

# **Bath Township Zoning Resolution**

Module I: Review Authorities and Procedural Articles

Committee Review Draft - May 19, 2011

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# Article 1: General Provisions

## Sec. 101 Purpose (New)

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The purpose for zoning in Bath Township, Summit County, Ohio, shall be as established under Section 519.02 of the Ohio Revised Code (ORC), except as otherwise provided by law.

## Sec. 102 Title (Existing 101)

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This resolution shall be known and may be cited as the “Zoning Resolution of Bath Township, Summit County, Ohio”, and may be referred to herein, as “this resolution” or “this zoning resolution”.

## Sec. 103 Authority (New)

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### Sec. 103-A GENERAL AUTHORITY

This resolution establishes the township’s zoning regulatory authority as authorized by the Section 519.01 et seq. of the ORC.

### Sec. 103-B REFERENCES TO THE OHIO REVISED CODE

Whenever any provision of this resolution refers to or cites a section of the Ohio Revised Code (as amended), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## Sec. 104 Jurisdiction (New)

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The provisions of this resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Bath Township, Summit County, Ohio.

## Sec. 105 Interpretation and Conflicts (Rev. 101-1 and 101-2)

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**Sec. 105-A** For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare as allowable by law.

**Sec. 105-B** When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.

**Sec. 105-C** Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it complies with the ORC and federal law.

## Sec. 106 Relationship with Third Party Private Agreements (New)

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**Sec. 106-A** This zoning resolution is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.

**Sec. 106-B** In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

## **Sec. 107 Compliance Required**

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**Sec. 107-A** Except as hereinafter specified, no building shall be located, constructed, erected, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution or in a manner that does not comply with all of the regulations established by this resolution for the applicable zoning district and development.<sup>1</sup>

**Sec. 107-B** It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with [Sec. 304: Zoning Certificate](#).

**Sec. 107-C** Such zoning certificate shall state that such building, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this zoning resolution.

**Sec. 107-D** Uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of [Article 12: Nonconformities](#).

## **Sec. 108 Severability**

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**Sec. 108-A** If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.

**Sec. 108-B** If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

**Sec. 108-C** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## **Sec. 109 Transitional Rules (New)<sup>2</sup>**

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### **Sec. 109-A EFFECTIVE DATE**

**(A)** This resolution became effective on May 6, 1952.<sup>3</sup>

**(B)** Any amendments to this zoning resolution shall be in full force and effect as provided in Section 519.12 of the ORC.

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<sup>1</sup> This language is from the existing Sec. 301-4 (A). The last statement about uses not specifically permitted or conditionally permitted has been deleted from this language and will be carried forward in the new Article 4.

<sup>2</sup> These are the new regulations proposed in the diagnosis that will specifically address the transition from the existing regulations to these new, amended regulations.

<sup>3</sup> The original effective date is still applicable. This update is an amendment to that resolution.

**Sec. 109-B VIOLATIONS CONTINUE**

Any violation of this zoning resolution that applied to a use, structure, property, or part thereof, prior to the adoption or amendment of this zoning resolution, shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under [Article 13: Enforcement and Penalties](#), unless the use, development, construction, or other activity complies with the provisions of this zoning resolution.

**Sec. 109-C NONCONFORMITIES CONTINUE**

- (A) Any legal nonconformity under previous versions of this resolution that applied prior to the adoption of this zoning resolution shall continue to be a legal nonconformity under this amendment, as long as the situation that resulted in the nonconforming status under the previous version of the resolution continues to exist.
- (B) If a legal nonconformity under any previous versions of this resolution that applied prior to the adoption of this amendment becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**Sec. 109-D APPROVED PROJECTS**

- (A) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use, if applicable, upon the issuance of a certificate of occupancy from the Summit County Building Department.
- (B) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.<sup>4</sup>
- (C) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

**Sec. 109-E VESTED RIGHTS**

The transitional rule provisions of [Sec. 109-A](#) through [Sec. 109-D](#) of this resolution are subject to Ohio's vested rights laws.

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<sup>4</sup> This is slightly different language than what is found in the existing Sec. 601-I (D) that allows for the construction of an approved structure provided construction starts within 90 days and is completed within two years of issuance of the zoning certificate. The timing language can be added back in at the discretion of the township but keep in mind that once a building is under construction, rescinding the zoning certificate can be difficult.

## **Sec. 110 Zoning of Annexed Lands<sup>5</sup>**

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Upon annexation of land from Bath Township into an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the Zoning Inspector and other township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such land.

## **Sec. 111 Restoration of Unsafe Buildings (Existing 301-4 (I))**

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Except as provided in [Article 12: Nonconformities](#), nothing contained in this resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this resolution provided that foundations have been put in place before said effective date of this resolution and provided further that such building shall be completed within two years from the date of passage of this resolution.

## **Sec. 112 Repeal (New)**

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This zoning resolution may be repealed in accordance with the provision established in Section 519.25 of the ORC.

## **Sec. 113 Use of Graphics, Illustrations, Figures, and Cross-References (New)**

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**Sec. 113-A** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

**Sec. 113-B** In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

## **Sec. 114 Burden of Proof (New)**

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The burden of demonstrating that an application or any development subject to this resolution complies with applicable review and approval standards is on the applicant. The burden is not on the township or other parties to show that the standards have been met by the applicant or person responsible for the development.

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<sup>5</sup> This is language drawn from the ORC. Since the township is adjacent to several municipalities, it may be appropriate to include it, however, given the provisions of the JEDD, it is unlikely to come into play with Bath Township.

# Article 2: Decision-Making Roles and Authority

## Sec. 201 Purpose

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution. This article also includes the review procedures for zoning text and map amendments, zoning certificates, appeals, conditional uses, and variances.

## Sec. 202 Table of Review and Decision Making-Bodies

**Sec. 202-A** **Error! Reference source not found.** summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this article. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

**Sec. 202-B** Even though not referenced in this table, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Bath Township Zoning Commission, the Bath Township Board of Zoning Appeals, the Bath Township Appearance Review Commission, or the Bath Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, appeals, variances, and conditional uses. This includes the review authority granted to the Summit County Planning Commission pursuant to the ORC.

**TABLE 202-1: SUMMARY TABLE OF REVIEW AND DECISION-MAKING BODIES**

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED)			R = REVIEW AND/OR RECOMMENDATION D = DECISION (RESPONSIBLE FOR FINAL DECISION)			
PROCEDURE	SECTION	BOARD OF TRUSTEES	ZONING COMMISSION	APPEARANCE REVIEW COMMISSION (ARC)	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Certificate	Sec. 304					R-D
Architectural Review in the Cleveland-Massillon Overlay District				M-R		
Site Plan Review	Sec. 305			M-D		R
Zoning Text or Map Amendment	Sec. 306	H-D	H-R			R
Conditional Use	Sec. 307				H-D	R
Variance	Sec. 307				H-D	R
Appeals	Sec. 307-D(B)				H-D	R [1]
Preliminary Development Plan (Planned Overlay District) <sup>6</sup>	Sec. <> <sup>7</sup>	H-D	H-R			R
Final Development Plan (Planned Overlay District)	Sec. <>		M-D			R

NOTES:  
[1] The Zoning Inspector or other staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

<sup>6</sup> This is for the proposed SR 18 Residential Planned Overlay District that will be addressed in the new Article 4.

<sup>7</sup> This <> symbol is used as a placeholder forthcoming cross-references.

## **Sec. 203 Board of Trustees (New)**

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For the purpose of this zoning resolution, the Bath Township Board of Township Trustees, hereafter referred to as the Board of Trustees, shall have the following duties:

- Sec. 203-A** Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- Sec. 203-B** Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;
- Sec. 203-C** Review and decide on preliminary development plans submitted as part of the SR 18 Residential Planned Overlay District; and<sup>8</sup>
- Sec. 203-D** Perform all other duties as specified in Chapter 519 of the ORC and as specified in this zoning resolution.

## **Sec. 204 Zoning Commission (Existing 1201)**

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The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Bath Township Zoning Commission, hereafter referred to as the Zoning Commission.

### **Sec. 204-A APPOINTMENT AND ORGANIZATION**

- (A)** The Zoning Commission shall be composed of five members who reside in the unincorporated area of Bath Township, Summit County, Ohio, to be appointed by the Board of Trustees.
- (B)** Members shall serve five-year terms with the term of one member expiring each year.
- (C)** Each member shall serve until his or her successor is appointed and qualified.
- (D)** Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (E)** Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

### **Sec. 204-B ALTERNATES**

- (A)** The Board of Trustees may appoint two alternate members to the Zoning Commission for terms to be determined by the Board of Trustees.
- (B)** An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- (C)** An alternate member shall meet the same appointment criteria as a regular member.
- (D)** When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote.
- (E)** When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission. Alternate members have to be appointed to replace a full member upon a vacancy.<sup>9</sup>

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<sup>8</sup> This may change based on future discussions related to this zoning district.

**Sec. 204-C ROLES AND POWERS**

The Zoning Commission shall have the following roles and powers:

- (A) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (B) Review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees;
- (C) Review all preliminary development plans submitted as part of the SR 18 Residential Planned Overlay District and make recommendations to the Board of Trustees;<sup>10</sup>
- (D) Review and decide on final development plans submitted as part of the SR 18 Residential Planned Overlay District;
- (E) Perform all other duties as specified for township zoning commissions in Chapter 519 of the ORC and as specified in this zoning resolution.

**Sec. 204-D ORGANIZATION AND BYLAWS**

- (A) The Zoning Commission shall elect a chairman from its membership, shall appoint a recording secretary, who need not be a member of the Zoning Commission.
- (B) The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

**Sec. 204-E MEETINGS**

- (A) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the Zoning Commission may determine.
- (B) All meetings shall be open to the public, except as exempted by law.
- (C) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Board of Trustees.

**Sec. 204-F QUORUM AND DECISIONS**

- (A) Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- (B) The Zoning Commission shall act when three members concur and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.<sup>11</sup>

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**Sec. 205 Appearance Review Commission (ARC) (Revised 1101)**

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The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Bath Township Appearance Review Commission, hereafter referred to as the ARC. The ARC is established to function as the township's architectural review board as provided for in Section 519.171 of the ORC.

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<sup>9</sup> This is new language that addresses whether or not an alternate automatically becomes a full member of the Zoning Commission if a full member leaves. It complements the earlier language that only the Trustees can fill a vacancy.

<sup>10</sup> This may change based on future discussions related to this zoning district.

<sup>11</sup> The last part of this section is new language requiring the zoning commission to establish written findings for their decisions.

**Sec. 205-A APPOINTMENT AND ORGANIZATION**

- (A) The ARC shall be composed of five members who reside in the unincorporated area of Bath Township, Summit County, Ohio, to be appointed by the Board of Trustees.
- (B) Members shall serve five-year terms with the term of one member expiring each year.
- (C) Each member shall serve until his or her successor is appointed and qualified.
- (D) Members of the ARC shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (E) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

**Sec. 205-B ALTERNATES**

- (A) The Board of Trustees may appoint two alternate members to the ARC for terms to be determined by the Board of Trustees.
- (B) An alternate member shall take the place of an absent regular member at any meeting of the ARC.
- (C) An alternate member shall meet the same appointment criteria as a regular member.
- (D) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote.
- (E) When a vacancy occurs, alternate members do not automatically become full members of the ARC. Alternate members have to be appointed to replace a full member upon a vacancy.

**Sec. 205-C ROLES AND POWERS**

The ARC shall have the following roles and powers:

- (A) Review and decide on all site plan review applications;
- (B) Review and make recommendations on all development or alterations within the Cleveland-Massillon Overlay District as established in Sec. <>;
- (C) Provide advice and input on the application of the Bath Township Design Guidelines, where requested by any resident, official, board, or commission of the township; and
- (D) Perform all other duties as specified for architectural review board in Chapter 519 of the ORC and as specified in this zoning resolution.

**Sec. 205-D ORGANIZATION AND BYLAWS**

- (A) The ARC shall elect a chairman from its membership, shall appoint a recording secretary, who need not be a member of the ARC.
- (B) The ARC may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

**Sec. 205-E MEETINGS**

- (A) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the ARC may determine.
- (B) All meetings shall be open to the public, except as exempted by law.

- (C) The ARC shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Board of Trustees.

**Sec. 205-F QUORUM AND DECISIONS**

- (A) Any combination of three or more regular or alternate members of the ARC shall constitute a quorum.
- (B) The ARC shall act when three members concur and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.

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**Sec. 206 Board of Zoning Appeals (BZA) (Revised Article X)**

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The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Bath Township Board of Zoning Appeals, hereafter referred to as the BZA.

**Sec. 206-A APPOINTMENT AND ORGANIZATION**

- (A) The BZA shall be composed of five members who reside in the unincorporated area of Bath Township, Summit County, Ohio, to be appointed by the Board of Trustees.
- (B) Members shall serve five-year terms with the term of one member expiring each year.
- (C) Each member shall serve until his or her successor is appointed and qualified.
- (D) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (E) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

**Sec. 206-B ALTERNATES**

- (A) The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.
- (B) An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- (C) An alternate member shall meet the same appointment criteria as a regular member.
- (D) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote.
- (E) When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

**Sec. 206-C ROLES AND POWERS**

The BZA shall have the following roles and powers:

- (A) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.
- (B) To hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.
- (C) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.
- (D) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.
- (E) To review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zone districts or regulations of this resolution are applied.
- (F) To permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 12: Nonconformities](#).
- (G) All other powers conferred upon township boards of zoning appeals in Section 519.14 of the ORC, or as authorized by the Board of Trustees in compliance with state law.

**Sec. 206-D ORGANIZATION AND BYLAWS**

- (A) The BZA shall elect a chairman from its membership, shall appoint a recording secretary, who need not be a member of the BZA.
- (B) The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

**Sec. 206-E MEETINGS**

- (A) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the ARC may determine.
- (B) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the ORC.
- (C) All meetings of the BZA shall be open to the public, except as exempted by law.
- (D) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Bath Township Fiscal Officer and shall be a public record, unless exempted by law.

- (E) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

**Sec. 206-F QUORUM AND DECISIONS**

- (A) Any combination of three regular or alternate members of the BZA shall constitute a quorum.
- (B) The BZA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

**Sec. 207 Zoning Inspector (Revised 901-1)**

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The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in Section 519.16 of the ORC.

**Sec. 207-A ROLES AND POWERS**

The Zoning Inspector shall have the following roles and powers:

- (A) To serve as the zoning inspector for Bath Township, Summit County, Ohio;
- (B) To conduct inspections of buildings and land to determine compliance with this resolution;
- (C) To review applications for zoning certificates and to ensure compliance with this zoning resolution in accordance with [Sec. 304: Zoning Certificate](#);
- (D) To collect all fees required for all applications;
- (E) To provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, ARC, and/or BZA, when requested;
- (F) After written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution;
- (G) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications;
- (H) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations;
- (I) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers;
- (J) To seek the advice of professional consultants, when authorized by the Board of Trustees; and
- (K) To conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

**Sec. 207-B DECISIONS**

- (A) A decision of the Zoning Inspector may be appealed to the BZA pursuant to [Sec. 307-D\(A\): For](#) a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning certificate. See [Sec. 304-D: Expiration](#).
- (B) For a variance, the applicant shall submit a completed application for a zoning certificate within six months of the BZA decision or the variance approval shall expire.

- (C)** Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees.
- (D)** Appeals.
- (E)** The Zoning Inspector shall have appropriate forms available at the time of denial.

# Article 3: Review Procedures

## Sec. 301 Purpose

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The purpose of this article is to identify the review procedures used in the administration of this zoning resolution.

## Sec. 302 Exemptions

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### Sec. 302-A AGRICULTURAL USE EXEMPTION (NEW)<sup>12</sup>

- (A) Agricultural uses, and buildings or structures that are incident to agricultural uses, located on lots with a lot area of five acres or more shall be exempt from the requirements of this zoning resolution and property owners shall not be required to obtain a zoning certificate per such uses in accordance with Section 519.21 of the ORC.
- (B) For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the township shall require a zoning certificate for:
  - (1) Agriculture uses on lots of one acre or less, except for gardens or the raising of crops, which are permitted on all size lots and in all yards;
  - (2) Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres.
  - (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the ORC. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.
- (C) Structures that are exempt from the provisions of the zoning resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Summit County.

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<sup>12</sup> The language in paragraphs A and B are from the ORC. The agricultural use exemption does allow the township to have some minimal regulations for agricultural uses (specifically buildings) on lots between one and five acres and full authority to regulate agricultural uses on less than one acre. This type of distinction will be made in Article 4.

**Sec. 302-B PUBLIC UTILITY OR RAILROAD EXEMPTION (NEW)<sup>13</sup>**

- (A) Except as otherwise provided in state law or in Paragraph (B) below, this resolution shall not regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this division, “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734 of the ORC or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the ORC.
- (B) This resolution shall not regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901, 4903, 4905, 4909, 4921, and 4923 of the ORC. This exemption does not apply to regulations related the use of land by a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

**Sec. 303 Common Review Requirements (New)<sup>14</sup>**

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The requirements of this section shall apply to all development review applications and procedures subject to review under this zoning resolution, unless otherwise stated.

**Sec. 303-A AUTHORITY TO FILE APPLICATIONS**

- (A) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- (B) The Zoning Commission and Board of Trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner who may be affected.

**Sec. 303-B APPLICATION CONTENTS**

**(A) Submittal Requirements**

- (1) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the Zoning Inspector<sup>15</sup> and made available to the public.

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<sup>13</sup> This exemption can be found in ORC Section 519.211.

<sup>14</sup> These common review requirements apply to all development reviews unless specifically noted.

<sup>15</sup> For this draft, we have listed the Zoning Inspector as having the authority to determine what the submittal requirements should be for each application. Some communities want the Zoning Commission or Trustees to establish the minimum requirements.

- (2) The applicant shall attest to the truth and correctness of all facts and information presented with the application.

**(B) Submission of Fees**

- (1) Applications shall be accompanied by a fee as established by resolution of the Board of Trustees.
- (2) The township shall charge appropriate fees for the review or issuance of zoning certificates, temporary zoning certificates, conditional use approvals, appeals, variances, zoning amendments, nonconformity reviews, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to Bath Township Zoning, or its designee, and shall be paid in accordance to the official zoning fee schedule as established by the Board of Trustees.

**(C) Complete Application Determination**

- (1) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.
- (2) The Zoning Inspector shall make a determination of application completeness within five business days of the application filing.
- (3) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.
- (4) If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- (5) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to [Paragraph \(4\) above](#), the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of [Sec. 303-B: Application Contents](#), submit a new application and filing fee.
- (6) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(D) Refund of Fees**

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(E) Submission Schedule**

The Zoning Inspector is authorized and shall establish the submission and review schedule (including time frames for review where not established within the Ohio Revised Code) for applications. The Zoning Inspector may amend and update these requirements as determined necessary.

**Sec. 303-C EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENT**

Documents and/or records may be inspected and/or copied as provided for by state law.

**Sec. 303-D CONSTRUCTIVE NOTICE**

The following shall apply to all public notice requirements established in each development review procedure:

- (A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning resolution, and such finding shall be made available to the decision-making body prior to final action on the request.
- (B) When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

**Sec. 303-E COMPUTATION OF TIME**

- (A) In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Bath Township where the township offices are closed for the entire day.
- (B) When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding days which is not a Saturday, a Sunday, or a legal holiday observed by Bath Township in which the township administrative offices are closed for the entire day.

**Sec. 303-F CONDUCT OF PUBLIC HEARING****(A) Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(B) Continuance of a Public Hearing or Deferral of Application Review**

- (1)** An applicant may request that a review or decision-making bodies' consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this resolution. The Zoning Inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- (2)** A request for deferral of consideration of an application received by the Bath Township Zoning Department after publication of notice of the public hearing as required by this resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- (3)** The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

**(C) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (1)** The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this resolution.
- (2)** If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- (3)** In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

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## **Sec. 304 Zoning Certificate**

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**Sec. 304-A APPLICABILITY**

- (A)** A zoning certificate shall be required for any of the following:
- (1)** New construction or structural alteration of any building or structure, including accessory structures, unless otherwise exempted in this resolution;
  - (2)** New signs or sign changes as established in [Article I I: Signage Standards](#);
  - (3)** Any change in use or occupancy of an existing building or structure in any nonresidential zoning district;<sup>16</sup>
  - (4)** Occupancy and use of vacant land, excluding agricultural land; or
  - (5)** Any change in the use of a nonconforming use.
- (B)** Applications for an open space residential subdivision shall be subject to the procedure established in Sec. <>.

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<sup>16</sup> This language replaces the requirement for a "business use certificate" in 406-5 and 901-5.

**Sec. 304-B REVIEW PROCEDURE**

**(A) Step 1 – Application**

The applicant shall submit an application for a zoning certificate for review and approval prior to submitting for a building permit from Summit County. Such application shall include:

- (1)** The zoning certificate application and applicable forms available from the township offices;
- (2)** All such forms, maps, and information as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record;
- (3)** An approved site plan, if required by Sec. <>;
- (4)** A recommendation from the ARC, if the application is for a property located in the Cleveland-Massillon Overlay District (See Sec. <>.); and
- (5)** All required fees as established in the Bath Township fee schedule.

**(B) Step 2 – Review**

The Zoning Inspector shall review the application for conformance with the provisions of this zoning resolution.

**(C) Step 3 – Decision**

- (1)** Within 30 business days after an application (Step 1) is determined to be complete,<sup>17</sup> the Zoning Inspector shall either approve and issue the zoning certificate or deny the application and, in so doing, state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.
- (2)** In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution. Any costs of review shall be borne by the applicant, as stated in the Bath Township fee schedule.
- (3)** Upon approval, the Zoning Inspector shall return one signed copy of the application and maintain the second copy of the application for township records.
- (4)** If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Sec. 307-D\(A\)](#): For a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning certificate. See [Sec. 304-D: Expiration](#).

- (D)** For a variance, the applicant shall submit a completed application for a zoning certificate within six months of the BZA decision or the variance approval shall expire.

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<sup>17</sup> This is where the completed application requirement is helpful. The 30-day time limit will not start until after any other approvals or recommendations have been submitted (e.g., site plan approval or ARC recommendations).

- (E) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees.
  - (1) Appeals.

**Sec. 304-C REVIEW CRITERIA<sup>18</sup>**

- (A) All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning resolution and any approved site plan, if required.
- (B) 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 zoning certificate has been requested.
- (C) No zoning certificate shall be granted to build any structure where there is a proposed ingress or egress point to the roadway until the owner of such property has secured a permit from the Ohio Department of Transportation, the Summit County Engineer, or the proper township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by the respective authority and has completed the installation of such culvert.

**Sec. 304-D EXPIRATION**

- (A) Construction shall begin within 12 months of issuance of a zoning certificate. Construction shall be considered “begun” if the footers of the structure have been installed.<sup>19</sup>
- (B) Failure to begin construction within 12 months shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the Zoning Inspector for good cause.
- (C) Where the zoning certificate is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a zoning certificate or the zoning certificate shall expire.
- (D) Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction.

**Sec. 304-E TEMPORARY ZONING CERTIFICATE**

- (A) Temporary buildings and uses that require a zoning certificate as established in [Sec. <>](#), shall be required to obtain a temporary zoning certificate in accordance with the procedure set forth above for approval of a zoning certificate.
- (B) A temporary zoning certificate shall be valid for a period of 60 days, unless the Zoning Inspector authorizes a longer period or is approved in accordance with [Sec. <>](#).

**Sec. 304-F REVOCATION OF A ZONING CERTIFICATE**

- (A) The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate or temporary zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

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<sup>18</sup> Some of this language is found in Section 301-4 (E).

<sup>19</sup> The township currently has a requirement that construction be completed within two years of issuance or the zoning certificate will be voided. Does the township want to keep this requirement for the end of construction?

- (B) The Zoning Inspector may also revoke a zoning certificate if it shown the applicant has not conformed with all applicable federal, state, county, and township regulations, resolutions, and rules including, but not limited to, the Summit County Planning Commission, the Summit County Engineer, the Summit Soil and Water Conservation District, and the Bath Water and Sewer District.

## **Sec. 305 Site Plan Review (Revised 301-5)**

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### **Sec. 305-A APPLICABILITY**

- (A) A site plan review shall be required prior to a zoning certificate application for any new construction or structural alteration of any building or structure, including signs and accessory structures.
- (B) Single-family and two-family dwellings shall be exempt from the site plan review requirement.

### **Sec. 305-B REVIEW PROCEDURE**

#### **(A) Step 1 – Pre-application Conference (Optional)**

- (1) The applicant may request to meet with the ARC to discuss the initial concepts of the development with applicable provisions of this zoning resolution and the Bath Township Design Guidelines prior to the submission of the application.
- (2) Discussions that occur during a pre-application conference or any preliminary meeting with the ARC are not binding on the township and do not constitute official assurances or representations by Bath Township or its officials regarding any aspects of the plan or application discussed.

#### **(B) Step 2 – Application**

The applicant shall submit an application for site plan review and approval prior to submitting for a zoning certificate. Such application shall include:

- (1) The site plan review application and applicable forms available from the township offices;
- (2) All such forms, maps, and information as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record;
- (3) All required fees as established in the Bath Township fee schedule.

#### **(C) Step 3 – Public Meeting<sup>20</sup> and Decision by the Appearance Review Commission**

- (1) Upon application (Step 2), the ARC shall fix a reasonable time for the public meeting on any application. The public meeting shall be noticed in accordance with state law.
- (2) Within 60 days after the submission of a completed application (Step 2), the ARC shall make a decision on the application. An extended review time may granted with the approval of the applicant.

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<sup>20</sup> Note that unlike a variance or conditional use, the site plan review is held as part of public meeting rather than a public hearing. While the public can attend public meetings, they are not necessarily give the right to speak on the site plan review application as the ARC is making a decision on whether the application meets the requirements of the zoning resolution in an administrative manner. This is an issue we would like to discuss with the township.

- (3)** The ARC may take one of the following actions on a site plan review application:
  - a)** A site plan may be approved as submitted;
  - b)** A site plan may be approved with modifications expressly stated in a motion passed by the ARC; or
  - c)** A site plan may be approved as submitted (or with modifications) in phases as described in Sec. <>; or
  - d)** A site plan may be denied.
- (4)** If denied, the ARC shall state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant.
- (5)** Prior to its decision, the ARC may seek expert advice or cause special studies to be made for input to its review of any plans or proposals submitted. Proposed building plans shall be reviewed by County building officials and authorized representatives of the Bath Fire Department to assure conformance with appropriate fire, safety, building, and sanitary conditions.<sup>21</sup>
- (6)** The ARC may request that the applicant provide (or the applicant may volunteer) additional information or re-study all or part of the proposal, or to have additional studies done. The costs of securing expert advice or studies shall be borne by the applicant, but in no event shall such cost, if requested by the ARC, exceed the sum of 1,000 dollars unless agreed to by the applicant. Funds for such advice or studies shall be placed on deposit with the Board of Trustees upon the request of the ARC. The ARC may submit any or all site plans and proposals to the Zoning Commission, Board of Trustees, BZA, or the Summit County Planning Commission, Soil and Water Conservation District and/or any other similar organization for review and recommendations prior to acting on any such plan.
- (7)** When a particular site plan involves a variance and/or conditional use application, the applicant shall be required to apply for, and gain, approval of such applications prior the site plan review.<sup>22</sup>
- (8)** Upon approval of the site plan, an applicant may submit the appropriate forms and application for a zoning certificate.

**Sec. 305-C REVIEW CRITERIA**

- (A)** All applications for site plan review demonstrate conformity with the provisions of this zoning resolution and any plans approved by the township related to the application.
- (B)** Site plans shall be reviewed on the basis of uniform criteria that advance the principals of good site design and that meet the purpose of this resolution as established in [Sec. 101: Purpose \(New\)](#). Site plans shall also be reviewed on the basis of achieving site designs that will promote a healthy natural and built environment for residents and will advance principles defined in the Bath Township Comprehensive Plan.
- (C)** Specific review criteria include the following:<sup>23</sup>

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<sup>21</sup> This language is in the existing regulations but may be difficult to administer because many applicants will develop detailed building or engineering drawings (for building review) until after site plan review.

<sup>22</sup> This is new language that requires any BZA approvals in advance of site plan review.

<sup>23</sup> This is the existing review criteria from Sec. 301-5 (C) with some revisions.

- (1) All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning resolution.
- (2) All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.
- (3) Building location and placement shall be developed with consideration given to minimizing removal of trees in accordance with Sec. <> and change of topography.
- (4) Maximum visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences and walls, landscaping, topography, and open space.
- (5) Parking area landscaping and screening shall be arranged to minimize large expanses of hard surfaces and to channel traffic flow in a safe manner.
- (6) Parking and loading provisions shall meet the requirements of [Article 10: Parking and Loading Standards](#) and on-site traffic circulation shall be designed to provide adequate access for fire and police protection, and minimize interference with the traffic carrying capacity of adjacent streets.
- (7) Refuse storage and pick-up facilities shall be indicated on the site plan and shall be fenced, screened, or landscaped to prevent blowing or scattering of refuse, and to provide an adequate visual barrier from locations both on- and off-site.
- (8) All utilities on-site shall be located underground.
- (9) Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, and to minimize the possibility of erosion in a manner consistent with the requirements of a Storm Water Pollution Prevention Plan (SWP3). The ARC may require that the Summit County Soil and Water Conservation District, County Engineer, or other registered engineer review such grading plans, with any costs borne by the developer. The costs of any uncommon means used to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.

**Sec. 305-D EXPIRATION**

- (A) The applicant shall submit a completed application for a zoning certificate within 90 days of the ARC decision or the site plan review approval shall expire.
- (B) Upon expiration of a site plan review approval, a new site plan review application, including all applicable fees, shall be required before a zoning certificate will be issued.

**Sec. 305-E AMENDMENTS TO APPROVED SITE PLANS**

Amendments to approved site plans may be made in the same manner as an original site plan approval except that an applicant need not resubmit information that has already been submitted as part of a previous site plan review process.<sup>24</sup>

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<sup>24</sup> Would it be acceptable to allow the Zoning Inspector to review minor amendments that do not result in a substantive change to the site plan? This will prevent them from having to go back through the entire review process for very minor changes, such as a small reduction in building size, etc.

**Sec. 305-F PHASED SITE PLANS**

In order to assure that a project will be developed consistent with the purposes of this resolution, the ARC may require or agree that the site plan(s) for a project be submitted indicating development in phases, if such project can logically be divided into phases. The ARC shall review the entire project for conformance with all applicable regulations in this resolution and shall give preliminary approval to the entire project if it so conforms. However, the ARC shall also have the power to limit final approval and authorization for the Zoning Inspector to issue zoning or conditional zoning certificates to one section or phase of the total development at a time. Approval of subsequent phases shall be given subject to the following:

- (A) Upon substantial compliance with the site plan(s) given preliminary approval; and
- (B) Upon conformance with all applicable regulations of this resolution; and
- (C) Upon a finding by the ARC that all preceding phases conform to all requirements of this resolution and conform to approved site plans.

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**Sec. 306 Zoning Text or Map Amendment (Revised 1202)<sup>25</sup>**

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**Sec. 306-A AMENDMENT INITIATION**

- (A) Amendments or supplements to the zoning resolution or zoning map may be initiated by:
  - (1) A motion of the Zoning Commission;
  - (2) Passage of a resolution by the Board of Trustees; or
  - (3) By the filing of an application by the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.
- (B) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify such resolution to the Zoning Commission.

**Sec. 306-B REVIEW PROCEDURE**

- (A) **Step 1 – Pre-application Conference (Optional)**
  - (1) If initiated by the property owners, the applicant may request to meet with the Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
  - (2) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Inspector are not binding on the township and do not constitute official assurances or representations by Bath Township or its officials regarding any aspects of the plan or application discussed.
- (B) **Step 2 – Application**
  - (1) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Commission at the township offices.

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<sup>25</sup> The procedure for amendments has not changed, as it is established in the ORC, but the revisions are an expansion of the language for clarification purposes.

- (2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
  - (3) Each application initiated by property owners shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
  - (4) Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
  - (5) All applications shall be submitted with the required fees as established in the Bath Township fee schedule.
- (C) Step 3 – Referral to the Summit County Planning Commission**
- (1) Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Summit County Planning Commission.
  - (2) The Summit County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.
  - (3) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.
- (D) Step 4 – Public Hearing and Recommendation by the Zoning Commission**
- (1) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
  - (2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
  - (3) Notification shall be given in accordance with Section 519.12 of the ORC.<sup>26</sup>
  - (4) Within 30 days after the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Summit County Planning Commission to the Board of Trustees.
- (E) Step 6 – Public Hearing and Decision by the Board of Trustees**
- (1) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed amendment.
  - (2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
  - (3) Notification shall be given in accordance with Section 519.12 of the ORC.

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<sup>26</sup> The ORC establishes the minimum required public notice for any amendment. Does the township want to expand that notification (e.g., requiring notice to be mailed to properties within "x" number of feet from the subject property)?

- (4) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.

**Sec. 306-C EFFECTIVE DATE AND REFERENDUM**

- (A) Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption.
- (B) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with ORC Section 519.12.

**Sec. 306-D REVIEW CRITERIA**

The following criteria shall be used in decisions regarding zoning amendments:

- (A) The amendment is in accordance with this resolution;
- (B) The amendment has been reviewed to determine the consistency with the Bath Township Comprehensive Plan;
- (C) The need for and availability of centralized water and sewer facilities compared to the capacity of the existing facilities and plans for future extensions;
- (D) Where more than one zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township; and
- (E) Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

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**Sec. 307 Variance or Conditional Use (Revised 801-1 and 1001-8)**

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**Sec. 307-A REVIEW PROCEDURE**

The review procedure for variances and conditional uses shall be as follows:

**(A) Step 1 – Application**

- (1) An application for a variance or conditional use over which the BZA has original jurisdiction under [Sec. 206: Board of Zoning Appeals \(BZA\)](#), may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.
- (2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (3) The Zoning Inspector shall transmit a copy of the application to the BZA.
- (4) All applications shall be submitted with the required fees as established in the Bath Township fee schedule.

**(B) Step 2 – Public Hearing with the Board of Zoning Appeals**

- (1) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application, give at least ten days of notice in writing to the parties in interest, and give notice of such public hearing by publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.

- (2) Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**(C) Step 3 – Decision**

- (1) Within 30 days after the hearing concludes<sup>27</sup> (Step 2), the BZA shall make a decision on the application.
- (2) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (3) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector.
- (4) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.
- (5) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (6) Any party adversely affected by a decision of the BZA may appeal the decision to the Summit County Court of Common Pleas.
- (7) If the application is for a conditional use, the approval by the BZA shall constitute an approval of a zoning certificate.<sup>28</sup>

**Sec. 307-B VARIANCE REVIEW CRITERIA<sup>29</sup>**

- (A) The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The following factors shall be considered and weighed by the BZA.

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<sup>27</sup> Note that this says from the date the hearing concludes. Keep in mind that hearings can be continued over several meetings so this simply states that the BZA has 30 days to deliberate after the public hearing portion is closed.

<sup>28</sup> This reflects your existing procedure which is the conditional use approval is essentially a conditional use zoning certificate. Does the township want to add a requirement that before applying for a building permit, the applicant must submit new plans that show any revisions necessary to accommodate the conditions set forth by the BZA in its approval?

<sup>29</sup> These review criteria are new to the variance procedure as the existing zoning resolution has no review criteria for variances. These are commonly used variance review criteria.

**(B) Area/Dimensional Variance**

- (1)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:
- a)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - b)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - c)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - d)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - e)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - f)** Whether special conditions or circumstances exist as a result of actions of the owner;
  - g)** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
  - h)** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - i)** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (2)** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**(C) Use Variance<sup>30</sup>**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- (1)** The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- (2)** The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (3)** The variance requested cannot otherwise be resolved by a zoning map amendment;

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<sup>30</sup> We have utilized the most common review criteria for variances and conditional uses in this section. With variances, a distinction is made between a dimensional variance (e.g., setback variance) and a use variance as use variances should be harder to obtain. The most important criteria to highlight is (5) which sets out that there is an existing structure on the site. This prevents someone from applying for a use variance for a vacant lot when they really should be applying for a zone change.

- (4) The essential character of the neighborhood will not be substantially altered as a result of the variance;
- (5) There is an existing structure that cannot be reasonable used for a use permitted within the applicable zoning district;
- (6) The hardship condition is not created by actions of the applicant;
- (7) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (8) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (9) The variance will be consistent with the general spirit and intent of this Resolution;
- (10) The requested use is permitted in another district in this resolution; and
- (11) The variance sought is the minimum that will afford relief to the applicant.

**Sec. 307-C      CONDITIONAL USE REVIEW CRITERIA**

In reviewing conditional uses, the BZA shall consider the following:

- (A) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- (B) The use is in accordance with the objectives of the Bath Township Comprehensive Plan and zoning resolution; and
- (C) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (D) The BZA shall also consider the following as applicable to the subject application:
  - (1) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;<sup>31</sup>
  - (2) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
  - (3) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
  - (4) The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
  - (5) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
  - (6) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
  - (7) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
  - (8) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;

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<sup>31</sup> This replaces the “will be harmonious” language in the existing 801-2 (A).

- (9) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- (10) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- (11) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
- (12) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

**Sec. 307-D EXPIRATION**

- (A) For a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning certificate. See [Sec. 304-D: Expiration](#).
- (B) For a variance, the applicant shall submit a completed application for a zoning certificate within six months<sup>32</sup> of the BZA decision or the variance approval shall expire.
- (C) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees.

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**Sec. 308 Appeals (Revised 1001-7)<sup>33</sup>**

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**Sec. 308-A APPEAL APPLICABILITY**

An appeal to the BZA may be taken by any person aggrieved by a decision of the Zoning Inspector or by any administrative officer of the township in interpreting or applying the provisions of this zoning resolution. Such appeal shall be taken within 20 days of receipt of notification of the decision in question, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Bath Township Zoning Resolution.

**Sec. 308-B REVIEW PROCEDURE**

The review procedure for an appeal shall be as follows:

**(A) Step 1 – Filing of Appeal**

- (1) Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- (2) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.
- (3) All appeals shall be submitted with the required fees, if applicable, as established in the Bath Township fee schedule.

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<sup>32</sup> Six months should give an applicant plenty of time to get any other decisions they may need from the township.

<sup>33</sup> This is a significant expansion of the existing language in 1001-7.

**(B) Step 2 – Public Hearing with the Board of Zoning Appeals**

- (1)** Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give at least ten days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- (2)** Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**(C) Step 3 – Decision**

- (1)** Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.
- (2)** A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (3)** A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA 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 decision in the permit to the appellant, whenever the BZA authorizes a zoning certificate.
- (4)** The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (5)** Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (6)** Any party adversely affected by a decision of the BZA may appeal the decision to the Summit County Court of Common Pleas.

**Sec. 308-C APPEAL REVIEW CRITERIA**

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning resolution, state law, or federal law.

# **Article 13: Enforcement and Penalties**

## **Sec. 1301 Enforcing Officer (Revised 902-4)**

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The Zoning Inspector is hereby designated as the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The Zoning Inspector may be assisted by other personnel as the Board of Trustees may authorize.

## **Sec. 1302 Violations (Existing 902-1)**

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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 thereto, the Board of Trustees, the Summit County Prosecuting Attorney, the Zoning Inspector, , or any adjacent or neighboring property owners who would be especially damaged by such violations, 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.

## **Sec. 1303 Inspection (Existing 902-2)**

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The Township Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution. The Zoning Inspector will prepare a written report and case file on any matter that might warrant suit or prosecution for a violation of this Resolution.

## **Sec. 1304 Remedies (New)**

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If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the township attorney, the enforcing officer, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change maintenance or use.

## **Sec. 1305 Other Action (New)**

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Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

## **Sec. 1306 Penalties (Existing 902-3)**

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Any person, firm or corporation violating any regulation, provision, amendment or supplement to this resolution, or failing to obey any lawful order of the Zoning Inspector issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offence.

### **Sec. 1307 Affected Parties (New)**

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The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **Sec. 1308 Other Actions (New)**

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Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning resolution violation.

# Article 14: Definitions

## Sec. 1401 Purpose

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It is the purpose of this article to define words, terms, and phrases contained in this resolution.

## Sec. 1402 General Rules for Interpretation

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The following rules shall apply for construing or interpreting the terms and provisions of this resolution.

### Sec. 1402-A MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this resolution shall be interpreted in accordance with the general purposes set forth in [Sec. 101: Purpose](#), and the specific purpose statements set forth throughout this resolution. When a specific section of this resolution gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

### Sec. 1402-B HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this resolution and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### Sec. 1402-C LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### Sec. 1402-D REFERENCES TO OTHER REGULATIONS OR PUBLICATIONS

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, statute, regulation, or document, unless otherwise specifically stated.

### Sec. 1402-E DELEGATION OF AUTHORITY

Any act authorized by this resolution to be carried out by a specific official of the township may be carried out by a designee of such official.

### Sec. 1402-F TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### Sec. 1402-G PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of Bath Township, Summit County, Ohio, unless otherwise indicated.

### Sec. 1402-H MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

**Sec. 1402-I CONJUNCTIONS**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (A) “And” indicates that all connected items, conditions, provisions or events apply; and
- (B) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**Sec. 1402-J TENSES AND PLURALS**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**Sec. 1402-K TERMS NOT DEFINED**

If a term used in this resolution is not defined in this article, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

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**Sec. 1403 Definitions<sup>34</sup>**

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**AGRICULTURAL USES**

See “agriculture.”

**AGRICULTURE**

Agriculture includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**ALTERATION**

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**APPEAL**

An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with [Sec. 308: Appeals \(Revised 1001-7\)](#).

**APPEARANCE REVIEW COMMISSION**

The Bath Township, Summit County, Ohio, Appearance Review Commission that serves as the township’s architectural review board as allowed under ORC Section 519.171.

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<sup>34</sup> We will be building on this section as we draft the regulations. These first set of definitions apply to the articles subject to review.

**APPLICANT**

A person who is authorized by the provisions of this resolution to file an application.

**APPLICATION**

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate township department, board, or commission as part of the review for an application.

**ARC**

The Appearance Review Commission

**AUTHORIZED AGENT**

A person with express written consent to act upon another person's behalf.

**BOARD OF TRUSTEES**

The Bath Township, Summit County, Ohio, Board of Township Trustees

**BOARD OF ZONING APPEALS**

The Bath Township, Summit County, Ohio, Board of Zoning Appeals

**BUILDING**

Any structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

**BZA**

The Board of Zoning Appeals

**COMPLETED APPLICATION**

An application that has been determined to be complete in accordance with [Sec. 303-B\(C\): Complete Application Determination](#).

**COMPREHENSIVE PLAN**

The most recently adopted version of the Bath Township Comprehensive Plan.

**COUNTY**

Summit County, Ohio

**DEVELOPMENT**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filling, grading, paving, excavation, or drilling.

**DISTRICT**

See definition of "zoning district."

**ENTRANCE MONUMENT**

A fence, wall, or sign located at the entrance of a subdivision or development that identifies the name of the subdivision or development.

**EXPANSION**

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**LOT**

A parcel of land that is part of a plat, legally recorded in the Recorder's Office of Summit County, Ohio, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this resolution.

**NONCONFORMITY**

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning resolution. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” and “structure, nonconforming.”

**OFFICIAL ZONING MAP**

The Official Zoning Map of Bath Township, Summit County, Ohio.

**ORC**

The Ohio Revised Code

**OWNER**

A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and person having a vested or contingent interest in the property in question.

**PARCEL**

A distinct portion or tract of land as is recorded and distinguished in the Summit County Auditor's Property Tax Atlas. See also definition of “lot.”

**PERSON**

Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

**PLANNING COMMISSION**

The Summit County, Ohio, Planning Commission

**PUBLIC HEARING**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

**QUORUM**

The minimum number of board members that must be present in order to conduct official business or take official action.

**SITE PLAN REVIEW**

A review of certain developments, buildings, or structures, for compliance with this zoning resolution and other applicable standards that is approved, approved with conditions, or denied by the ARC in accordance with [Sec. 305: Site Plan Review \(Revised 301-5\)](#).

**STATE**

The State of Ohio

**STRUCTURAL ALTERATION**

Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. All buildings are considered structures.

**TEMPORARY ZONING CERTIFICATE**

A certificate reviewed and approved, approved with conditions, or denied by the Zoning Inspector in accordance with [Sec. 304: Zoning Certificate](#).

**TOWNSHIP**

Bath Township, Summit County, Ohio

**USE**

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

**VARIANCE**

A deviation from the requirements of this resolution that is approved, approved with condition, or denied by the BZA in accordance with [Sec. 307: Variance or Conditional Use](#).

**ZONING COMMISSION**

The Bath Township, Summit County, Ohio, Zoning Commission

**ZONING CERTIFICATE**

A certificate reviewed and approved, approved with conditions, or denied by the Zoning Inspector in accordance with [Sec. 304: Zoning Certificate](#).

**ZONING DISTRICT**

A section or sections of the unincorporated territory of Bath Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

**ZONING INSPECTOR**

The Zoning Inspector, his/her assistants, or any other person designated by the Board of Trustees to perform the statutory duties of the Zoning Inspector.

**ZONING MAP AMENDMENT**

An amendment or change to the Official Zoning Map of Bath Township, reviewed and decided upon by the Board of Trustees in accordance with [Sec. 306: Zoning Text or Map Amendment](#).

**ZONING TEXT AMENDMENT**

An amendment or change to the text of the Bath Township Zoning Resolution reviewed and decided upon by the Board of Trustees in accordance with [Sec. 306: Zoning Text or Map Amendment](#).