, 1982.

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

**SATELLITE DISHES:** Any antenna or 'earth station' designed, constructed or modified to bring in or receive satellite television signals.

**SCHOOL:** Any public or private educational facility including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary school, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation

schools, special education schools, colleges, junior colleges, and universities. School includes the school ground but do not include the facilities used primarily for another purpose and only incidentally as a school.

**SEXUAL OR GENITAL AREA:** Includes the genitalia, pubic area, anus, perineum of any person, and the breast of a female.

**SEXUALLY ORIENTED BUSINESS:** Any business considered an Adult Use.

**SHORT TERM RENTAL:** Any dwelling that is rented wholly or in part for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receives monetary compensation.

**SHORT TERM RENTAL PERMIT:** A permit for a short-term rental property duly issued by Osnaburg Township Zoning Department.

**SHORT TERM RENTER:** An occupant or renter of a short term rental pursuant to a rental agreement.

**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 governmental agency or charitable, religious, educational, or similar organization.

**SMALL WIND ENERGY SYSTEM (SWES)** – Wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

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

**SOLAR PHOTOVOLTAIC (PV):** The technology that uses a semiconductor to convert light directly into electricity.

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

**SPECIFIED ANATOMICAL AREAS:** The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

**SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities listed above.

**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.

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

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

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

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

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

**STREET RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and a 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. In Osaburg Township, the following streets shall be assumed to have eighty (80) foot right-of-way: Lincoln Street (Rt. 30), Lisbon Street (Rt. 172), Ravenna Avenue (Rt. 44), and Zwallen Way (Rt. 43).

**STRIP MINING:** All or any part of the process followed in the production of coal from a natural deposit whereby the coal may be extracted after removing the overburden.

**STRUCTURE:** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, farmers' roadside stands.

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

**SURFACE MINING:** Any or all of the following activities that impacts the ground or is moving or removing minerals from the earth at the surface or below the surface. Removal from the ground or extraction, handling, processing, storing of minerals onsite, or off-site of the parcel of land, or selling and/or moving the materials off the parcel to another parcel.

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

TEMPORARY STAND: A removable structure with no foundation used or intended to be used solely by the owner or tenant of the property on which it is located for the sale of seasonable agricultural products as specified in Ohio Revised Code Section 519.21, and to be removed and stored back of the building line applicable to the district in which the use is located on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise the products.

THOROUGHFARE: Street or alley.

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

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

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

TRAILER: See "Mobile Home."

TRANSPORTATION, WAREHOUSING AND LOGISTIC USES: Establishments primarily engaged, or support such establishments, in the transportation, warehousing (indoors), sorting, or distribution of goods and products. Examples include trucking terminals, distribution centers, warehouses, fleet companies, fueling centers that support fleets or large trucks, and other similar uses.

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

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

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

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

WAREHOUSE: A building for commercial storage of goods or wares in an Industrial District.

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. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

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

ZONING MAP: The "Zoning Districts" map of Osnaburg Township, Stark County, Ohio.

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

## ARTICLE V

### DISTRICTS AND BOUNDARIES THEREOF

#### SECTION 501 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Osnaburg 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 501.1 DISTRICTS

- R-R Rural/Residential District
- R-1 Single Family Residential District
- R-2 One and Two-Family Residential District
- R-3 Low Density Multi-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Manufactured Home and Manufactured Home Park  
Residential District
- B-1 Suburban Office District
- B-2 Neighborhood Business District
- B-3 General Business District
- I-1 Light Industrial District
- I-2 General Industrial District

##### SECTION 501.2 ZONING DISTRICTS MAP

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

##### SECTION 501.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Where the Boundaries Approximately Follow Streets, Alleys, or Highways  
Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- B. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines  
Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

C. Vacation of Public Ways

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

**ARTICLE VI**

**GENERAL STANDARDS AND SPECIAL PROVISIONS**

**SECTION 601 CONFORMANCE REQUIRED**

SECTION 601.01 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.

SECTION 601.2 COMPLIANCE WITH HEALTH, SAFETY, AND BUILDING AND SUBDIVISION REGULATIONS

A. 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.

B. 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.

C. 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.

D. Storm water, Erosion and Sediment Control: Soil disturbing activities are subject to all applicable requirements of the Stark County Storm Water Quality Regulations, adopted by the Stark County Commissioners and administered by the Stark County Soil and Water Conservation District. When applicable, a National Pollution Discharge Elimination System (NPDES) permit shall be obtained before commencing any soil disturbing activities.

E. Flood Hazard Prevention Regulations: Prior to any development in the 100 year flood plain, as delineated and regulated in accordance with Federal Emergency Management Agency (FEMA) requirements and the Stark County Flood Hazard Prevention Regulations, permits must be obtained from the Stark County Building Department.

**SECTION 601.3 ZONING CERTIFICATION REQUIRED**

A zoning certificate shall be required for the use of all buildings, structures and land in accordance with these regulations. Before any structure changes are made to any building or structure 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.

**SECTION 601.4 PUBLIC PARK LAND USE IN OSNABURG TOWNSHIP**

Any proposed public park within the unincorporated areas of Osnaburg Township shall comply with ingress, egress, parking and set back requirements for the zoning district in which the park, or park access is located, before any such parcel or part thereof may designated a public park.

*Please note: Public Park is a Conditionally Permitted Use in an R-R rural residential district, subject to review and approval by the Board of Zoning Appeals. See 701.2 (B)(4)*

**SECTION 602 EXCEPTIONS AND MODIFICATIONS TO THESE REGULATIONS**

**SECTION 602.1 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.

**SECTION 602.2 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.



SECTION 602.3 PROJECTIONS INTO YARD AREA

Every part of a required yard shall be free from structures except for accessory buildings in a rear yard, as permitted in accordance with Section 602.4 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. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

A paved terrace or patio may project into the front yard for a distance not to exceed ten (10) feet; however, shall remain open and unenclosed.

SECTION 602.4 ACCESSORY BUILDINGS, STRUCTURES AND USES

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 requirements of these regulations applicable to the principal building.

Accessory buildings, structures, and uses which are not part of the main building shall not be located closer than fifteen (15) feet from the main building, shall not be located closer than eight (8) feet from the rear lot and side lines, and must conform to the front yard building setback line. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard nor shall it exceed a maximum height as indicated in **Table 602.4 A**.

<b>TABLE 602.4 A</b>	
Accessory Structure in Residential Districts	
Lot Size:	Height limit
One (1) acre or less	15 feet
1.01 acres to Five (5) acres	22 feet

SECTION 602.5 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) foot 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.

SECTION 602.6 CORNER LOTS

Corner lots shall be required to meet minimum setback as indicated in each district.

SECTION 602.7 CONSTRUCTION OF USE WHEN PERMIT ISSUED PREVIOUSLY

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where a permit was previously issued and construction has started before the permit's expiration date, and provided further that such building shall be completed within one (1) year from the date of passage of these regulations.

**SECTION 602.8    TEMPORARY BUILDINGS**

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any of the zone districts herein established; however, such temporary building or trailer shall be removed one (1) year from the date of the construction permit.

**SECTION 602.9    FENCES, WALLS, AND HEDGES**

Fences, walls, and hedges are 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 be over three (3) feet in height and/or no closer than fifty (50) feet from the centerline of any roadway. Zoning permits will not be required for fences; however, the maximum height for side and rear yard fences shall be six (6) feet.

**SECTION 602.10    SEWAGE FACILITIES**

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

**SECTION 602.11    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.

**SECTION 603        SUPPLEMENTARY REGULATIONS**

**SECTION 603.1    PRINCIPAL BUILDING**

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

**SECTION 603.2    REDUCTION OF LOT REQUIREMENTS**

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

**SECTION 603.3    VISIBILITY AT CORNER LOTS**

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

SECTION 603.4     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.

SECTION 603.5     SWIMMING POOLS

Public or private in-ground or above-ground swimming pools containing over four (4) 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 four (4) feet in height and maintained in good condition with a gate and lock.

SECTION 603.6     BUSINESS DISPLAYS

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

SECTION 603.7     RESTRICTIONS ON THE PARKING AND STORAGE OF VEHICLES

No person shall park, store or leave, or permit the parking or storing of any vehicle that is apparently inoperable and in a rusted, wrecked, junked, partially dismantled or abandoned condition, whether attended or not, upon any property within the township unless the same is completely enclosed within a building or otherwise permitted by these regulations.

In any R-1, R-2, R-3, R-4, and/or R-5 Residential Districts, the parking or storage of vehicles over 1-1/2 tons axle capacity rating shall be prohibited.

No more than two (2) recreational vehicles, such as a trailer home, motor home, or boat, may be stored on a side or rear lot in a residential district provided a dwelling does exist and the vehicles have current license plates.

SECTION 603.8     TEMPORARY GARAGE SALES, OR SALES OF A SIMILAR NATURE CONDUCTED AT A RESIDENCE

Periodic garage or yard sales are permitted by a resident for no longer than a two (2) week period and no more than once each year for any one dwelling, and no zoning permit will be required for such use. Further sales of such nature shall be considered a business use requiring a zoning permit as provided in applicable district regulations and subject to such district requirements. Any off premises signs should conform to Article VIII, Section 801.8.

## SECTION 603.9A HOME OCCUPATIONS

Type A: A Home Occupation shall be a permitted use within the primary dwelling provided the following requirements are met:

1. A lighted/unlighted sign or name plate not more than twelve (12) square feet shall be permitted per Section 801.6.2 announcing the name and home occupation.
2. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use...
3. There shall be no outside storage of any kind related to the use.
4. Service activities such as teaching, tutoring, tax consulting, computer consulting and like shall involve not more than two (2) receivers of such service at any one time.
5. No use of accessory building(s) or structures shall be permitted to operate a home occupation.
6. Not more than twenty-five (25) percent of the gross floor area of the primary dwelling shall be devoted to the use.
7. No equipment, process, materials or chemicals shall be used which create or emit offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
8. Type A and Type B home occupations cannot concurrently be on the same property.
9. Adequate customer parking not to exceed 2 parking spaces shall be provided off-street for any traffic generated by such use.
10. Any variances must be reviewed by the Board of Zoning Appeals.

## SECTION 603.9B

Type B: Home Occupation shall be a conditionally permitted use only within an accessory building(s) provided the following requirements are met and as per Section 602.4 and Table 602.4A:

1. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
2. A lighted/unlighted sign or name plate not more than twelve (12) square feet shall be permitted per Section 801.6.2 announcing the name and home occupation.
3. All storage shall meet Federal, State and County Health and Safety guidelines.
4. There shall be no outside storage of any kind related to the use.
5. Service activities shall involve not more than two (2) receivers of such services at any one (1) time.
6. Accessory Building(s) must comply with Section 602.4 and 602.4A
7. Type A and Type B home occupations cannot concurrently be on the same property.
8. Any variances must be reviewed by the Board of Zoning Appeals.
9. Adequate customer parking not to exceed 2 parking spaces shall be provided off-street for any traffic generated by such use.
10. No equipment, process, materials or chemicals shall be used which create or emit offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.

SECTION 603.10 Manufactured or Factory-built Homes

Any manufactured or factory-built home 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 mechanisms shall be removed from the structure.
3. The home shall be located to comply with all yard, setback and parking requirements for the district in which it is located.
4. The proposed home shall be serviced by adequate essential utilities, including an approved septic or sewer system.
5. A hip, gable or gambrel style roof must be installed and the structure shall be located on the site so that its long axes are parallel with the street.

SECTION 603.11 Landscaping, Buffer Yard and Screening Requirements

All portions of the lot not covered by permitted structures or pavement shall be landscaped. Trees and shrubbery shall not be planted so as to obstruct driveway or roadway intersections.

SECTION 603.12 OUTDOOR WOOD-BURNING FURNACES

An outdoor wood-burning furnace may be permitted in an R-R District on a minimum lot size of one (1) acre. All furnaces shall meet the following requirements:

- A. Locate in rear or side yard areas only
- B. Fifty (50) foot minimum setback from all property lines
- C. No outdoor wood burning furnace shall be utilized as a waste incinerator
- D. 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 the resolution of the Board of Trustees per Article XIII, Section 1301.4 A; Article XIII, Section 1301.5.

SECTION 603.13 SMALL WIND ENERGY SYSTEM

A small wind energy system for energy uses shall be permitted as an accessory to a principal use within the R-R Rural Residential Districts and I-1 Light Industrial Districts on lots 5 acres or greater and comply with the following regulations.

- A. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
- B. Placement of SWES towers at a density of no greater than one (1) per five acres.
- C. No SWES shall be located in any required front yard area.

- D. 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.
- E. Minimum setback from all property lines, structures, and above ground utility lines shall be 110% of the tower height.
- F. 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 line.
- G. Minimum height from the base of the tower to the lowest part of the blade tip, or rotor system shall be 12 feet.
- H. Blade colors shall be white, light gray or black.
- I. Lighting of the tower for aircraft and helicopter will conform with Federal Aviation Administration (FAA) standards for wattage and color, when Applicable.
- J. The construction, plumbing and electrical requirements, inspection and other Safety facilities shall be in compliance with all Federal, State, County and Local regulations and/or permits, and shall be installed, operated and maintained per the manufacturer's instruction.
- 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;
  - 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. No variance shall be issued for the placement of a SWES so close to a property line or structure as to result in any portion of the SWES at any time, whether erect or in the event the SWES should fall or be toppled, to overhang, cross or otherwise extend beyond the property line or come in contact with a structure.
- O. Site Plan Requirements include but are not limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of SWES tower, guy wires, and setbacks from property lines, above or under ground utility lines and any structure on the property.
  - 3. Location of signage.
  - 4. Elevation of the proposed SWES tower.
  - 5. Location of trees within a 100 foot radius of the proposed SWES.
  - 6. Make, model, picture, and manufacturer's specification.
  - 7. Location of sewage treatment systems.
- P. If at any time the use of the SWES is discontinued for 180 days, the zoning Inspector may declare it abandoned. This excludes any dormancy period between construction and the initial use of the SWES. The property owner will receive written notice from the Zoning Inspector and instructions to either reactivate the SWES within 180 days or dismantle and

remove it. If reactivation of dismantling does not occur, the township can remove or can contract to have the SWES removed at the owner's expense.

SECTION 603.14

MARIJUANA DISPENSARY PROHIBITATION RESOLUTION

Motion to adopt a Resolution Prohibiting the Establishment and Operation of Medical Marijuana Cultivation, Processing, and Retail Dispensaries in Osnaburg Township.

On June 8, 2016 Ohio Governor John Kasich signed House Bill 523 into law after it passed the Ohio General Assembly, House Bill 523 will become effective on September 8, 2016 and provides for the regulation and legalization of medical marijuana within the State of Ohio; and Ohio Revised Code Section 3796.29 and Section 519.21-D enacted as part of House Bill 523 provides that a Zoning Commission, a Board of Township Trustees, or a Board of Zoning Appeals may adopt a resolution to prohibit or limit the number and locations of medical marijuana cultivators, processors, and retail dispensaries within the limits of the unincorporated territory of the township. The Board of Trustees of Osnaburg Township takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreation use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Osnaburg Township that:

Section 1. As a land use matter, medical marijuana cultivators, dispensaries, and processors as defined by House Bill 523, are hereby prohibited within the Township, to protect the health, safety, and welfare of the residents of Osnaburg Township.

Section 2. The Board of Township Trustees finds and determines that all formal action of this Board concerning and relating to the passage of this Board concerning and relating to the passage of this Resolution were adopted in open meetings of this Board and that the deliberations of this Board and any committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

SECTION 603.15

SHORT TERM RENTALS

It is the purpose of this regulation to protect and promote the health, safety, and general welfare of all the citizens of Osnaburg Township by requiring the registration and certification of short-term rentals within the Township. It is also the intent of Article VI to protect the integrity of residential neighborhoods while allowing property owners to receive remuneration from rental of a dwelling to help maintain the dwelling.

No person shall cause, allow, or maintain the use of a short-term rental without first having obtained a conditional zoning permit 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 XI, Conditional Zoning Certificates.

All short-term rentals shall meet the following requirements:

1. Permit Required – a permit is required prior to the rental of any residential dwelling to be rented for a period of thirty (30) days or less.
  - a. A permit issued by the Township shall be valid for a period of one (1) year or until the dwelling is sold.
  - b. A permit will be issued by Osnaburg Township Zoning within 30 days of receipt of the Osnaburg Township Board of Zoning Appeals approval, and a completed application.
  - c. The permit shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in the number of actual beds (capacity limit).
  - d. A permit and permit holder shall be subject to all of the standards and penalties of the zoning resolution.
2. Application – an application provided by the Township for a short term rental permit shall include the following at a minimum:
  - a. Address of property.
  - b. Property owner name(s).
  - c. Signature of property owner(s) and caretaker(s).
  - d. Contact information including: name, address and 24-hour contact phone number for the owner of the property and caretaker.
    - i. This information must be kept up to date in the Township’s records.
    - ii. It is the permit holder’s responsibility to inform the Township of any change in caretaker or contact information for the permit holder or caretaker.
  - e. Number of bedrooms in the dwelling.
  - f. Sleeping capacity.
  - g. Number of parking spaces.
3. Site plan – a site plan of the property including location of the dwelling, location and number of smoke and carbon monoxide detectors, driveway, or other point of access to the property, designated parking, and points of entry into the dwelling.

#### SECTION 603.15A SHORT TERM RENTAL STANDARDS

All short-term rentals shall comply with the following standards:

1. Parking
  - a. Parking for short term renters in a short-term rental shall only be in identified parking spaces as defined in this resolution. Any on-street parking identified for the short term rental will need to be approved by the Township Road Department.
2. Trash
  - a. Refuse and recyclables shall be stored in appropriate containers with tight fitting lids and shall be regularly picked up by a licensed waste hauler.
3. Special Events
  - a. Special events hosted at the short term rental property, such as a wedding, outdoor party, family reunion or similar gathering that exceeds the maximum number of short-term renters allowed under the short term rental permit, are not permitted at a short term rental property.



4. Capacity Limit
  - a. The permit issued by the Township shall indicate the maximum number of short-term renters that may be accommodated as calculated under these standards.
5. Contact
  - a. The permit holder or a caretaker representing the property owner must be available by telephone at all times and must be physically located within a 50 mile radius of the property in the event of an emergency or an issue that requires immediate attention.
6. Permit Number
  - a. The short-term rental permit number issued by the Township shall be:
    - i. Included in any advertisement for the short-term rental.
    - ii. Posted in a location visible from the street or road serving the property.
7. Signs
  - a. A sign may be permitted but requires a zoning certification and is subject to the requirements of Section 801 Signs.
8. Insurance
  - a. The owner of the short-term rental is required to have short term rental insurance and must provide proof of insurance.

#### SECTION 603.15B SHORT TERM RENTAL VIOLATIONS

Any of the following will be considered a violation of the Township Zoning Resolution pertaining to short term rentals:

1. Violations
  - a. Failure to update information with the Township such as the caretaker's or owner's contact information in a timely manner.
  - b. Advertising a short term rental for a capacity in excess of that allowed under the permit issued by the Township.
  - c. Failure of the permit holder or his/her designated caretaker to be available at any time during the tenure of an active short term rental.
  - d. Providing false or misleading information on the application for a short term rental permit.
  - e. Failure to comply with any of the standards under Section 603.15 Short Term Rental Standards.
2. Revocation
  - a. The Township may revoke a short term rental permit following two separate violations on the same property under the same ownership within any single calendar year. The property owner may reapply for a permit the following calendar year and receive a short term rental permit if all violations have been resolved.

## ARTICLE VII

### DISTRICT REGULATIONS

#### SECTION 701 R-R RURAL/RESIDENTIAL DISTRICT

##### SECTION 701.1 PURPOSE

The purpose of this district is to provide for residential development at a lower density in areas of the township not serviced by central sewer facilities.

##### SECTION 701.2 USES

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

###### A. Permitted Uses

1. Agriculture and the usual buildings and structures related to the same.
2. Single-family dwelling.
3. Public buildings.
4. Churches and other buildings for the purpose of religious worship.
5. Roadside stands (agricultural).
6. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
7. Signs as permitted and regulated by Article VIII.
8. Off-street parking as permitted and regulated in Article IX.
9. Licensed family home (for the developmentally disabled).
10. Home occupations: as permitted and regulated in Article VI Section 603.9A Type A.
11. Family Day-Care Home (Type “B”)
12. Outdoor wood-burning furnaces as permitted and regulated in Section 603.12
13. Small Wind Energy System (SWES) as permitted and regulated in Section 603.13.
14. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
15. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

###### 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 XI and to the specific requirements of Article XI referred to below:

1. Surface Mining and/or Strip Mining under the direction of the Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.
2. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf, and golf driving ranges, subject to Subsections 101, 102, 103, 104, 105, 112, 119, 120, 123, 124, 129.
3. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 130.

4. 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 outdoor and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 108, 112, 120, 121, 122, 123, 124, 127, 129.
5. Cemetery, subject to Subsections 103, 106, 117, 123.
6. Airports, airfields, and landing strips subject to Subsections 101, 104, 105, 116, 123.
7. Type B Home Occupations subject to Section 603.9B and Subsection 120
8. Private fire stations, subject to Subsections 112, 123, 127.
9. Communication towers/facilities as permitted and regulated by Article XI Section 1105.
10. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 112.
11. Group dwellings limited to detached single-family dwellings, subject to Subsections 105, 107, 109, 114, 125, 126, 127, 143.
12. Family Day-Care Home (Type "A")
13. Short Terms Rentals, subject to Section 603.15
14. Mobile Homes, subject to Article XI Section 1108

#### SECTION 701.3 MINIMUM LOT AND YARD REQUIREMENTS

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Depth</u>
one (1) acre	50 feet	100 feet	60 feet	50 feet	25 feet

#### SECTION 701.4 MAXIMUM BUILDING HEIGHT Thirty-five (35) feet

#### SECTION 701.5 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING Seven hundred fifty (750) square feet.

#### SECTION 701.6 MINIMUM LOT AND YARD REQUIREMENTS FOR OUTDOOR WOOD-BURNING FURNACES

It shall be required that the unit be located with due consideration to the prevailing wind direction.

- A. If located fifty (50) feet or less to any residence not served by the furnace, the stack shall be at least two (2) feet higher than the eave line of that residence.
- B. If located more than fifty (50) feet but no more than one hundred (100) feet to any residence, the stack shall be at least seventy-five (75) per cent of the height of the eave line of that

residence, plus and additional two (2) feet.

- C. If located more than one hundred (100) feet but no more than one hundred fifty (150) feet to any residence, the stack shall be at least fifty (50) per cent of the eave line of that residence, plus an additional two (2) feet.
- D. If located more than one hundred fifty (150) feet but no more than

two hundred (200) feet to any residence, the stack shall be at least twenty-five (25) per cent of the height of the eave line of the residence, plus an additional two (2) feet.

## **SECTION 702     R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

### **SECTION 702.1     PURPOSE**

This district is established to accommodate single-family residential dwellings in areas expected to be served with central sewer and/or water facilities.

### **SECTION 702.2     USES**

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

#### **A.     Permitted Uses**

1.     Single-family dwelling.
2.     Public buildings.
3.     Churches and other buildings for the purpose of religious worship.
4.     Roadside stands (agricultural).
5.     Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
6.     Signs as permitted and regulated by Article VIII.
7.     Off-street parking as permitted and regulated in Article IX.
8.     Licensed family home (for the developmentally disabled).
9.     Home occupations: as permitted and regulated in Article VI Section 603.9A Type A
10.    Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.

#### **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 XI and to the specific requirements of Article XI, referred to below:

1.     Surface Mining and/or Strip Mining under the direction of the Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.
2.     Cemetery, subject to Subsections 103, 106, 117, 123.
3.     Type B Home Occupations subject to Section 603.9B and Subsection 120.
4.     Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 123, 127.

5. Private or governmentally owned and/or operated picnic areas, playgrounds, parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities or uses, but excluding such commercial recreation uses as drive-in theaters, miniature golf and golf driving ranges, subject to Subsections 101, 102, 103, 104, 105, 108, 112, 119, 120, 123, 124, 129.
6. Private Fire Stations subject to Subsections 112, 123, and 127.
7. Group dwellings limited to detached single-family dwellings, subject to Subsections 105, 107, 109, 114, 125, 126, 127, 143.
8. Short Terms Rentals, subject to Section 603.15

### SECTION 702.3 MINIMUM LOT AND YARD REQUIREMENTS

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Dept</u>	<u>Rear Yard Depth</u>	<u>Side Yard Depth</u>
Without Central Sewer System:					
20,000 sq. ft.	50 feet	100 feet	40 feet	30 feet	10 feet
With Central Sewer System:					
12,000 sq. ft.	50 feet	80 feet	40 feet	30 feet	10 feet

Minimum Side Yard Width on Corner Lot Next to Street - Thirty (30) feet.

### SECTION 702.4 MAXIMUM BUILDING HEIGHT Thirty-five (35) feet

### SECTION 702.5 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING Seven hundred fifty (750) square feet

## SECTION 703 **R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT**

### SECTION 703.1 PURPOSE

The purpose of this district is to permit single- and two-family dwellings at medium density in areas generally adjacent to the built-up section of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities.

### SECTION 703.2 USES

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

#### A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Public buildings.
4. Churches and other buildings for the purpose of religious worship.
5. Accessory uses or structures incidental to the principal use which do

- not include any activity conducted as a business.
- 6. Signs as permitted and regulated by Article VIII.
- 7. Off-street parking as permitted and regulated in Article IX.
- 8. Roadside stands (agricultural).
- 9. Licensed family home (for the developmentally disabled).
- 10. Home occupations: as permitted and regulated in Article VI Section 603.9A Type A.
- 11. Family Day-Care Home (Type “B”)
- 12. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.

**B. Conditionally Permitted Uses**

- 1. Family Day-Care Home (Type “A”)
- 2. Short Terms Rentals, subject to Section 603.15

The Board of Zoning Appeals may issue Conditional Zoning Certificates for any uses as listed in Section 702.2, B, subject to the general requirements of Article XI and to the specific requirements as referred to in Section 702.2, B.

**SECTION 703.3 MINIMUM LOT AND YARD REQUIREMENTS (with centralized sewer)**

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Depth</u>
Single Family Dwelling:					
10,000 square feet	50 feet	70 feet	40 feet	30 feet	10 feet
Two Family Dwelling:					
15,000 square feet	50 feet	90 feet	40 feet	30 feet	10 feet
Other Permitted Uses:					
15,000 square feet	50 feet	90 feet	40 feet	30 feet	10 feet

Minimum Side Yard Width on Corner Lot - Twenty-five (25) feet.

**SECTION 703.4 MAXIMUM BUILDING HEIGHT**  
Thirty-five (35) feet

**SECTION 703.5 MINIMUM FLOOR AREA**  
Seven hundred fifty (750) square feet per dwelling unit

**SECTION 704 R-3 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT**

**SECTION 704.1 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 704.2 USES

Within an R-3 Low 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 704.5.
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 VIII.
9. Off-street parking as permitted and regulated in Article IX.
10. Roadside stands (agricultural).
11. Licensed family home (for the developmentally disabled).
12. Home Occupations: as permitted and regulated in Article VI Section 603.9A Type A.
13. Family Day-Care Home (Type “B”)
14. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.

##### B. Conditionally Permitted

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

1. All listed conditionally permitted uses in Section 702.2, B, and subject to subsections as referred to in that section.
2. Group dwellings, subject to Subsections 105, 107, 109, 114, 125, 126, 127.
3. Licensed group home (for the developmentally disabled), subject to Sections 107, 109, 123, 124, 127, 132, 139, 140, 141, 142.
4. Quasi-public, institutionally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts or other community service groups, subject to Subsections 107, 109, 112, and 124.
5. Family Day-Care Home (Type “A”)
6. Short Terms Rentals, subject to Section 603.15

#### SECTION 704.3 MINIMUM LOT AND YARD REQUIREMENTS

<u>Lot</u> <u>Area</u>	<u>Lot</u> <u>Frontage</u>	<u>Lot Width at</u> <u>Building Line</u>	<u>Front Yard</u> <u>Depth</u>	<u>Rear Yard</u> <u>Depth</u>	<u>Side Yard</u> <u>Width</u>
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Single Family Dwelling:

8,000 sq. ft.	40 feet	60 feet	35 feet	25 feet	10 feet
Two Family Dwelling:					
10,000 sq. ft.	40 feet	85 feet	35 feet	25 feet	10 feet
Multifamily Dwelling:					
12,000 sq. ft.	40 feet	100 feet	35 feet	25 feet	15 feet
plus 3,500 square feet for each dwelling unit over three (3) three (3)					
Other Permitted Uses:					
15,000 square feet	50 feet	100 feet	40 feet	30 feet	25 feet

Minimum Side Yard Width on Corner Lot - Twenty (20) feet.

SECTION 704.4      MAXIMUM BUILDING HEIGHT  
Forty (40) feet

SECTION 704.5      SITE PLAN REQUIREMENTS

All multifamily uses under Section 704.2 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. Parking, service and active recreation areas shall be screened from surrounding properties by landscaping and/or ornamental walls or fences.
5. 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.
6. A copy of the site plan will be filed with the permit and kept as a matter of public record.

SECTION 704.6      MINIMUM FLOOR AREA

Minimum floor area per dwelling unit for Multifamily dwellings: 575 square feet for one bedroom unit; 720 square feet for two bedroom unit; and 850 for a three bedroom unit or more.

SECTION 704.7      OPEN SPACE

For multifamily dwellings, 25% of the lot area shall be devoted to open space.



## **SECTION 705 R-4 HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT**

### **SECTION 705.1 PURPOSE**

The purpose of this district is to permit apartment development at a maximum density of twenty-two (22) dwelling units per net acre where high density housing may be desirable in close proximity to a major shopping facility or adjacent to existing development of such density.

### **SECTION 705.2 USES**

Within an R-4 High 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. Two-family dwelling.
2. Multifamily dwelling subject to site plan requirements of 705.5.
3. Lodging and boarding houses.
4. Public buildings.
5. Churches and other buildings for the purpose of religious worship.
6. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
7. Signs as permitted and regulated by Article VIII.
8. Off-street parking as permitted and regulated in Article IX.
9. Roadside stands (agricultural).
10. Licensed family home (for the developmentally disabled).
11. Home occupations: as permitted and regulated in Article VI Section 603.9A Type A.
12. Family Day-Care Home (Type “B”)
13. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.

#### **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 XI and to the specific requirements of Article XI, referred to below:

1. All listed conditionally permitted uses in Section 702.2, B, and subject to subsections as referred to in that section.
2. Group dwellings, subject to Subsections 105, 107, 109, 114, 125, 126, 127.
3. Licensed group home (for the developmentally disabled), subject to Sections 107, 109, 123, 124, 127, 132, 139, 140, 141, 142.
4. Quasi-public, institutionally owned and/or operated recreational, instructional and meeting facilities such as those developed and used by the YMCA, YWCA, Boy Scouts or other community service groups, subject to Subsections 107, 109, 112 and 124.
5. Family Day-Care Home (Type “A”)
6. Short Term Rentals subject to Section 603.15

### SECTION 705.3 MINIMUM LOT AND YARD REQUIREMENTS

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
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#### Two Family Dwelling:

10,000 square feet	50 feet	70 feet	30 feet	15 feet	10 feet
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#### Multifamily Dwelling:

10,000 square feet	50 feet	85 feet	30 feet	10 feet	16 feet
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plus 1,400 square feet for each dwelling unit over three (3)

#### Other Permitted Uses:

15,000 square feet	50 feet	85 feet	40 feet	40 feet	25 feet
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(1) Side yard shall increase by two (2) feet for each story over two (2) on multifamily dwellings.

#### Other Permitted Uses:

15,000 sq. ft.	50 feet	85 feet	40 feet	40 feet	25 feet
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(2) Minimum Side Yard Width on Corner Lot - Twenty (20) feet.

### SECTION 705.4 MAXIMUM BUILDING HEIGHT

Six (6) stories or sixty (60) feet.

### SECTION 705.5 SITE PLAN REQUIREMENTS

All multifamily uses under Section 705.2 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. Parking, service and active recreation areas shall be screened from surrounding properties by landscaping and/or ornamental walls or fences.
5. 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.
6. A copy of the site plan will be filed with the permit and kept as a matter of public record.

### SECTION 705.6 MINIMUM FLOOR AREA

Minimum floor area per dwelling unit for multifamily dwellings: 500 square feet for one bedroom unit; 620 square feet for two bedroom unit; and 850 square feet for three bedroom or more.

**SECTION 705.7 OPEN SPACE**

For multifamily dwellings, at least 25% of the lot area shall be devoted to usable open space.

**SECTION 706 R-5 MANUFACTURED HOME AND MANUFACTURED HOME PARK DISTRICT**

**SECTION 706.1 PURPOSE**

This district is intended to provide for the development of well-planned manufactured home parks and also to permit manufactured homes on individual lots for residential purposes only.

**SECTION 706.2 USES**

Within an R-5 Manufactured Home and Manufactured Home Park district no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

1. Manufactured home, as a single-family residence, subject to lot and yard requirements of Sections 704.3 of these regulations.
2. Manufactured Home Park, as licensed and regulated by the Department of Health, and subject further to the requirements of these regulations.
3. Public Buildings
4. Accessory uses and structures incidental to the principal use which do not include any activity conducted as a business, except for the management and maintenance of a manufactured home park.
5. Agricultural buildings and uses, including farm markets.
6. Signs as permitted and regulated in Article VIII.
7. Home occupations: as permitted and regulated in Article VI Section 603.9A Type A.
8. Family Day-Care Home (Type “B”)
9. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.

**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 XI and to the specific requirements of Article XI, referred to below:

1. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities and/or uses, subject to Subsections 101, 102, 103, 104, 105, 112, 119, 120, 123, 124, 129.
2. Laundry facilities, subject to Subsections 101, 105, 107, 112, 122, 125.
3. Surface Mining and/or Strip Mining under the direction of the Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103. Surface Mining and/or Strip Mining under the direction of Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.
4. Family Day-Care Home (Type “A”)
5. Short Term Rentals subject to Section 603.15

### SECTION 706.3 LOT REQUIREMENTS

- A. Minimum area for:  
Manufactured Home Park - Twenty (20) acres  
Lot in Manufactured Home Park - Six thousand (6,000) square feet
- B. Minimum lot width at building line:  
Manufactured Home Park - Two hundred (200) feet  
Lot in Manufactured Home Park - Fifty (50) feet

### SECTION 706.4 YARD REQUIREMENTS FOR MANUFACTURED HOME PARK

- A. Minimum Front Yard Depth  
Fifty (50) feet
- B. Minimum Rear Yard Depth  
Twenty-five (25) feet
- C. Minimum Side Yard Width  
Twenty-five (25) feet

SECTION 706.5 Individual manufactured homes in parks shall meet setback and yard requirements of the Ohio Department of Health, Chapter 3701-27.

### SECTION 706.6 MANUFACTURED HOME PARK

- A. The applicant shall have permission in writing from the state and county health departments approving the site and plans for the proposed manufactured home park.
- B. Each manufactured home unit shall have a minimum of seven hundred twenty (720) square feet of living space per family.
- C. Each manufactured home lot shall be served by underground utilities.
- D. Each manufactured home park operator shall provide parking spaces equal to two (2) spaces per manufactured home plus one (1) space for every two (2) manufactured homes. All parking spaces shall be suitably paved.
- E. A usable recreation area shall be located in every park with its size being not less than twenty (20) percent of the total area of the manufactured home park.
- F. All manufactured homes must be enclosed from the ground to the floor level of the manufactured home with a solid or lattice-type enclosure.

## SECTION 711 B-1 SUBURBAN OFFICE DISTRICT

### SECTION 711.1 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 business service activities.

### SECTION 711.2 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 704 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 VIII.
10. Roadside stands (agricultural).
11. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
12. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

**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 XI and to the specific requirements of Article XI referred to below:

1. Parking lots, accessory to uses permitted in an adjacent zoning district, subject to Subsections 103, 105, 130.
2. Cemetery, subject to Subsections 103, 106, 117, 123
3. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 106, 107, 109, 112, 123, 127.
4. Institutions for education, subject to Subsections 102, 103, 104, 105, 106, 109, 123, 127.
5. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to Subsections 107, 109, 112, 124.
6. Planned office complex for two or more uses as permitted in this district, subject to Subsections 103 and 118.
7. Child center, subject to Subsections 102, 103, 104, 109, 112, 120, 123, 124, 131, 132.
8. Drive-in banking facilities, subject to Subsections 103, 115, 127.
9. Group Dwelling, subject to Subsections 105, 107, 109, 114, 125, 126, 129.
10. Private Fire Stations, subject to Subsections 112, 123 and 127.
11. Mini-warehouse, subject to Subsections 105, 106, 108, 109, 111, 112, 116, 120, 127, 133, 134, 135, and 136.
12. Communication towers/facilities as permitted and regulated by Article XI Section 1105.
13. Surface Mining and/or Strip Mining under the direction of The Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.
14. Short Term Rentals subject to Section 603.15

**SECTION 711.3 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 711.4 YARD REQUIREMENTS**

- A. Minimum Front Yard Depth  
Forty-five (45) feet
- 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 ten (10) feet.
- C. Minimum Rear Yard Depth  
Fifty (50) feet adjacent to a residential district, otherwise minimum of twenty-five (25) feet.
- D. When permitted uses in this district are proposed on property adjacent to an R-R, R-1 or R-2 District, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, Section 603.11

**SECTION 711.5 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 711.6 PARKING AND LOADING REQUIREMENTS**

As regulated by Article IX.

**SECTION 712 B-2 NEIGHBORHOOD BUSINESS DISTRICT**

**SECTION 712.1 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 712.2 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, 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 facilities and carry-out services.
4. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
5. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

**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 XI and to the specific requirements of Article XI, Section 1102, referred to below:

1. All uses conditionally permitted in the B-1 Suburban Office District.
2. Communication towers/facilities as permitted and regulated by Article XI Section 1105.

**SECTION 712.3 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 712.4 YARD REQUIREMENTS**

**A. Minimum Front Yard Depth**

Forty (40) feet

**B. Minimum Side Yard Width**

Fifty (50) feet if adjacent to residential district; ten (10) feet otherwise

**C. Minimum Rear Yard Depth**

Fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise

- D.** When permitted uses in this district are proposed on property adjacent to an R-R, R-1 or R-2 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, Section 603.11.

**SECTION 712.5 MAXIMUM BUILDING HEIGHT**

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

**SECTION 712.6 PARKING AND LOADING REQUIREMENTS**

As regulated by Article IX hereof.

**SECTION 713 B-3 GENERAL BUSINESS DISTRICT**

**SECTION 713.1 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 713.2 USES

Within a B-3 General 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. Drive-thru establishments for food sales and banking facilities.
5. Off-street public parking lot.
6. Hospitals, clinics, and veterinary hospitals.
7. Automobile service stations and service shops, including motor tune-ups, muffler shops, body work, and tire repairing.
8. Car wash and Truck washes for trucks weighing 26,001 pounds and under.
9. Commercial greenhouse and garden supply sales.
10. Hotels and motels.
11. Public and/or private transportation agencies and terminals.
12. Automobile, boat, truck, trailer, and farm implement sales, service, and storage.
13. Funeral homes and mortuaries.
14. Private Fire Station.
15. Mini-warehouse
16. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
17. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

### 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 XI and to the specific requirements of Article XI referred to below:

1. Planned Commercial Complex for two or more uses as permitted in this district subject to subsections 103, 118.
2. Drive-in theaters subject to subsection 105, 137.
3. Recycling and/or transfer station subject to subsections 112, 120, 123, 127, 132.
4. Child Center subject to subsections 102, 103, 104, 109, 112, 120, 123, 131, and 132.
5. Planned Office Complex for two (2) or more uses as permitted in this district, subject to subsection 118.
6. Communication towers/facilities as permitted and regulated by Article XI Section 1105.
7. Surface Mining and/or Strip Mining under the direction of the Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.



**SECTION 713.3 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 713.4 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; ten (10) feet otherwise
- D. When permitted uses in this district are proposed on property adjacent to an R-R, R-1 or R-2 District, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, Section 603.11

**SECTION 713.5 MAXIMUM BUILDING HEIGHT**

Sixty (60) feet

**SECTION 713.6 PARKING AND LOADING REQUIREMENTS**

As required by Article IX hereof.

**SECTION 713.7 OUTDOOR DISPLAY AREAS**

Merchandise to be sold at retail on the B-3 General 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

**SECTION 721 I-1 LIGHT INDUSTRIAL DISTRICT**

**SECTION 721.1 PURPOSE**

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of administrative and research facilities and to provide for wholesale outlets and limited types of warehouse and manufacturing concerns.

**SECTION 721.2 USES**

Within an I-1 Light 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. Creamery, bottling, ice manufacturing, and cold storage plant.
3. The manufacturing, compounding, processing, packaging, and treatment of the following products:
  - a. Baking and dairy goods, candy, and other food products except fish and meat processing plants or processes which manufacture sauerkraut, vinegar, 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, textiles, yards, fur, tobacco, or wood, provided that all equipment and operation is located within a completely enclosed building and no operation shall create a 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.
4. Experimental testing and research facilities, provided no testing or experimentation creates a hazard beyond the confines of the building
5. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
6. Distributors warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
7. Printing and publishing operations.
8. Warehouse
9. Accessory buildings and uses incidental to the principal use which does not include any activity conducted as a separate business.
10. Signs as permitted and regulated in Article VIII.
11. Communication Towers/Facilities as permitted and regulated by Article XI Section 1105.
12. Small Wind Energy System (SWES) as permitted and regulated in Section 603.13
13. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
14. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

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 XI, referred to below:

1. Surface Mining and/or Strip Mining under the direction of the Ohio Department of Natural Resources (ODNR) as permitted and regulated by Article XI Section 1103.

**SECTION 721.3 LOT REQUIREMENTS**

- A. Minimum lot area  
Twenty thousand (20,000) square feet
- B. Minimum lot width  
Eighty (80) feet
- C. Minimum lot frontage  
Fifty (50) feet

**SECTION 721.4 YARD REQUIREMENTS**

- A. 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.
- B. When permitted uses in this district are proposed on property adjacent to an R-R, R-1 or R-2 District, they shall be in accordance with requirements of Article VI, Section 603.11

**SECTION 721.5 MAXIMUM BUILDING HEIGHT**

Eighty (80) feet

**SECTION 721.6 PARKING AND LOADING REQUIREMENTS**

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

**SECTION 722 I-2 GENERAL INDUSTRIAL**

**SECTION 722.1 PURPOSE**

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

**SECTION 722.2 USES**

Within an I-2 General Industrial District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
  - 1. All uses specifically permitted in an I-1 Light Industrial District.
  - 2. Automobile assembly and major repair.
  - 3. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities:
    - a. Pottery and figurines or similar ceramic products using previously pulverized clay and kilns fired only with gas or electricity.
    - b. Electric and neon signs, billboards, and other such structures.
    - c. Laboratories and processing, experimental, film, or testing.
    - d. Light sheet metal products, including heating and ventilating equipment.

- e. Blacksmith, welding, or other similar type of metal shop, including machine shop operations of the tool, die, and gauge types.
- f. Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
- 4. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six foot (6') solid painted fence with openings no greater than fifteen (15) percent:
  - a. Building materials and lumber yard, including mill work when within a completely enclosed building.
  - b. Contractors' equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - c. Fuel, food, and goods distribution station, warehouse and storage, but excluding coal and coke, inflammable liquids, underground storage only if located more than three hundred (300) feet from any Residential district.
  - d. Public storage garage and yards.
- 5. Warehouses and wholesale business establishments.
- 6. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
- 7. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
- 8. Laundry, cleaning, and dyeing plant.
- 9. Repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body, and fender, radiator, and tire services involving retreading and vulcanizing.
- 10. Stone or monument works if, employing power tools, within a completely enclosed building.
- 11. Accessory uses incidental to the uses permitted on the same premises.
- 12. Signs, as permitted and regulated by Article VIII hereof.
- 13. Communication towers/facilities as permitted and regulated by Article XI Section 1105
- 14. Accessory Solar Energy Systems per ARTICLE XI SECTION 1106.
- 15. Principal Solar Energy Production Facility per ARTICLE XI SECTION 1107.

**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 XI and to the specific requirements of Article XI listed below:

- 1. All uses as conditionally permitted in an I-1 Light Industrial district and subject to the same conditions.
- 2. Junkyard, subject to subsection 138.
- 3. Demolition materials site, subject to subsections 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 120, 127, 132, 145, 146, and 147.
- 4. Sanitary landfill sites, subject to subsections 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 120, 127, 128, 132, 146, and 147.
- 5. Adult Uses as permitted and regulated by Article XI Section 1104
- 6. Composting Facility sites, subject to Section 1102, subsections 102, 103, 104, 105, 106, 107, 108, 109b, 110, 111, 112, 120, 127, 132, 146, 147, 148.

### SECTION 722.3 LOT REQUIREMENTS

- A. Minimum Lot Area -  
Twenty thousand (20,000) square feet.
- B. Minimum Lot Width  
Eighty (80) feet
- C. Minimum Lot Frontage  
Fifty (50) feet

### SECTION 722.4 YARD REQUIREMENTS

- A. Yards Adjoining Any Residential District  
Where the boundary of an Industrial district adjoins the boundary line of any Residential district, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.
- B. When permitted uses in this district are proposed on property adjacent to an R-R, R-1 or R-2 District, they shall be in accordance with requirements of Article VI, Section 603.11

### SECTION 722.5 MAXIMUM BUILDING HEIGHT

Eighty (80) feet

### SECTION 722.6 PARKING AND LOADING REQUIREMENTS

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

## **SECTION 723 U.S. 30 AND SR 172 CORRIDOR OVERLAY DISTRICT**

### SECTION 723.1. Purpose and Intent

This section establishes the U.S. 30 and SR 172 Corridor Overlay District (COD) as a zoning overlay district under the provisions of ORC 519.021(c). This zoning overlay is an additional zoning district that overlays the base zoning district. The purpose and intent of the U.S. 30 and SR 172 Corridor Overlay District is:

1. In the interest of, and to promote the public health, safety, convenience, comfort, prosperity, or general welfare of Osnaburg Township;
2. To encourage, enhance, and promote the U.S. 30 and SR 172 corridors as an economic driver of jobs, manufacturing, logistics, and agriculture for the Stark County region;
3. To recognize that U.S. 30 and SR 172 are key thoroughfares and gateways into Osnaburg Township;
4. To promote development of harmonious land uses that support and encourage manufacturing, logistics, innovation and development industries, agribusiness and jobs;
5. To reduce and prohibit those land uses that will conflict with the purpose and intent of this district;

6. To encourage development that is consistent with the adopted Comprehensive Plan of Osnaburg Township and Stark County.

#### SECTION 723.2. Applicability

Within the districts identified on the official zoning map as the Corridor Overlay District, and upon election of the property owner, the site plan review procedures, development standards and use standards in this Section shall apply to any change in use of land, buildings or structures, new construction, or substantial expansion or renovation, except as otherwise provided.

1. Substantial expansion and renovation means:
  1. For non-residential uses: an aggregate increase of 25% in building footprint or major changes to the façade of the principal building or structure, such as door or window openings, increase in height, or changes to the roofline.
  2. For residential uses: An increase in the number of dwelling units is a substantial expansion.
2. Residential uses, that are expanding floor area, but not increasing the number of dwelling units, or new residential construction, including accessory structures for residential uses, that conforms with the base zoning district are exempt from this section.
3. All existing land, uses, buildings and structures that are conforming uses and are subject to the COD zoning district may continue to use their property in accordance with the requirements of the applicable base zoning district, including existing conditional uses.

#### SECTION 723.3. Conflicts and Interpretation

1. Except as specifically provided otherwise, the requirements of the COD regulations shall control over any conflicting or inconsistent provision in the base zoning district.
2. In the event that the COD regulations do not address requirements found elsewhere in this zoning resolution, the base zoning requirements shall apply.
3. If the provisions of this Section impose a greater restriction than imposed or required by other laws, rules, regulations, or resolutions, the provisions of this Section shall control so long as they do not conflict with the Ohio Revised Code (ORC), Ohio Administrative Code (OAC), federal law or regulations.

#### SECTION 723.4. Site Plan Review Procedures

All developments subject to this Section shall be reviewed by the township as provided in this section. The determination as to whether the application and plan comply with the COD regulations shall not be considered to be an amendment to the zoning resolution for purposes of R.C. §519.12. The determination is an administrative decision subject to appeal under R.C. Ch. 2506.

1. Application
  1. Applications for any development under the COD district shall be submitted to the Zoning Inspector.
  2. The application shall include all such forms, maps, and information, as may be prescribed by

the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. However, the application shall, at a minimum, contain the following:

1. Completed application form and the required fees as established in the Osnaburg Township fee schedule.
  2. A description of the project and work involved, including the existing and proposed land use, building size, number of units, and any other information necessary to fully convey the project scope.
  3. A site plan at scale, that shows proposed structures, buildings and their uses; driveways, parking, loading and circulation areas; pedestrian access and sidewalks; landscaping and screening; lighting; and signage. Include adjacent properties to illustrate conformance to required side and building setback requirements.
  4. A scaled drawing of all elevations showing height of the building, roof elevation, any proposed alterations, and mechanical systems. The elevations shall illustrate compliance with the development standards.
  5. A landscape plan showing the location, type, quantities and size at planting of landscaping and screening of the development including trees, flowers, shrubs and open space in conformance with the development standards.
  6. Proposed signs, including location, dimensions, size, lighting and copy.
3. The Zoning Inspector shall review the application for completeness within 7 days of receipt. If the Zoning Inspector deems the application incomplete, the Zoning Inspector will notify the applicant of the missing relevant information.
2. Review by the Zoning Commission
1. Upon the submittal of a complete application, the Zoning Inspector shall forward the application to the Zoning Commission for review.
  2. The Zoning Commission shall review the application within 30 days of receipt of a complete application.
  3. All property owners adjacent to or within 250 feet of the subject site shall be given notice of the Zoning Commission meeting by first class mail within 10 days of the public meeting.
  4. The Zoning Commission shall decide on the approval, modification or denial of the proposed application. The Zoning Commission may table the application for an additional 30 days to allow time gather additional information if necessary.
  5. After approval of the application, the applicant shall submit a revised plan incorporating any revisions or modifications approved by the Zoning Commission to be maintained for township records.
  6. Once the Zoning Inspector receives the revised plan, and reviews for conformance with the Zoning Commission approval, the Zoning Inspector is authorized to issue a Zoning Permit.
  7. The determination of the Zoning Commission is not a decision on an amendment for purposes of R.C. 519.12 but is an administrative decision that may be appealed under R.C. Ch. 2506.

SECTION 723.5.     Review Criteria

1. The Zoning Commission shall review the proposed application for conformance with this section and any other applicable sections of this Zoning Resolution.
2. Where the Zoning Commission determines that the requirements for the development and/or use proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this resolution and could not practically and reasonably be made to do so by the attachment of reasonable conditions and safeguards, such applications shall be denied.

SECTION 723.6.     Modifications to Approved Plans

1. The Zoning Inspector may grant minor changes to an approved site plan only under the following conditions:
  1. The requested change has no discernible impact on neighboring properties or the general public.
  2. Minor changes shall be limited to a 10% change, due to unforeseen site constraints, in:
    1. the amount of landscaping,
    2. setback of structures,
    3. required parking
2. All other requests for changes will be processed as a new application, which require the paying of a new fee.
3. An applicant or property owner requesting changes shall submit a written request to the Zoning Inspector, itemizing the proposed changes.

SECTION 723.7.     Permitted Uses

In addition to those uses permitted by the base zoning district, the permitted uses within the COD district are those with the purpose and intent of the Corridor Overlay District including:

1. Industrial Services
2. Light Manufacturing and Assembly
3. Research and Development Facilities
4. Professional and Medical Offices
5. Transportation, Warehousing and Logistics Uses
6. Restaurants and Taverns
7. Retail and Service Commercial Uses

All proposed buildings or structures exceeding 100,000 square feet shall be approved by the Osnaburg Township Trustees prior to the issuance of a zoning permit.



### SECTION 723.8. Prohibited Uses

The following uses are prohibited within the COD districts:

1. All uses not permitted in the underlying base zoning district;
2. Residential planned developments, subdivisions, or multi-family developments with greater density than the base zoning district permits, shall be prohibited. However, all residential planned developments and subdivisions approved prior to the adoption of this Section on (insert effective date here) are considered conforming uses and may continue to use their property in accordance with the requirements of the applicable base zoning district or planned development regulations.
3. Adult uses
4. Storage of junk and/or inoperable vehicles and equipment
5. Those uses that, through their normal daily operations require significant outdoor storage of materials and/or equipment that cannot be effectively visually screened from the view of U.S. 30 or SR 172.

### SECTION 723.9. Accessory Uses and Structures

Customarily associated accessory uses and structures for existing conforming uses shall be permitted within the COD district. The expansion of accessory uses for existing conforming developments shall be reviewed by the Zoning Inspector. New accessory use structures shall be reviewed by the Zoning Commission.

### SECTION 723.10. Development Standards

#### **(A) Site Development Standards**

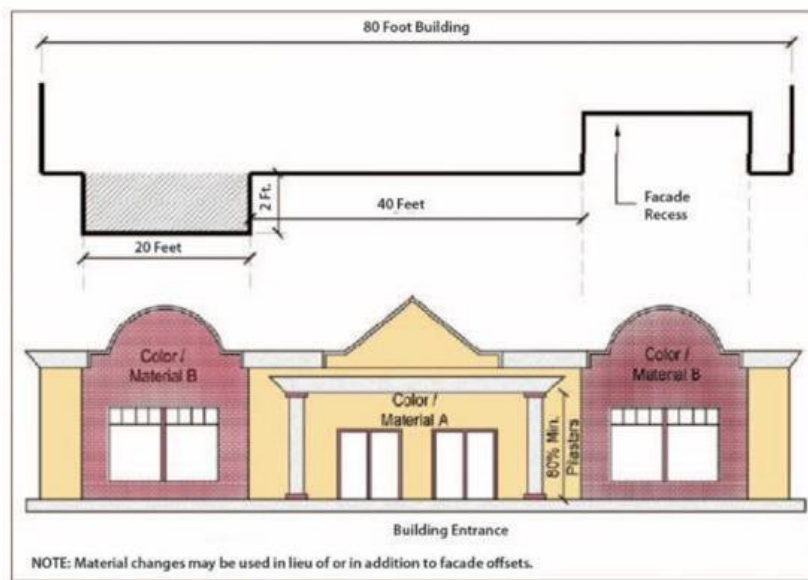
The table below establishes the minimum site development standards for COD district.

Minimum Lot Area <sup>1</sup>	Minimum Lot Width <sup>2</sup>	Maximum Lot Coverage	Setbacks (Feet)		
				Pavement Setback	Building Setback
			Front Yard	30	50
Underlying Base Zoning	100	60%	Side and Rear Yard within 500 feet of a Residential Use <sup>3</sup>	50	100
			Side and Rear Yard Adjacent to a Nonresidential District	20	25
(1) Lot must be large enough to satisfy all state and local regulations. (2) Driveway spacing shall conform to the requirements of the Stark County Engineer or ODOT (3) Adjacency is measured from the property line of the proposed development to the nearest residential structure.					

#### **(B) Building Massing and Height Standards**

1. The maximum height of all structures in the COD district shall be 50 feet.

2. Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing, adjacent development.
3. Buildings shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. U.S. 30 and S.R. 172 shall be considered public right-of-way and/or street frontage for the purposes of entrance orientation. This is not meant to require that the functional main entrance of the building face U.S. 30 and S.R. 172, but the building should be designed in a manner that reflects the importance and visibility of U.S. 30 and S.R. 172.
4. The main entrance of each building, or to individual tenants of a multi-tenant building, shall be clearly delineated from the rest of the building.
5. Building walls facing, or visible from public streets, shall have window openings, functional or simulated, at regular intervals. Simulated window openings can be achieved through either painting schemes or reliefs in the building walls.
6. Front building walls that each span longer than 60 feet shall be broken up through actual or simulated wall offsets (wall projections, recesses, or color changes) at a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.



Example of building wall offsets.

### (C) Parking and Loading Standards

1. Parking Requirements
  1. The applicant shall detail and propose the necessary number of parking spaces and a circulation plan that will adequately accommodate the expected number of employees and visitors.
    1. During the site plan review, the Zoning Commission shall decide on the adequacy of the proposed parking plan and make modifications during the site plan review as outlined in this Section.

2. If the applicant is proposing less spaces than required in the underlying zoning district, the Zoning Commission may approve a lesser amount if it determines the proposed plan will adequately accommodate the expected number of employees and visitors.
2. All parking areas shall be screened according to the following requirements:
  1. A minimum of 1 shade tree per every 10 parking spaces shall be required. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily, and shall be a minimum of two inches in caliper at the time of installation.
2. Loading and Service Areas
 

All loading, delivery, and service areas in the district shall be screened from view from adjacent residential uses, U.S. 30 and SR 172 in accordance with the following standards:

  1. Loading docks shall be oriented perpendicular to U.S. 30 and SR 172 so their visual impact along the major corridors is minimized.
  2. Loading docks and loading areas shall not be permitted on the side of the building that faces the public right-of-way. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the buildings.
  3. Screening shall be provided to achieve at least 80% opacity up to 10 feet in height (from average grade, excluding loading dock ramp below grade) if the loading dock is unable to be located per the requirements above as determined by the Zoning Commission. Screening elements shall include walls, landscaping, mounds or any combination thereof.
  4. All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, U.S. 30 and SR 172 shall be entirely screened from view using one of the following:
    1. A combination of a 3' mound and completely opaque walls or fences to a height necessary for screening the proposed use, but not less than 7 feet and not exceeding 12 feet in height.
    2. A combination of a berm and evergreen shrubbery to obtain 80 percent screening of the area, to a minimum of 7 feet in height, within 2 years after planting.
    3. Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials like and architecturally compatible with the design of the principal structure.
    4. A continuous planting of evergreen trees, a minimum of 7 feet in height at the time of planting, and staggered or spaced to achieve 80 percent screening of the area within 2 years of planting.
    5. Any combination of the above.



Example of building with loading area perpendicular and screened. Loading bays shall not front U.S. 30 or S.R. 172.

#### **(D) Mechanical Screening**

To minimize the visual impact on adjacent uses and roadways, ground mounted mechanical equipment shall be screened from view on all sides through the use of landscaping, free standing walls or enclosures that are consistent with the architectural style and materials of the building. Wind turbines and solar panels are excluded from the screening requirements.

##### **1. Roof mounted mechanical equipment:**

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and public right-of-ways. Such equipment shall also be screened from view from any properties that may see the building from above (e.g., if adjacent properties are along higher elevations). This requirement shall only apply to newly constructed buildings and structures.

##### **2. Screening of Dumpsters, Storage Tanks, and Mechanical Equipment:**

All dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free-standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and be architecturally compatible with the development.

#### **(E) Buffering**

Where the side or rear yard of any non-residential building or use in the COD district abuts any residential use, a landscape buffer, for the purpose of buffering the side or rear of such use or building from view of the residential area, shall be required in accordance with the following requirements:

1. Within the required side or rear yard setback, continuous for the entire length of such setback, there shall be installed a landscape buffer consisting of a combination of a minimum 3' high mound and a continuous planting of a combination of evergreen trees and deciduous shade trees. Evergreen trees shall be a minimum of 6' in height at the time of planting and shall be staggered or spaced to achieve a minimum opacity of 80% within 3 years of planting. Deciduous shade trees shall be a minimum of 2 1/2 inches in caliper at time of planting and shall be planted a minimum of 40' on center for the entire length of the landscape buffer.
2. Where buffering and screening is required within the underlying zoning district for the purposes of screening outdoor storage and/or loading and delivery areas, the landscape buffer as described above shall be stopped at the point where the more stringent buffer is required, shall resume at

the point where the more stringent buffer ends, and shall continue to the end of the required side or rear yard setback.

3. Within all zoning districts any portion of any lot that is not covered with buildings, structures, or parking areas shall be landscaped to prevent wind and soil erosion and the nuisance of excessive wind-blown dirt and dust on adjacent properties.

**(F) Maintenance**

1. Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be pruned, trimmed, and maintained in good and healthy condition.
2. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and noxious and unsightly weeds at all times.
3. The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
4. All unhealthy or dead plant material shall be replaced within 30 days, or by the next planting period, whichever comes first. Replacement material shall conform to the original intent of the landscaping and buffer plan.
5. Violation of installation provisions or failure to maintain the landscaping shall constitute a violation of this resolution. Such violation shall be grounds for the Zoning Inspector to require replacement of the landscape material or initiate legal proceedings to enforce the provisions of this resolution.

**SECTION 723.11. Outdoor Storage**

1. The outdoor storage of inoperable vehicles and equipment shall be prohibited.
2. The temporary staging of materials and equipment meant for processing or shipping/receiving is permitted provided that the staging of such materials and equipment is for a period of less than 48 hours.
3. The outdoor storage of building and landscaping materials shall be permitted if, in the determination of the Zoning Commission, such materials can be effectively and permanently screened from view a driver of the U.S. 30 and SR 172 corridors. Screening can be achieved through berms, opaque walls, or landscaping, or a combination of those elements including the following:
  1. A combination of a continuous minimum 3-foot-high earthen berm and completely opaque masonry walls that are a minimum of 7 feet high, but no taller than 12 feet high, measured from the top of the berm. Trees planted a minimum of 40 feet on center shall be required to break up the wall façade.
  2. A combination of a continuous earthen berm and a continuous planting of evergreen trees and deciduous shade trees planted on top of the mound and staggered or spaced to achieve 100% screening of the outdoor storage within 3 years of the time of planting. Evergreen trees shall be a minimum of 7 feet in height at the time of planting.

## SECTION 723.12. Signs

In addition to the sign requirements of Article VIII of this Zoning Resolution, developments within the COD district shall be subject to the following requirements. The Zoning Commission may approve alternative sign designs if, in their determination, the proposed sign plan is substantially equivalent to the requirements of this section.

### **(A) Wall Signs**

Wall signs are permitted on all principal structures in accordance with the following:

1. Wall signs shall be mounted on or flush with a wall. A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
2. A wall sign shall not protrude more than 18 inches from the wall or face of the building to which it is attached, regardless of whether a raceway is used.
3. A wall sign may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy or awning which projects beyond the building or is a separate structure.
4. Wall signs shall not extend above the roofline of the building to which it is attached.
5. Wall signs may not be attached to a penthouse or roof structure including but not limited to mechanical equipment or roof screening.
6. Size
  1. There is no maximum number of wall signs, but the total square footage of wall signs located on a single façade shall comply with the requirements of this section.
  2. Where there are multiple primary facades (e.g., corner lots or through lots), the maximum wall sign area shall apply to the individual façade. An applicant shall not combine the total amount of wall sign area permitted on all facades and apply it to a single façade.
  3. An applicant may locate any portion of permitted wall signage onto a secondary façade provided that:
    1. The maximum wall sign area allowed shall be determined by the primary façades that face a public street;
    2. Such wall sign area shall be deemed transferred from the primary façade to the secondary façade and shall reduce the wall sign area allowed on the primary façade accordingly; and
    3. The maximum wall sign area allowed on a secondary façade shall not exceed the maximum wall sign area permitted on any one primary façade.
7. Buildings with Multiple Tenant Spaces

The maximum wall sign area permitted, per tenant space, shall be equal to one and one-half (1.5) square feet for every lineal foot of building width assigned to the individual tenant space. Additional wall signs are permitted for each additional façade that faces directly onto a public street. The maximum sign area for the additional wall signs shall be equal to one and one-half (1.5) square feet for every lineal foot of building width of the façade to which it will be attached.
8. Buildings with Single Tenant Occupancy

The maximum wall sign area permitted shall be equal to one and one-half (1.5) square feet for every lineal foot of building width. Additional wall signs are permitted for each additional façade that faces directly onto a public street. The maximum sign area for the additional wall signs shall be equal to one and one-half (1.5) square feet for every lineal foot of building width of the façade to which it will be attached.

9. Large-Scale Commercial and Industrial Buildings (Over 100,000 square feet of floor area)
  1. The maximum wall sign area permitted on any single façade, regardless of the number of signs, shall not exceed five percent (5%) of the total façade area.
  2. No wall sign shall exceed 25% of the height of the façade to which it is attached, as measured from the bottom of the letters or message to the top most point of the letters or message.



Example of wall signs

## **(B) Freestanding Signs**

1. Freestanding signs shall be restricted to ground-mounted monument signs as defined in this section.
2. Ground-mounted monument signs shall be skirted to the ground with the same materials as the primary structure on the parcel and incorporate landscape plantings.
3. The ground sign display area cannot be wider than the base or foundation.
4. All freestanding signs shall be set back a minimum of 10 feet from any public right-of-way or property boundary line.
5. Up to 50 percent of one ground-mounted monument sign on any lot may include changeable copy signage. The changeable copy sign may be a manual sign or an electronic message center. In no case, shall the copy change more than once per 4 hours.
6. Number
  1. There shall be a maximum of one freestanding sign on each lot with a principal building; however principal buildings on lots that have more than 75 feet of frontage on more than one public street shall be permitted to have one additional freestanding sign with one sign located along each of the public streets. There shall be a maximum of two free standing signs permitted on each lot.

2. Each sign permitted in accordance with the above regulation shall comply with the applicable maximum sign height and sign area standards established in this section for freestanding signs.
  3. Multi-tenant buildings on lots that have a single street frontage that is 1,500 feet or longer shall be permitted to have one additional freestanding sign.
7. Size and Height

Unless otherwise specified, the maximum sign area shall be 75 square feet and the maximum height of freestanding signs shall be 10 feet.



Example of a ground mounted monument sign

**(C) Off-Premise Outdoor Advertising Signs (Billboards)**

Outdoor advertising signs are hereby classified as a business use, in compliance with ORC 519.20, and are subject to the regulations of the underlying zoning district and of Article VIII of this Zoning Resolution. Within the COD district, the following regulations shall also apply:

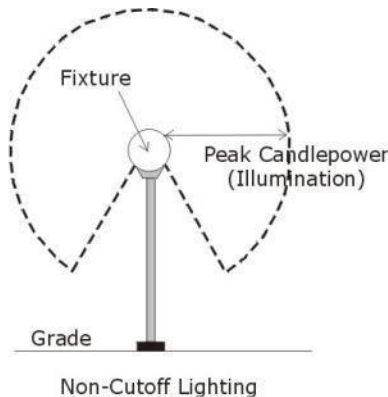
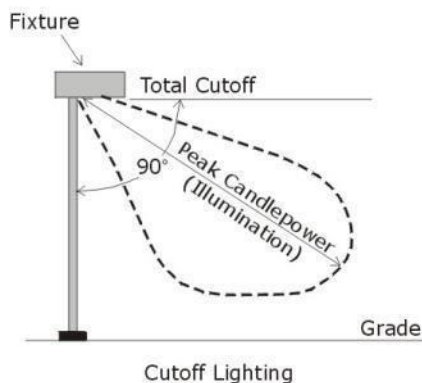
1. Off-premise, permanent outdoor advertising shall be considered under the provisions of this section.
2. An off-premise outdoor advertising sign shall be considered a principal use of a lot.
3. One off-premise outdoor advertising sign, with a maximum of two sign faces, may be permitted on a single lot.
4. Off-premise outdoor advertising signs shall be freestanding signs and shall not be located on or attached to a building or other structure not intended or utilized for the sole purpose of supporting said sign.
5. The maximum sign area and sign height for an off-premise outdoor advertising signs shall not exceed 300 square feet and 10 feet in overall height.
6. No off-premise outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.
7. No off-premise outdoor advertising sign shall be located at least 1,250 feet from other outdoor advertising sign.



## SECTION 723.13. Lighting

All building, parking and exterior lighting shall conform with Article VI of this zoning resolution. In addition, all developments in the COD district shall conform to the following requirements:

1. A lighting plan is required as outlined in the review procedure of this section.
2. All lighting fixtures will be full cutoff so to reduce any glare or light trespass to adjacent properties, except for decorative lighting fixtures.
3. Non-cutoff lighting shall only be used for decorative purposes and shall only be located adjacent to buildings.
4. The maximum height of parking lot bases, poles and fixtures shall be 25 feet.
5. The lighting of exterior, architectural building features is encouraged.



## ARTICLE VIII

### SIGN REGULATIONS

#### SECTION 801 SIGNS

##### SECTION 801.1 PURPOSE

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

##### SECTION 801.2 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 Osnaburg 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 (Section 519.02-519.05).

##### SECTION 801.3 SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE

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

1. One unlighted real estate sign not exceeding twelve (12) 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 question.
2. Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed twelve (12) square feet in area and which shall not be located closer than ten (10) feet from any street right-of-way line. Such signs shall be removed upon completion of work.
3. Signs directing and guiding traffic shall be permitted on private property; however, such sign shall not contain any advertising material.

#### SECTION 801.4

#### 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, rotating, or moving lamps, with the exception of a message center (consisting of time, temperature, and public information).
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. No portable or temporary sign shall be placed on the front or face of a building or on any premises except as provided in these regulations.
6. 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.
7. 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 signs or devices.
8. No sign shall be located within any public right-of-way except as indicated in Section 801.2 (1) above. Signs directing and guiding traffic shall be permitted on private property provided such signs do not contain any advertising material.
9. No sign shall be located closer than ten (10) feet to any front, side, or rear property line.
10. Directional signs shall not exceed thirty-six (36) inches in height and five (5) feet in width.

#### SECTION 801.5

#### 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 801.6 PERMITTED SIGNS IN ANY USE DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE**

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

1. One announcement sign or bulletin board of not more than twenty (20) square feet in area shall be permitted for any church, school, community center, or other public or institutional building. Such sign shall be located on the premises of such institution and shall not be located closer than ten (10) feet from any street right-of-way line, or property line.
2. A lighted/unlighted sign or name plate not more than twelve (12) square feet shall be permitted for Home Occupations Type A and Type B announcing the name and home occupation. Such sign shall not be located closer than ten (10) feet from any property or street right-of-way line.
3. One unlighted sign not more than twenty (20) 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 forty (40) square feet in area and shall be located within such development and shall not be located closer than ten (10) feet from any street right-of-way line.
5. One unlighted name plate not more than twelve (12) square feet in area shall be permitted for a licensed group home for the developmentally disabled.

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

1. Exterior business signs may be erected which advertise a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises. Such signs may be affixed flat against the wall of the building or may project there from not more than two (2) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground or pavement level adjoining the building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
2. One pole-type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not exceed a total sign area of twenty (20) square feet and shall not be more than twenty-five (25) feet in height. Such sign shall be located not closer than ten (10) feet from all street right-of-way lines, and no sign shall be closer than twelve (12) feet six (6) inches from the ground.
3. Billboards and outdoor advertising signs shall be located so as to maintain the minimum front, side, and rear yards as required for buildings located in the same district. However, no such signs shall be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such sign shall not exceed a gross area of five hundred fifty (550) square feet. No billboard or

outdoor advertising sign shall be permitted within five hundred (500) feet of any entrance to a public park, public or parochial school, library, church, or similar institution.

SECTION 801.8

TEMPORARY AND PORTABLE SIGNS

All signs of a temporary nature, such as posters, banners, promotional devices, signs on a portable transporting frame, and of similar nature, may be granted a temporary permit for a period not to exceed sixty (60) consecutive days subject to the following regulations:

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 one (1) temporary sign permit shall be issued for any one property within a one-year period.
3. Temporary signs shall not be more than twenty (20) square feet in area and shall not be placed closer than ten (10) feet to any street right-of-way line or property line.

SECTION 801.9

FEES FOR SIGNS - As regulated by Article XIII hereof.

## ARTICLE IX

### PARKING AND LOADING REQUIREMENTS

#### SECTION 901 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off street to meet all the parking needs.

#### SECTION 901.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- A. Auditorium, Stadium, and Similar Uses: One (1) for each four (4) seats based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios: One (1) for each two hundred (200) square feet, or fraction thereof, of floor area, excluding closets, hallways, and rest rooms.
- 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 two (2) additional for each dwelling unit for each five dwelling units in multifamily dwellings or developments.
  - 1. Licensed family home: two (2) parking spaces.
  - 2. Licensed group home: five (5) parking spaces.
- F. Hospitals: One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees.
- G. Hotels, Motels, and Tourist Homes: One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Veterinary Clinics: Six (6) for each physician or dentist.
- I. Restaurants: One (1) for each two hundred (200) square feet of floor area.
- J. Retail Stores and Personal Service Shops: One (1) for each one hundred (100) square feet, or fraction thereof, of floor area
- K. Indoor Theaters: One (1) for each three (3) seats.
- L. Lodging Houses, Boarding Houses: One (1) for each guest room.
- M. Libraries and Museums: One (1) for each two hundred fifty (250) square feet of floor space plus three (3) spaces.
- N. Industrial and Manufacturing Facilities: One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- O. Health and Recreational Facilities, and Automobile Repair Garages: One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.

- P. Food Locker: One (1) for each three hundred (300) square feet or fraction thereof, of floor area.
- Q. Roadside Stand (Farm Market): Four (4) parking spaces.
- R. Mini Storage Facilities: One (1) for each twenty (20) storage units plus two (2) located by office facilities.
- S. Car Washes:
  - 1. Automatic and Semi-Automatic Car Wash  
Car washes in which vehicles are mechanically and/or self propelled through the production line shall have and maintain ten (10) paved off-street parking spaces on the premises for each twenty (20) lineal feet of production line within the confines of the building. In addition, there shall be provided at the 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 exiting the washing facility.
  - 2. 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.
- T. Warehouse: One (1) for each two thousand (2,000) square feet or fraction thereof of floor space.

## SECTION 901.2

### GENERAL REGULATIONS

- A. Floor Area - For the purposes of this section, "floor area" in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes, such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, a fraction thereof shall require one (1) parking space.
- B. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall not be less than two hundred (200) square feet (10 x 20) in area exclusive of access drives or aisles.
- C. Parking Area Lighting - 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.
- D. Entrances and Exits - Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) access ways abutting on any one (1) street. Access ways for other than single family dwellings shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street.

- E. Yard Restrictions - In all Zoning Districts, open off-street parking facilities may be located in the required front yard provided that at least a ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line. Open off-street parking facilities may occupy the required rear or side yard provided that all parking shall be located a distance of five (5) feet from such lot line. These yard restrictions are intended to prevent all bumper overhang into driveway and street areas.
- F. Location - All required parking spaces shall be located on the lot.

## **SECTION 902    LOADING AND UNLOADING SPACE REQUIREMENTS**

### **SECTION 902.1    MINIMUM SPACES REQUIRED**

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

## **SECTION 903    PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED**

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



## ARTICLE X

### NONCONFORMING USE

#### SECTION 1001 PURPOSE

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

#### SECTION 1001.1 REGULATIONS

The 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 nonconforming building, structure, or use existing at the time this Resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty-five (25) percent in square foot area of the original nonconforming use, as determined by the Board of Zoning Appeals. Such alteration or enlargement shall not take place unless a permit has first been obtained from the Board of Zoning Appeals as set forth hereinafter.

B. Nonconforming to Nonconforming Use

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

C. Reconstruction

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution and if started within one (1) year of the aforementioned acts, and provided such replacement or repair does not extend the nonconforming 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 nonconforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment thereto, provided that construction is commenced within ninety (90) days after the issuance of such zoning certificate, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.

E. Discontinuance or Abandonment

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

In the event that a landowner does not hold a current Certificate of Nonconforming Use, it shall be presumed that the nonconforming use has abandoned and otherwise discontinued for the purposes of this Resolution.

F. Unsafe Structures

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

G. Certificate of Nonconforming Use

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

1. In accordance with the provision of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall otherwise be in conformance with the provisions of the Zoning Resolution.
2. A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Zoning Inspector.
3. A Landowner's Certificate of Nonconforming Use shall be in force until the earlier of the following two events occurs:
  - a. The nonconforming use of the land is abandoned, or
  - b. A period of one (1) calendar year has lapsed since the Certificate of Nonconforming Use was issued.
4. On or before the first day of January of each year, the Zoning Inspector shall issue a renewal "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property.
5. Upon completion of the one (1) year term, the landowner of the nonconforming use shall apply for an additional one (1) year certificate with the Zoning Inspector. Appropriate documentation shall govern the application for renewal which demonstrates that the nonconforming use has not been abandoned.

H. District Changes

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

## ARTICLE XI

### CONDITIONAL ZONING CERTIFICATES

#### SECTION 1101

##### **PURPOSE**

The purpose of this section is to provide for issuance of Conditional Zoning Certificates where conditionally permitted uses are provided for in this Resolution.

#### SECTION 1101.1

##### **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**

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, which fee shall not be refundable. In addition, the Board, 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.

B. **Data Required with Application**

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

C. **Review by the Board of Zoning Appeals**

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

D. **Hearing**

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

E. **Issuance and Revocation of Conditional Zoning Certificates - Violation and Penalty**

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board issue a Conditional Zoning Certificate. The breach of any condition, safeguard,

or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. This authority shall be in addition to the authority contained in Section 519.14 (d) of the Ohio Revised Code for the revocation of a Conditional Zoning Certificate.

F. Resubmission of Application for Conditional Use Permit

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

G. Termination

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

H. Continuation of Existing Uses Conditionally Permissible

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

SECTION 1101.2

BASIS OF DETERMINATION

The Board shall determine beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board may also impose such additional conditions and and for ensuring that the intent and objectives of this Resolution will be observed.

A. General Standards

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed 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;
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 1102 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 701.2B, 702.2B, 703.2B, 704.2B, 705.2B, 706.2B, 711.2B, 712.2B, 713.2B, 721.2B, AND 722.2B**

- 101 All structures and activity areas shall be at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not 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 located on 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; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 108 Site locations shall be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 109 Buffer Yard
  - a. A buffer yard of twenty (20) feet shall be provided in B-1, B-2 and B-3 Districts in accordance with requirements of Article VI, Section 603.11
  - b. A buffer yard of twenty (20) feet shall be provided in I-1 and I-2 Districts in accordance with requirements of Article VII Section 721.4 and Section 722.4 and Article VI, Section 603.11.
- 110 Requirements:
  - a. Processing equipment to be located at the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
  - b. Existing natural and manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

- c. 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; subject to Osnaburg Township Trustee approval.
  - d. Stakes of one color shall be set and maintained along the perimeter of the area designated for top soil or mineral removal at 100' intervals or less.
  - e. The storage of minerals, peat or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.
  - f. All public and private roads are to be swept and/or cleaned with a street sweeper of the water variety type.
  - g. A road bond shall be required.
- 111 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 community.
- 112 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 ensure that this provisions will be met.
- 113 Deleted 05/25/2016
- 114 Special provisions for group dwellings:
- a. The type of group dwelling units permitted shall be as listed in the permitted uses in the district in which the group development is located—i.e. single family dwelling units only in the R-1 District.
  - b. The maximum number of dwelling units permitted shall be no more than are permitted for dwellings on individual lots in the district in which it is located. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size.
  - c. A minimum of twenty (20) per cent of the total site area shall be reserved as open space as defined by these regulations. Active recreational areas such as swimming pools, tennis courts, etc. shall not be located within fifty (50) feet from an adjacent property line. Provisions for the future maintenance of common areas, open space and recreational facilities shall be reviewed by the Township's legal representative prior to the issuance of the zoning certificate.
  - d. 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, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district.
  - e. 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 twenty (20) feet.
  - f. The court shall be unoccupied by any vehicles, buildings, or other structures, except utilities.
- 115 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.
  - 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.
- 116 Such uses should be located on a major thoroughfare, adjacent to nonresidential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 117 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 County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - 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 gravesites 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.
- 118 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.
  - c. There shall be twenty (20) feet between buildings.
  - d. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be fifty (50) feet on the side(s) abutting the residential zone only.
  - e. All points of entrance and/or exit shall be located no closer than one hundred (100) feet to the intersection of two (2) streets.
  - f. Review and approval by the Stark County Regional Planning Commission shall

be required in accordance with the Stark County Subdivision Regulations before a permit may be granted.

119 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.

120 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued provided the Board and the Zoning Inspector determine that the said use has been and is being operated according to the specifications of the zoning resolution.

A. Annual Review and Recertification

1. All Conditional Use Certificates shall be reviewed on an annual basis by the Zoning Inspector to determine compliance or non-compliance with the certificate.

2. A fee shall be paid as provided by Trustee Resolution.

3. If the Zoning Inspector determines that the use is operating in compliance with the conditional use certificate, a notice of recertification shall be issued.

4. If the Zoning Inspector determines that the use is not operating in compliance with the conditional use certificate, then the Zoning Inspector shall take action to enforce the certificate as provided in this Resolution.

B. Amendment of Conditional Use Certificate. After the issuance of a Conditional Use Certificate, no use which is not authorized by the certificate, or otherwise Authorized by this Resolution, shall be established on the lot or lots which are subject to the certificate unless authorized by the Board of Zoning Appeals.

121 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year 'round occupancy shall be permitted.

122 Only retail uses which are customarily accessory and 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.

123 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes.



- 124 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 125 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 for parking areas of eleven (11) or more vehicle capacity.
  - d. The property must be served by central sewer and central water facilities approved by the appropriate state and county departments and operated and maintained according to the inspection and rules of said departments.
- 126 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.
- 127 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.
- 128 All sanitary landfill sites shall be subject to approval by the county and state health departments and subject to their requirements governing landfills. All work connected with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m. No sanitary landfill site shall be permitted to accept recyclable material.
- 129 Recreational Uses:
- a. The maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) per cent of the total acreage.
  - b. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - c. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

- 130 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. Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential district.
  - f. A buffer yard twenty (20) feet shall be provided in accordance with requirements of Article VI, Section 603.11.
- 131 Outside play areas shall be enclosed by a six (6) foot fence.
- 132 Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
- 133 The proposed mini-warehouse 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.
- 134 Storage of explosive or hazardous materials shall be prohibited.
- 135 Outside storage areas shall be completely enclosed by walls, fences, building, landscaping, or a combination thereof.
- 136 A minimum lot size of one (1) acre shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.
- 137 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.
- 138 The scrap or junk yard use shall be permitted only 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 or odor is a problem or potential problem.
  - d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any Residential District and/or public street right-of-way line, and shall

otherwise have front, side, and rear setback 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 opening shall exist.
  4. Trees shall be planted that are at the optimum transplanting size and age while still being as large as possible.
- f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.
- g. 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.

139 Minimum lot and yard requirements for a group home shall be the same as listed for "Other Permitted Uses" in Section 704.3 of these Regulations for an R-3 Low Density Multifamily Residential District and in Section 705.3 of these regulations for the R-4 High Density Multifamily Residential District.

140 No such group home shall be located within a one-mile radius of another such facility for the developmentally disabled.

141 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.

142 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article VIII of these regulations.

143 Special provisions for Group dwelling developments in R-R, R-1, and R-2 Districts.

- a. The minimum gross area required for a group dwelling development shall be fifty (50) acres. Thirty percent of the total land area must be devoted to open space and recreational facilities. A minimum of fifty (50) feet of contiguous frontage is required for each separate area.
- b. Group dwelling developments shall be limited to single-family detached dwellings. The maximum overall density shall not exceed three (3) dwelling units per gross acre of land.
- c. Along private streets, the dwellings will have an average front yard setback of thirty-five (35) feet with no front yard setback of less than thirty (30) feet from the center line of the road.
- d. Final development plans and all documentation required by the Zoning Inspector shall be submitted at least twenty (20) days prior to the hearing date.

144 Where the state does not require a bond for reclamation, to guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant

granted a mining permit as herein provided, shall furnish a performance bond.  
(Amended ef. 10/11/91)

- 145 All demolition material sites shall be subject to the Ohio Administrative Code Chapter 3745-400 and must have prior approval of County and State Health Departments.
- 146 All structures and activity areas shall be located at least three hundred (300) feet from all property lines.
- 147 All structures and activity areas shall be located at least five hundred (500) feet from all dwellings.
- 148 All composting facility sites shall be subject to the Ohio Administrative Code (Chapter 3745) and must have prior approval of County and State Health Department.

**SECTION 1103 Regulations Pertaining to Surface Mining and/or Strip Mining under the Direction of the Ohio Department of Natural Resources (ODNR)**

- A. Supplement to the ODNR Division of Mines and Reclamation Requirements:
  - 1. A copy of State application, as approved by the ODNR Division of Mines and Reclamation and any revisions to the application over the life of the permit, shall be submitted to the Board of Zoning Appeals.
  - 2. Applications or revisions submitted to the ODNR Division of Mines and Reclamation subsequent to the issuance of an Osnaburg Township Conditional Zoning Certificate shall be presented to the Board of Zoning Appeals within ten (10) days of approval by the ODNR Division of Mines and Reclamation.
  - 3. All other reclamation requirements for surface mining or strip mining shall be approved by the ODNR Division of Mines and Reclamation.
  - 4. Reclamation is required within one year from expiration date of a Conditional Use Certificated or the abandonment of the operation.
  - 5. The entire site must be returned and/or reclaimed back to its natural condition or to the reclamation plan that has been approved by the Osnaburg Township Board of Zoning Appeals. Returning the site to its natural condition includes replanting of trees, establishing streams and/or retention ponds that have been designated in the reclamation plan. Excavation in which it creates a pit or open hole is not acceptable. The hole or pit created from excavation cannot be filled with unnatural items such as debris, waste, demolition materials or landfill materials.  
A bond of 115% of the cost of reclamation is required.
- B. All mining operations and related activities shall be located a minimum of:

1. One Hundred and Fifty (150) feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator,
  2. Three Hundred (300) feet from any property in a B-1, B-2, or B-3 Business District not owned or controlled by the operator,
  3. Six hundred (600) feet from any property in a R-R, R-1, R-2, R-3, R-4, or R-5 Residential District.
- C. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- D. Requirements:
1. Processing equipment to be located at the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
  2. Existing natural and manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
  3. Access to public roads shall be approved by the applicable state, county, or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads.
  4. Stakes of one color shall be set and maintained along the perimeter of the area designated for top soil or mineral removal at one hundred (100) feet intervals or less.
  5. The storage of minerals, peat or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.
  6. All public and private roads are to be swept and/or cleaned.
  7. A road bond shall be required.
- E. 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 community.
- F. 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 shall be required to ensure that these provisions will be met.
- G. A Conditional Zoning Certificate for a use permitted under these regulations shall be issued one (1) year period only. After a one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided the Board and 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 reinsurance of the Conditional Zoning Certificate.
- H. All facilities and structures shall meet all county and/or other State of Ohio health, building, electrical, and other applicable codes.
- I. Deleted 7/22/09
- J. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to

appear reasonably natural. Area shall be completely and continually drained of water when not in use or not supervised by a watchman except sediment ponds. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. The operations shall be conducted so as not to leave or cause to exist spoil banks. The applicant shall submit a plan for reuse, and evidence of its feasibility in compliance with township zoning or land use plan.

K. Deleted 7/22/09

L. No sand or gravel shall be removed or stored or overburden stored within two hundred (200) 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 thereto do not have adequate lateral support.

M. A current site map must be presented with the elevations and conditions of the parcel before work begins. A projected project end site map must be presented with the final elevations and conditions of the reclamation to the Board of Zoning Appeals and approved before the project can begin or is approved.

N. Hours of operation which includes operating any equipment or trucks as well as moving materials around on the parcel will be prohibited between 10:00 pm and 6:00 am eastern standard time.

O. No new building(s) or construction of a building(s) can occur on the parcel that is approved for Surface Mining unless it has been approved in the reclamation site plan.

P. Any mines that are uncovered or unearthed must be immediately reported to ODNR and Osnaburg Township. All work on the site must cease immediately until ODNR has provided approval to begin work again.

Q. All existing waterways or water sources must be preserved or the proposed changes have been approved in the site reclamation plan.

R. Water testing is required for all bordering properties before the project begins, at least twice yearly during the project, and at the end as part of the final approval for reclamation of the parcel. Water must not be affected by the project or a secondary water source must be provided to the neighboring property meeting the same water condition as before the project began and/or the first water test. Testing should include volume or water flow and quality of water which includes mineral levels in the water. At any time if a water test shows a discrepancy from the first water test, a resolution must be provided immediately and the mining must halt/stop until the water issue is resolved with the property owner with the failed water test.

#### **SECTION 1104 REGULATIONS PERTAINING TO ADULT USE**

A. An Adult Use shall comply with the following supplementary regulations, in addition to compliance with all other requirements of this Zoning Resolution:

1. All windows, doors, openings, entries, etc. for all Adult Uses shall be so located, covered, screened or otherwise treated that into those parts of the interior of the establishment which are in use as an Adult Use are not possible from any public or semi-public area, road or way.
2. No Adult Use shall be established within two thousand (2000) feet of any place of worship, school, public park, public playground, convent/monastery,

- recreation facility, public facility, child day care center, or areas where large numbers of minors regularly travel or congregate.
3. No Adult Use shall be located on a lot which is located within fifteen hundred (1500) feet of a lot on which another Adult Use is located, or proposed to be located.
  4. No Adult Use shall be located in a building or other structure any part of which is located within two thousand (2000) feet of a residential district.
  5. Measurement of required distances in paragraphs B, C and D above shall be made in a straight line, without regard to intervening structures or objects, between the points of each of the subject properties which are nearest one another.
  6. No more than one Adult Use shall be operated, established, or maintained within a building or structure.
  7. The owner or operator of the establishment shall exercise adequate supervision to ensure that the employees of the establishment comply at all times with these regulations and the Ohio Revised Code.
  8. The owner or operator of an Adult Use business will provide adequate lighting for all areas of the premises where the patrons are permitted access.
  9. The owner or operator of an Adult Use business shall provide adequate lighting of the parking lot and other areas outside the building. Lighting shall not constitute a nuisance and shall in no way impair the safety of persons on the premises or on adjacent properties.
  10. Exterior signs of an Adult Use business shall conform to the regulations stated in ARTICLE VIII. Exterior signs will not have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner.
- B. A permit is required for an Adult Use.
1. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in the unincorporated areas of Osnaburg Township, the operations of an Adult Use without first having obtained a permit from Osnaburg Township as provided herein. A separate permit is required for each location at which an Adult Use is operated.
  2. The application for a permit to operate an Adult Use shall be made at the Osnaburg Township Administrative Offices and shall include all of the following:
    - a. Applicant must comply with all local, state, and federal licensing, inspection, and permit requirements;
    - b. State the type of Adult Use and a description of the business operation.
    - c. State the name and address of the applicant, property owner, and operator of the Adult Use business.
    - d. The application must contain the address where the Adult Use is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must

- be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.
  - e. Each application should include plans for security inside the building the business is located in, supervision of and lighting of the parking lot and other areas outside the building.
  - g. The applicant shall be required to provide data as stated in ARTICLE XI and any other information determined to be necessary.
  - h. A filing fee for the permit is required as stated in ARTICLE XIII.
3. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.

**SECTION 1105 REGULATIONS PERTAINING TO COMMUNICATION TOWER/FACILITY**

- A. Communication tower/facility that includes towers requiring a Conditional Use Permit in Residential Districts:
1. Combined with an existing structure:

An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district; including, but not limited to, a church, a township or governmental building or facility, agricultural building, and a building structure owned by a utility. The following conditions shall be met

    - a. Maximum height of the tower shall be 20 feet or 20% of the building height which ever is greater above the existing building or structure.
    - b. If the applicant proposes to locate the communication tower/facility equipment in a separate shelter, the shelter shall comply with the minimum setback requirements for the district.
  2. Sole use on a lot or combined with another use:

A tower to support an antenna may be constructed on property with a nonresidential use that is a permitted use within the district, including but not limited to a church, hospital, school, township or government building, facility or structure, agricultural use and utility use, subject to the following conditions:

    - a. The tower shall be set back from property line abutting a residential lot by 300 feet.
    - b. In order to locate a Communication Tower/Facility facility on a property that is vacant or with an agricultural use fly tract shall be a least 5 acres.
  3. Isolated on a residential building:

An antenna for a Communication Tower/Facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:

    - a. If the applicant proposes to locate the Communication Tower/Facility



equipment in a separate shelter, the shelter shall comply with the minimum setback requirements for the district.

4. Located in open space:

A Communication Tower/Facility is permitted on land that has been established a permanent open space, or a park subject to the following condition:

- a. The open space shall be owned by the municipality, county or state government, a homeowners associations, charitable organizations, or a private; non-profit conversation district.
- b. The tower shall be set back from any property line abutting a residential lot or residence by 300 feet.
- c. The tower shall be set back from any property line abutting a business or industrial lot by 200 feet.

B. The following requirements apply to Communication Tower/Facility regardless of the zoning district in which they are to be located.

1. When the proposed Communication Tower/Facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may supplement the plot plan.
2. The applicant shall provide a map indicating the proposed facility and extending outward a minimum of a six (6) miles radius surrounding the facility. This map shall have shown all existing Communication Tower/Facility within this radius and shall show all existing structures that are 100 feet or taller.
3. The location of the tower and equipment shelter shall comply with all natural resource protection standards established by the Ohio Revised Code.
4. The Communication Tower/Facility shall comply with the minimum setback requirements for the respective zoning district where the facility will be located unless otherwise indicated.
5. The height of the tower shall not exceed 300 feet.
6. A fence of other barrier a minimum height of eight (8) feet with an additional three (3) strands of barb wire on top shall surround the facility including the tower and any accessory buildings.
7. Supporting cables must be encircled at the point of attachment to the ground with sufficient fencing and or plantings to prevent any individual from coming in contact with any supporting wires or cables.
8. The applicant shall present a landscaping plan that indicates how the Communication Tower/Facility will be screened from adjoining uses and/or properties. Existing vegetation, trees and shrubs, shall be preserved to the maximum extent possible in the surrounding area. The landscape shall be properly maintained and dead vegetation replaced. The ground shall be kept debris free and no equipment shall be stored outside of the equipment shelter.
9. Any applicant requesting permission to install a new tower shall provide evidence of written contact with the service providers

who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as responses(s) shall be presented with the application as a means of demonstrating the need for a new tower. Collocation of providers is strongly encouraged.

10. The tower and all associated structures including the equipment shelter shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). The tower and all associated Structures shall be kept in a good repair. The appearance of all structures shall be maintained and visually appealing.
11. No advertising is permitted anywhere on the facility, with the exception of identification signage. The name and phone number of the responsible party for the facility shall be posted and readily visible on the entrance to the facility.
12. All providers utilizing towers shall present a report to the Zoning Inspector notifying of any tower facility located in Osnaburg Township whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. This excludes any dormancy period between construction and the initial use of the facility. The facility's owner/operator and property owner, where applicable, will receive written notice from the Zoning Inspector and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the township can remove or can contract to have removed the facility. The township will then have the authority to use said bond described below for the removal of the facility.
13. The owner/operator of communication tower/facility or the landowner shall provide a \$25,000 bond issued in the name of Osnaburg Township Board of Trustees for each facility. Said bond shall be renewed on an annual basis and evidence of renewal shall be forwarded to Osnaburg Township. The renewal information shall indicate the applicable Zoning Permit number for the facility. Said bond shall remain in effect at all times for a facility until such facility has been completely removed by the owner/operator. If said Bond is to be canceled, notification or cancellation shall be forwarded to Osnaburg Township 60 days prior to the cancellation date. A replacement bond shall be in place 30 days prior to the cancellation date of the bond to be canceled.
14. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. White strobe lighting will not be permitted. Security lighting around the equipment shelter is permitted. Lighting used shall not constitute a nuisance to adjacent properties and no lighting shall shine directly on adjacent properties.
15. "No Trespassing" signs shall be posted around the facility with a telephone number who to contact in the event of an emergency.

16. The applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided.
17. A Conditional Use Permit must be obtained from the Board of Zoning Appeals for construction of new tower and for towers attached to existing structures/buildings in Rural/Residential and Business (B-1 & B-2) Districts.
18. A Zoning Certificate is required of all new or replacement towers, accessory equipment, antennas, or equipment shelters.
19. Underground equipment shelters are encouraged, especially in Business Districts. All utilities from the equipment shelter to the main utility lines are to be buried a minimum of 30 inches. This requirement excludes the wiring from the equipment shelter to the antennas.
20. Copies of plot plans and plans for the shelter shall be submitted to the Osnaburg Township Fire Chief and a Fire Permit obtained.
21. The Communication Tower/Facility facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
22. The maximum size of the equipment shelter shall not exceed 200 square feet.
23. Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use. There shall be no parking of service vehicles on the public right-of ways or streets.
24. The applicant shall demonstrate that the Communication Tower/Facility tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.
25. Prior to the erection of any communication tower/facility, a registration form, provided by the township's zoning department and maintained thereby, must be completed by the owner of the property upon which the said tower is proposed to be erected. There will be no charge imposed for the registering of a tower.

#### **SECTION 1106 REGULATIONS PERTAINING TO ACCESSORY SOLAR ENERGY SYSTEMS**

It is the purpose of this regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility supplied electricity. An accessory solar energy system shall be considered a permitted use in any District provided all requirements and regulations as set forth below are met. No Person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a Zoning Certificate from the Zoning Inspector.

- A. All accessory solar energy systems shall meet the following requirements:
  1. A solar energy system may be permitted in all zoning districts as an accessory to a principal use.

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

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

**SECTION 1107 REGULATIONS PERTAINING TO PRINCIPAL SOLAR ENERGY PRODUCTION FACILITIES**

It is the purpose of this regulation to promote the safe, effective and efficient use of utility scale energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses, or designed primarily to produce energy to be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a permitted use in the Business, Industrial and Rural Residential Districts, provided all requirements and regulations as set forth below are met. No Person shall cause, allow or maintain the use of a Principal Solar Energy Production Facility without first having obtained a Zoning Certificate from the Zoning Inspector.

- A. All Principal Solar Energy Production Facilities shall meet the following requirements:
  - 1. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
  - 2. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  - 3. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.
  - 4. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - 5. The proposed solar energy project is not located adjacent to or within the control zone of any airport.
  - 6. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
  - 7. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
  - 8. A site plan shall be submitted at the time of application and shall include:
    - a. Property lines and physical dimension of the site,
    - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and under-ground utility lines, easements

- and any structures of the property. Also, show location of sewage treatment systems,
- c. Location of any required signage,
  - d. Elevation of the proposed solar energy system(s) at its maximum tilt,
  - e. Manufacturer's specifications including make, model and picture,
  - f. Scaled drawing no smaller than 1" = 100".
- 9. A principal solar energy production facility shall not be constructed until all applicable zoning certificates and building permits have been approved and issued.
  - 10. The design of the principal solar energy production facility must conform to all applicable industry standards.

#### **Section 1108 MOBILE HOMES**

This section is intended for mobile homes to be a starting point for new land owners to build homes. Mobiles homes will be conditionally permitted within R-R Rural Residential districts as long as they meet the following requirements.

- 1. The minimum lot shall be 1 acre
- 2. Before the mobile home can be occupied, it must be connected to well & septic or water & sewer system approved by the Stark County Health Department
- 3. The mobile home must be skirted
- 4. The property owner must occupy the mobile home
- 5. The mobile home unit shall be no more than 20 years old at installation
- 6. The mobile home must be set on a foundation approved by the Stark County Building Department
- 7. The mobile home must be removed from the lot no more than 3 months after occupancy of the permanent dwelling.
- 8. The mobile home shall be for the purpose of providing temporary housing while a permanent dwelling is being constructed.
- 9. The applicant must provide a sufficient development plan demonstrating their intent to build a permanent dwelling on the land.
- 10. A conditional zoning certificate shall be required for the mobile home and is valid as long as all the conditions are met, subject to an annual inspection.

## ARTICLE XII

### BOARD OF ZONING APPEALS

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

##### **SECTION 1201.1     COMPOSITION AND APPOINTMENT**

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

##### **SECTION 1201.2     ORGANIZATION**

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

##### **SECTION 1201.3     QUORUM**

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

##### **SECTION 1201.4     MEETINGS**

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

##### **SECTION 1201.5     WITNESSES**

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

##### **SECTION 1201.6     PROCEEDINGS**

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other officials' actions, all of which shall be immediately filed in the office of the Township Trustees and shall become public record.

##### **SECTION 1201.7     POWERS AND DUTIES**

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B. 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 general welfare 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 nonconforming uses as specifically provided in this Resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he so request. 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 1201.8 APPEALS TO THE BOARD

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

#### SECTION 1201.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, 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.

#### SECTION 1201.10 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefore.



Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

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

SECTION 1201.11 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 1201.12 DECISIONS

A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate or Conditional Zoning 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 XIII**

### **ADMINISTRATION FEES AND ENFORCEMENT**

#### **SECTION 1301 ADMINISTRATION**

##### **SECTION 1301.1 ZONING INSPECTOR**

For the purposes 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 1301.2 BOARD OF ZONING APPEALS**

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

##### **SECTION 1301.3 SUBMISSION OF APPLICATIONS**

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

##### **SECTION 1301.4 ZONING CERTIFICATES REQUIRED**

- A. Before constructing or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:
1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
  2. The location, dimensions, height, and bulk of structures to be erected. If a commercial structure, two (2) sets of construction plans shall be required, one (1) of which shall be reviewed by the Township Fire Prevention Bureau.
  3. The intended use.
  4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
  5. The yard, open area, and parking space dimensions.
  6. Appropriate sewage disposal certificate and, if required, appropriate permit for access to public street (Osnaburg Township Zoning Regulations Sec. 601.2).
  7. Required permit fee.
  8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Within 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.

- C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application.
- D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 1101.1 shall be followed in lieu of the above regulations.

#### SECTION 1301.5

##### FEES

##### A. Zoning Fee Schedule

The Township Trustees shall by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional zoning certificates, and other matters pertaining to the administration and enforcement of the Osnaburg Township Zoning Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township office and may be altered or amended only by the Township Trustees by Resolution. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

##### B. Failure to obtain permit before construction or use has commenced.

The zoning certificate required shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this Resolution shall be null and void. Where construction is commenced prior to obtaining a zoning certificate, The Zoning Inspector shall notify the property owner of the need to obtain a zoning certificate. If an application is not filed within ten (10) days of such notice, an additional fee shall be charged.

#### SECTION 1302.1

##### VIOLATIONS

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

#### SECTION 1302.2

##### PENALTIES

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than one hundred (100) dollars

per offense. Each day of continuation of a violation of this Resolution shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law.

#### **ARTICLE XIV**

##### **VALIDITY AND SEPARABILITY**

If any section, subsection, or any 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 XV**

##### **REPEALER**

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

**ARTICLE XVI**

**EFFECTIVE DATE**

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

Recommended by the Township Zoning Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Township Zoning Commission

Adopted by the Osnaburg Township Trustees

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest by the Clerk of Osnaburg Township:

\_\_\_\_\_  
Clerk