

Article III General Provisions

Sec. 301 Establishment of Districts

The unincorporated territory of Bath Township, Summit County, Ohio, is hereby divided into zoned districts.

Sec. 301-1 Type of Districts

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District¹
- B-1 Local Business District
- B-2 Community Business District
- B-3 Office, Research & Limited Business District
- B-4 Restricted Business District
- Cleveland-Massillon Corridor Design Review Overlay District
- Riparian Corridor Overlay District

Sec. 301-2 Zoning Districts Map

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

Sec. 301-3 Interpretation of District Boundaries

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

- A. Where boundaries approximately follow streets, roads, alleys, highways, or thoroughfares.**
Where district boundaries are indicated as approximately following streets, alleys, roads, highways, or other thoroughfares, such boundaries shall be construed to be the centerline of the right-of-way or easement upon which the streets, roads, alleys, highways, or other thoroughfares are located.

- B. Where boundaries parallel street right-of-way lines, alley lines or highway right-of-way lines.**

¹ Deleted T-1 Transitional District January 5, 2002

Where district boundaries are so indicated that they are approximately parallel to the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

C. Vacation of Public Ways

Whenever any street or public way is vacated by official action of the County Commissioners, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

Sec 301-4 Supplementary Regulations

A. Permitted Uses:

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, which does not comply with all of the district regulations established by this Resolution for the districts in which the building or land is located. Uses that are omitted from this Resolution, ¹in any zoned district of the township, not being specifically permitted or conditionally permissible shall be considered prohibited until, by amendment, such uses are written into this Resolution.

B. Permitted Height Exceptions:

Except as specifically stated in other parts of this Resolution, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No structure may be erected to exceed by more than fifteen feet (15') the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building. Radio, television, and other types of aerials designed and/or otherwise proposed to exceed the limits set forth herein shall not be permitted except as authorized by the Bath Township Board of Zoning Appeals upon appeal by the applicant per the specification of **Section 1001-6** contained herein.

¹ May 10, 2004

Public or semi-public buildings, when permitted in a district, may be erected to a height not to exceed thirty five feet (35'), except that steeples on churches and temples may be erected to a height not to exceed sixty feet (60') if the building is set back from each side yard line at least one foot (1') for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

C. Front Yard Variances in Residential Districts:

In any "R" District where the average depth of at least two (2) existing front yards on lots within two hundred feet (200') of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Resolution, the required depth of the front yard on such lot may be modified. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard on any lot shall not be less than twenty five feet (25') and need not exceed one hundred feet (100').

D. Corner Lot:

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

E. Zoning Certificate:

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. No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to the highway until the owner of such property has secured a permit from the State Highway Department, the 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 said State Highway Department, County Engineer, or proper local Township official (whichever authority has jurisdiction) and completed proper installation of such culvert.

F. Sewage and Water Facilities:

Where governmentally constructed, maintained, and operated central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be two and one-half (2-1/2) acres for a single family dwelling, unless a larger area is required by these regulations and/or responsible health authority, or unless such dwelling is located within an Open Space Residential Subdivision as defined herein.

G. Transition Area:

To secure the optimum effect of transition from a residential to a non-residential district, the Zoning Commission or Board of Zoning Appeals shall have the power

to determine the need for and amount of plant material, walls, or fences, or any other combination of these on any property line of land under consideration. The plans and specifications, including density and height figures for the overall site development, shall include the proposed arrangement of such plantings and structures.

H. Essential Services:

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

I. Construction:

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 (2) years from the date of passage of this Resolution.

J. ¹Principal Building:

No more than one (1) principal building and/or use shall be permitted on any lot unless otherwise specifically stated in this Resolution; and every principal building and/or use shall be located on a lot having required frontage on a public street or on a private road other than private roads already in existence, built to the appropriate public street standards and specifications contained in the Summit County Subdivision Regulations of current adoption as determined by the Summit County Engineer in consultation with and concurrence of the Bath Township Board of Trustees. Issuance of a township zoning permit authorizing the construction of a principal building shall be done only if the proposed building site is located on an existing street as specified above or on a proposed public street contained on a recorded dedication plat for which financial guarantees for construction and maintenance have been accepted by the proper Summit County Authority. Evidence of such financial guarantees and recorded plat shall be submitted to the Township Trustees prior to the issuance of said zoning permit.

K. Existing Lots and Minimum Lot Area Requirements:

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record (or lot for which a land contract has been issued) at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for minimum lot area applicable in the district. Yard dimensions and requirements other than those applying to lot area

¹ May 3, 1981

shall apply. Variances from requirements other than lot area ¹shall be obtained only through action of the Board of Zoning Appeals as provided in **Article X**.

L. Lots, Yards and Open Spaces:

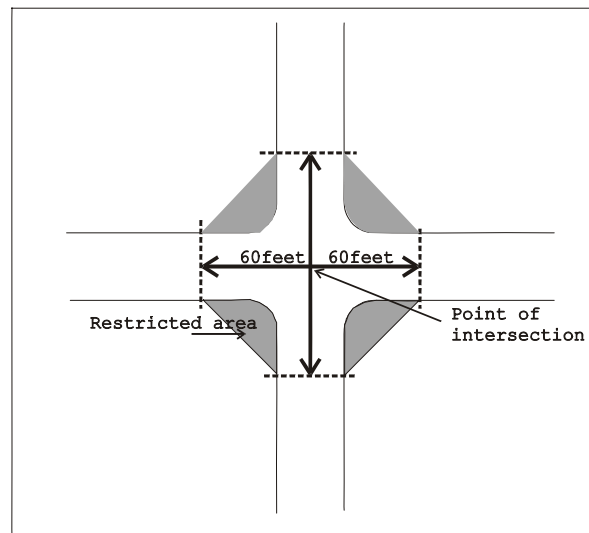
No space which, for the purpose of a building, has been counted or calculated as part of a side yard, front yard, or other open space required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirements of or for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

M. Projections Into Yard Areas:

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projects of skylights, sills, belt-courses, cornices, and ornamental features projections not to exceed twelve inches (12"). This requirement shall not prevent the construction of fences not exceeding six feet (6') in height except on that portion of lots within thirty feet (30') of the intersection of two or more streets. ²The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards. An open unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten feet (10').

N. Visibility at Intersections:

No obstruction to view in excess of two feet (2') in height shall be placed on any corner lot within a triangular area formed by the pavement centerline and a line connecting them at points sixty feet (60') from the intersection of the pavement centerlines, except that street trees are permitted which are pruned at least eight feet (8') above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.



O. Dwelling Other Than A Main Structure:

No residential structure shall be erected upon a lot with another dwelling, except that a "Guest house or accessory living quarters" may be permitted provided such quarters are occupied by a guest or a servant (and his/her family) employed by the family occupying the main structure.

¹ May 19, 2003

² "Terraces, uncovered porches, platforms...lot line." Deleted - June 16, 1993

P. ^{1,2,3,4}Accessory Buildings and Structures:

1. Accessory buildings and structures shall comply with the following:
 - a. Detached structures shall not be located closer than fifteen feet (15') to the principal building;
 - b. Shall be located in the rear yard behind the principal building on the lot and shall not be permitted in front or side yards except that, in R-1 and R-2 Districts, accessory buildings and structures may be located in the side yard provided they also meet the minimum front yard depth requirement;
 - c. Accessory buildings and structures with a floor area greater than one hundred and forty four (144) square feet shall be located a minimum of twenty feet (20') from the side and rear lot lines and should be screened with vegetation around the perimeter of the structure;
 - d. Accessory buildings and structures with a floor area less than or equal to one hundred and forty four (144) square feet shall be located a minimum of five feet (5') from the side and rear lot lines;
 - e. The sum total building footprint area of all accessory buildings and structures on a lot shall not exceed one thousand five hundred (1,500) square feet;
 - f. Shall not exceed the average (mean) height of the principal building;
 - g. Shall not be constructed or placed on a lot lacking a principal building.
2. Any detached accessory building(s) housing ⁵domestic animals other than a domestic cat or dog shall be located not less than one hundred feet (100') from any building used for human habitation or occupancy and not less than fifty feet (50') from all property lines. Detached accessory building(s), which are located on lots or parcels exceeding five (5) acres and which are utilized exclusively for agricultural purposes, may exceed the size limitations contained herein.

¹ Amended January 5, 2002

² May 3, 1981

³ May 19, 2003

⁴ May 10, 2004

⁵ August 1, 1990

3. Driveway entry structures require a zoning permit and must meet the following requirements:
 - a. Only one structure is permitted for each side of a driveway entry to a road with a minimum width clearance of twelve feet (12') between structures;
 - b. Shall be setback a minimum of five feet (5') from the road right-of-way and side lot lines;
 - c. Shall fit within an envelope twelve feet (12') long by twelve feet (12') deep by five feet (5') in height and shall not be enclosed;
 - d. Light fixtures shall not exceed a height of eight feet (8') above grade;
 - e. Gates across driveways shall not exceed eight feet (8') in height above grade and shall meet all other requirements of this resolution.
4. Accessory buildings and structures with a floor area less than or equal to twenty (20) square feet shall not require a zoning permit, but shall comply with the location and setback requirements of this section.

Q. ¹Above Ground Liquid Hydrocarbon Storage Tank:

1. Above ground liquid hydrocarbon storage tanks require a permit from the Bath Township Zoning Inspector as described in Subsection Q.2. below and shall comply with the following:
 - a. Above ground liquid hydrocarbon storage tanks shall not be permitted in the R-3 and R-4 Districts.
 - b. Above ground liquid hydrocarbon storage tanks shall not be permitted in the riparian setback as defined by the Bath Township Zoning Resolution, Section 411.
 - c. Above ground liquid hydrocarbon storage tanks shall not be permitted on steep slopes as defined by the Bath Township Zoning Resolution, Section 412.
 - d. The provisions contained in this Subsection Q. do not apply to commercially zoned districts.

¹ April 29, 2009

- e. The provisions contained in this Subsection Q. do not apply to storage tanks for operating oil wells.
 - f. If the above ground liquid hydrocarbon storage tank is visible to neighbors or the public street right-of-way, it must be perpetually screened. Required screening shall include a continuous planting, hedge, fence, or similar feature that will enclose the above ground liquid hydrocarbon storage tank on all sides visible to neighbors or the public street right-of-way. Screening established with plant materials shall provide seventy-five percent (75%) opacity within two (2) years of planting. All other types of screening shall completely screen the above ground liquid hydrocarbon storage tank. The minimum height of the screening material shall be one foot (1') more than the height of the tank.
 - g. No more than one (1) above ground liquid hydrocarbon storage tank shall be permitted and it shall not exceed 500 gallons except that a tank used to store home heating fuel may exceed 500 gallons.
 - h. The above ground liquid hydrocarbon storage tank setbacks shall be a minimum of 60 feet from property lines.
 - i. The above ground liquid hydrocarbon storage tank must be installed, maintained and operated in accordance with manufacturer's specifications. The installation, operation and maintenance of the tank shall comply with all federal, state and local laws, rules and regulations.
 - j. The above ground liquid hydrocarbon storage tank shall contain a large clearly visible label identifying the liquid contained in the tank.
2. Prior to the installation of an above ground liquid hydrocarbon storage tank pursuant to Subsection Q.1. above the owner or occupier of the real property where the above ground liquid hydrocarbon storage tank shall be installed, shall make application to the Township Zoning Inspector on the form designated by the Township Zoning Inspector to show full compliance with Subsection Q.1. above. The application shall contain all of the following information:
- a. The name, address, and phone number of the person(s) responsible for the care, maintenance and custody of the above ground liquid hydrocarbon storage tank.

- b. A scaled drawing detailing the location of the above ground liquid hydrocarbon storage tank. The drawing must clearly indicate parcel lines, setback distances from property lines and the principal building, riparian setbacks, steep slopes, and neighboring structures, including, but not limited to, any dwelling, building, water well, oil well, or septic system, as applicable.

R. ¹Portable Storage Units:

1. Portable Storage Units are not permitted in Bath Township except for the following conditions:
 - a. Temporary construction sites for buildings or structures not to exceed ninety (90) consecutive days in a calendar year.
 - b. When necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed one hundred eighty (180) days.
 - c. When the occupant of the property is relocating, one (1) portable storage unit may be located on the property for a period not to exceed thirty (30) consecutive days.
 - d. Any non-residential zoned property may have one (1) portable storage unit for a period not to exceed thirty (30) consecutive days for commercial and office uses and not more than two (2) times per calendar year,
2. Portable storage units permitted in paragraph 1 above require a permit from the Bath Township Zoning Inspector and shall comply with the following:
 - a. The portable storage unit must include a placard not to exceed one (1) square foot in area which is clearly visible and which includes the container Identification Number, the date of its placement on the property and the date that removal will be required.
 - b. The size of the portable storage unit shall not exceed 1024 cubic feet, measured by the exterior length, width, and height multiplied together except as permitted in a B-2 District.
 - c. The portable storage unit shall not be placed in the public road right-of-way and shall not block sidewalks, fire lanes or bike paths.
 - d. Storage of hazardous materials as defined under applicable state,

¹ April 29, 2009

local and federal laws and regulations are prohibited.

- e. Any portable storage unit must be placed and kept on a hard surface at all times.
- f. No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.
- g. Traffic visibility issues will be at the reasonable discretion of the Bath Township Zoning Inspector.
- h. The unit shall not be connected to any utility.
- i. Any advertisement or signage on any portable storage unit(s) after thirty (30) days shall be covered in some manner. This provision does not apply to the placard required in paragraph 2 a. above.

S. Temporary Buildings:

Temporary buildings for use incidental to construction work may be erected in any of the eight (8) classes of Districts herein established: however, such temporary building or buildings shall be removed upon completion or abandonment of the construction work.

T. Approval of Lots:

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various Districts of this Resolution.

U. Inconsistencies:

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

V. Prohibited Uses:

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes. The following uses shall not be permitted on any land in any of the District classifications: trailer or trailer coach used for residential purposes, trailer park, cabin, boarding house, lodging house, tourist homes, automobile wrecking yard,

discarded ¹or junk motor vehicle storage, junk yards and ²outdoor wood-fired boilers.

³Except as otherwise specifically permitted by this Resolution any tower used in the provision of wireless telecommunications shall be strictly prohibited in any residentially zoned district in the Township.

⁴Fixed equipment sound levels shall not exceed sound pressure indicated in the following table. Sound pressure levels shall be measured with Sound Level Meter and/or Octave Band Analyzer in conformance with the American National Standards Institute (ANSI) Standard S1.4. Sound pressure levels shall be measured at the source property line or anywhere beyond the source property line, and need not be contiguous to the receiving property.

Noise Source	Time	Residential	Business
Residential	Daytime	55 dBA	55 dBA
Residential	Nighttime	50 dBA	50 dBA
Business	Daytime	55 dBA	60 dBA
Business	Nighttime	50 dBA	50 dBA

⁵Uses that are omitted from this Resolution, in any zoned district of the township, not being specifically permitted or conditionally permissible shall be considered prohibited until, by amendment, such uses are written into this Resolution.

W. Swimming Pools:

Public or private in-ground or above-ground swimming, wading or other pools, containing over one and one-half feet (1-1/2') of water depth shall be considered as structures requiring zoning permits, shall not be located ⁶in the front yard, except as provided in **Section 301-4-BB** or side yard, nor closer than twenty feet (20') to the side or rear property line when located in the rear yard. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes. ⁷

Every pool defined as a structure shall be completely surrounded by a fence or wall not less than four feet (4') in height. Such fence shall be constructed so as to have no openings, holes, or gaps larger than ⁸four inches (4") in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as

¹ June 15, 1983 - "or junk" added

² April 29, 2009

³ Paragraph revised July 30, 1997

⁴ January 15, 1997

⁵ May 10, 2004

⁶ August 1, 1990

⁷ deleted May 19,2003

⁸ May 19, 2003

part of the enclosure. Pools above ground having vertical surfaces of at least four feet (4') in height shall be required to have fences and gates only where access may be had to the pool.

For the purpose of these regulations, ponds that are used primarily for agricultural or domestic water supply, decoration, wildlife preservation or fishing shall not be considered as structures or swimming pools.

X. ^{1,2,3}Fences, Walls, Retaining Walls, Hedges and Other Similar Structures:

Fences, walls, retaining walls, hedges and other similar structures may be permitted in any yard, or along the edge of any yard, provided that such fences, walls, retaining walls, and hedges conform to the specifications set forth hereunder.

Fences, walls and retaining walls may be permitted along the side or rear lot lines to a height of not more than six feet (6') above the existing natural grade prior to construction, provided that any fence, wall or retaining wall shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses. Informal planting such as trees and shrubs may be higher than six feet (6') but shall be maintained and trimmed so as not to constitute a nuisance to adjoining property owners.

Fences, walls, retaining walls, and hedges may be permitted along the lot line of the front yard, including along the street right-of-way lines, subject to the following limitations:

1. No fence or dense hedge shall exceed four feet (4') in height above the existing natural grade prior to construction. No wall or retaining wall shall exceed two feet (2') in height above the existing natural grade prior to construction unless otherwise allowed for in this resolution.
2. Fences of woven wire chain link, barbed wire, wire stock fences, or other wire fences shall be prohibited within twenty feet (20') of the street right-of-way.
3. Fences shall have uniform openings aggregating at least fifty percent (50%) of their surface area when viewed from a perpendicular direction.
4. All fences, walls, retaining walls and hedges located within the front yard shall conform to the visibility at corner lots requirements, as specified in **Section 301-4.N.** herein.

¹ May 3, 1981

² May 10, 2004

³ April 29, 2009

5. Fences, walls, retaining walls, and other similar structures exceeding six feet (6') in height shall conform to all minimum setback yard requirements. A snow fence or fence of similar type may be erected or placed in any yard during the period from November 1 to April 1 for the sole purpose of preventing the drifting of snow on highways, driveways, and sidewalks, but such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure.
6. ¹Fences and other similar structures for confining the domestic animals referred to in **Section 301-4-Y** shall conform to this section.
7. ²No fence, wall, retaining wall or hedge shall be constructed so as to be hazardous to existing or future neighboring uses. All fences, walls, retaining walls, and hedges shall be maintained in a neat and orderly fashion.
8. A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall of retaining wall shall not exceed the heights specified herein for a fence, wall or a retaining wall.

Y. Domestic Animals ³And Household Pets:

⁴A household pet shall include any animal commonly kept inside a residence such as a dog or cat. A domestic animal shall include, but not be limited to, horses, cows, llamas, goats, hogs, mink, and fowl. For the purpose of the Bath Township Zoning Resolution the term domestic animals shall not include household pets. Domestic animals shall ⁵not be harbored on any lands in the R-3 and R-4 Residential Districts or on the residential or other lots of less than ⁶two (2) acres in all other zoning districts of the Township. No more than a total of two (2) domestic animals, as specified above, shall be allowed on a lot of ⁷two (2) acres, an additional one-half (1/2) acre shall be required for each additional animal over the initial two.

1. Except for agricultural uses, only domestic animals kept for the use of the property owner or lessee thereof and his family and/or friends invited to use said animal(s) without the payment of any fee shall be permitted under the provisions of this section. Riding academies and the keeping, training, and otherwise harboring of domestic animals for a fee, shall be permitted only upon the issuance of a Conditional Zoning Certificate by the

¹ June 15, 1983

² June 15, 1983

³ August 1, 1990

⁴ August 1, 1990

⁵ August 1, 1990 - word "not" added

⁶ August 1, 1990

⁷ August 1, 1990

Township for lands in zoning districts specifying such conditionally permitted uses.

2. All permitted animals, whether harbored for agricultural or any other purposes, shall be properly housed and these structures kept in sanitary conditions so as not to be offensive to neighboring property.
3. At a minimum, all permitted animals shall be confined within the building setback lines of the premises. ¹Fences and other similar structures shall conform to **Section 301-4-X** herein.
4. Keeping of hogs, or mink, whether harbored for agricultural or any other purpose, is prohibited except when the building, yards, and all other confinements for said animals are located at least three hundred feet (300') distant from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals, and at least one hundred feet (100') distant from all property lines, reservoirs, public ways, streets, or roads. Keeping of horses, fowl, and other animals, except hogs and mink, whether harbored for agricultural or any other purpose, is permitted only when the building, yards, and all other confinements for said animals are located at least one hundred feet (100') distant from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals.
5. In no instance shall the keeping of any animal be allowed to become a public or private nuisance.

Z. ²Collector's Vehicle:

Collector's vehicles shall be permitted provided that they are concealed from open view by means of buildings, fences, vegetation, terrain or other suitable obstruction as provided in **ORC 4513.65**.

AA. ³Dish Antenna:

1. ⁴Ground Mounted Stations.

Ground mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements subject to the provisions of Section 207 of the Telecommunications Act of 1996 and any applicable regulations as amended:

¹ June 15, 1989

² June 15, 1989

³ April 25, 1986

⁴ Amended January 5, 2002

- a. Such stations or antennas shall be located in the rear yard and behind the principal dwelling or structure located on the lot, a minimum of fifteen feet (15') from the principal dwelling.
- b. Such stations or antennas shall be so located that however turned or otherwise used, all parts of the station or antenna will be set back at least ten feet (10') from the inner side yard lines, and shall be set back from the rear lot line no less than ten feet (10').
- c. The plans submitted in accordance with Section 901-3 shall specify appropriate landscaping so as to conceal the dish from view, such dishes shall blend with the surrounding landscape and shall not be installed before approval by the Zoning Inspector.
- d. The diameter of any ground mounted dish antenna or station shall not exceed ten feet (10') in residential districts other than R-4 Residential Districts or twelve feet (12') in business districts or R-4 Residential Districts.
- e. The maximum height of any ground mounted dish station or antenna shall not exceed fifteen feet (15') from the natural grade level.
- f. No person, firm, or corporation shall erect a dish antenna without first securing a zoning certificate in accordance with the provisions of **Section 901-3**.

2. **Roof Mounted Stations.**

Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements subject to the provisions of Section 207 of the Telecommunications Act of 1996 and any applicable regulations as amended:

- a. Such stations or antennas shall be mounted directly on the roof of a principal dwelling or accessory structure and shall not be mounted on an appurtenance, such as a chimney, tower, or spire.
- b. The diameter of such station or antenna shall not exceed three feet (3') in residential districts and ten feet (10') in business districts.
- c. Such a station or antenna shall not exceed a height greater than three and one-half feet (3-1/2') in residential districts and twelve feet (12') in business districts above the roof upon which it is

mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.

- d. Such stations or antennas shall reasonably blend with the surrounding landscape.
- e. No person, firm, or corporation shall erect a roof station without first securing a zoning certificate in accordance with the provisions of **Section 901-3**.

3. Portable Stations.

No portable dish stations or antenna of any make and/or variety shall be used in the Township.

BB. ¹Accessory Recreational Structures in Residential Districts:

In any "R" District, accessory recreational structures and surfaces with permanent improvements, such as tennis courts, paddle tennis, shuffleboard, basketball courts, swimming pools, and other similar recreational facilities accessory to a dwelling that are not otherwise regulated in this Resolution, shall be considered structures requiring zoning permits and shall not be located in a front yard or a required side yard. Such uses or structures may be located in a front yard subject to the following:

- 1. When placed a minimum of two hundred feet (200') from the front lot line and fifty feet (50') from the side lot lines.
- 2. When closer than two hundred feet (200') to the front lot line or fifty feet (50') to the side lot line provided a conditional zoning certificate has been issued by the Board of Zoning Appeals and the required front and side yards are maintained.

In addition, swimming pools shall conform with the requirements of **Section 301-4-W**; fences and other similar structures necessary for screening shall conform with **Section 301-4-X**; and all lighting used to illuminate such recreational facilities shall not be located in a required yard and shall not directly shine on adjacent properties.

CC. ²Garage Sales:

Garage Sales for the sale, by resident, of used or surplus personal possessions only, are permitted in all "R" districts. Such sales may be held no more than twice during each calendar year, and are limited to a period of four (4) consecutive days.

¹ August 1, 1990 - Section 301-4(AA) added

² August 21, 1996

Parking shall not create a traffic hazard. No zoning certificate or fee shall be required, but the Zoning Inspector shall be notified, in writing, not less than seven (7) days before the sale.

Sec. 301-5 Site Plans Required

A. Site Plans Required

A site plan is required when any ¹new lot split (resulting in two or more lots), as well as any construction, alteration, modification, change of use or enlargement of a structure (except as may be related to a single- or two-family dwelling) is proposed.

In order to promote the orderly and appropriate development of a site plan consistent with the goals and objectives of this Zoning Resolution, the Board of Zoning Appeals may encourage and engage in informal discussions with the applicant prior to formal submission of the site plan and application for a zoning or conditional zoning certificate. Such review of preliminary plans and issues will provide greater assurance that the project complies with the objectives, standards, and criteria of this Zoning Resolution before major design and engineering expenditures have been committed to the project. This review reduces the likelihood that major adjustments and revisions would be required as a result of deficiencies found during the formal review of the plans in accordance with **Section 301-5**. (Refer to **Flowchart A** located in the Appendix.)

B. Applications for Site Plan Approval

Applications for site plan approval shall be submitted to the Zoning Inspector and shall contain the following information:

1. A written description of proposed site plan that includes:

- a. The applicant's name, address, and phone number.
- b. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
- c. The address and parcel number of the property.
- d. The name and address of the property owner(s) of record including written consent, if the applicant is not the owner.
- e. Name and address of the engineer, architect, and/or surveyor.

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- f. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and useable floor area, parking spaces, employees by shift, and similar related project-specific information.
 - g. Project completion schedule/development phases.
 - h. Names and addresses of all contiguous and adjacent property owners.
- 2. A traffic impact study (if required according to Section 301-6.B.).**
- 3. When a proposed development involves disturbing more than one (1) acre of total land area, a Storm Water Pollution Prevention Plan (SWP3) shall be submitted. An SWP3 plan shall be prepared with the same essential components and requirements as required by the Ohio Environmental Protection Agency.**
- 4. Site plan drawing(s) dated and stamped which illustrate the following information:**
- a. A vicinity map drawn at a scale of 1" = 2000' with north arrow indicated.
 - b. The gross and net acreage of all parcels in the project.
 - c. Land uses, zoning classification, and existing structures on the subject parcel and adjoining parcels.
 - d. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations.
 - e. ¹Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows and steep slopes, which are 18% or greater on the subject parcel(s).
 - f. ²Identify any riparian corridors on the parcel(s) and label the required stream bank buffer setback accordingly. See section 411 – Riparian Corridor regulations for required setbacks.
 - g. Location and type of existing trees on the site with a diameter of six inches (6") or more at four and one-half feet (4-1/2') feet above

¹ Amended January 5, 2002

² Amended January 5, 2002

- grade. Included with the location of the tree should be the associated “drip line.”
- h. Location and elevations of existing watercourses and water bodies, including natural and/or man-made surface drainage ways, flood plains, and wetlands.
 - i. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
 - j. ¹Locations of oil and gas wells, including plugged wells, pipelines and above ground and below ground tank battery and related equipment.
 - k. Proposed location of accessory structures, buildings, and uses including, but not limited to, flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method of screening where applicable.
 - l. Location of existing public roads, rights-of-way and private easements of record, and abutting streets.
 - m. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes (if any) serving the development.
 - n. Location, design, and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof.
 - o. Location, size, and characteristics of all loading and unloading areas.
 - p. Location and design of sidewalks, walkways, bicycle paths, and areas for public use.
 - q. Location of water supply lines and/or wells including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points, and treatment systems including septic systems, if applicable.

¹ April 29, 2009

- r. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone, and steam.
- s. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools, if applicable.
- t. Location, size, and specifications of all signs and advertising features.
- u. Exterior lighting locations with area of illumination illustrated, as well as the type of fixtures and shielding to be used.
- v. Location and specifications for all fences, walls, and other screening features with cross-sections.
- w. Location and specifications for proposed perimeter and internal landscaping, and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate.
- x. Location, size, and specifications for screening of trash receptacles and other solid waste disposal facilities.
- y. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.
- z. Identification of any significant or historical site amenities or unique natural features.
- aa. Identification of any significant views onto or from the site, to or from adjoining areas.
- bb. North arrow, scale, and date of original submittal and last revision.

C. Site Plan Review (Refer to Flowchart A)

1. Approval Process

Applications for site plan approval shall be submitted to the Zoning

Inspector. Once deemed to be complete,¹ the Zoning Inspector shall have the right to review the site plan to determine if it complies with the existing regulations in that district or the Zoning Inspector may at his or her discretion, refer the lot split to the Bath Township Board of Zoning Appeals for its review and approval. If referred to the Bath Township Board of Zoning Appeals, the Board of Zoning Appeals shall review all submitted materials and may approve, approve with modifications or deny a site plan and authorize the issuance of a zoning certificate upon finding said plans are consistent with the purposes, objectives, and requirements of this Zoning Resolution.

- a. The Board shall act on any site plan submitted under this section within sixty (60) days from the time the Zoning Inspector receives a complete submission of required materials. Any person submitting a site plan may agree to a longer review period by the Board. Within seven (7) days after a site plan is submitted and deemed to be complete, the Board shall notify the contiguous and adjacent property owners of the proposed development by letter via regular delivery by the U.S. Postal Service.
- b. Prior to authorizing the issuance of zoning certificates, the Board 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.
- c. The applicant may be requested or may volunteer to provide 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 exceed the sum of one thousand dollars (\$1,000) unless agreed to by the applicant. Funds for such advice or studies shall be placed on deposit with the Township Board of Trustees upon the request of the Board. The Board may submit any or all site plans and proposals to the Township Zoning Commission, Township Board of Trustees, Appearance Review Commission, County or Planning Commission, Soil and Water Conservation District and/or any other similar organization for review and recommendations prior to acting on any such plan.
- d. When a particular site plan involves a variance request and/or conditional use approval, the Board of Zoning Appeals may consider such matters concurrently with site plan approval

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provided all other applicable hearing and notification requirements are met.

2. **Review Criteria**

Site plans shall be reviewed on the basis of uniform criteria that advance the principals of good site design to provide safe vehicular access and pedestrian movement. 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. The Board of Zoning Appeals can forward the site plan to the Appearance Review Commission for review and comment, who shall utilize the Bath Township Design Guidelines when reviewing the site plan. Specific approval criteria include the following:

- a. The site plan shall show (consistent with the findings of a Traffic Impact Study) that a proper relationship will exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
- b. 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.
- c. Building location and placement shall be developed with consideration given to minimizing removal of trees (in accordance with **Section 702.10**) and change of topography.
- d. 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.
- e. Parking area landscaping and screening shall be arranged to minimize large expanses of hard surfaces and to channel traffic flow in a safe manner.
- f. Parking and loading provisions shall meet the requirements of **ARTICLE VII** 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.

- g. 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.
- h. All utilities on-site shall be located underground.
- i. 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 Board 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.
- j. The design and construction standards of all private roads, driveways, and parking areas, shall conform to the provisions of **ARTICLE VII** and/or as may be recommended through engineer review. All private streets, driveways, and parking areas are to be of a useable shape and improved with asphalt, concrete, or other durable and dustless pavement or surface.

3. Action on Site Plans

The Board of Zoning Appeals shall take one of three actions on a site plan as described below:

- 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 Board of Zoning Appeals.
- c. A site plan may be approved as submitted (or with modifications) in phases as described in subsection F.

Within ninety (90) days following action by the Board of Zoning Appeals, the applicant shall obtain a Zoning Certificate in accordance with the requirements in **Section 901-3**.

D. Conformance with Approved Site Plans

All aspects of the development shall conform to the approved site plan. No injurious or offensive effects shall result from the development or operation of the

proposed use. The control of effects, such as noise, smoke, dust, fumes, electrical interferences, storage and disposal of wastes, shall meet accepted current standards. It shall be a violation of this Resolution for any building or premises to be occupied or used prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this section including required landscaping, drainage, parking area, road, and driveway improvements according to the plans approved by the Board. The provision of financial guarantee to the Township Trustees in an amount equal to said required improvements may be authorized by the Board. Said guarantees shall be for a period not to exceed two (2) years and shall provide for the complete construction of the improvements within that period.

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.

F. Phased Site Plans

In order to assure that a project will be developed consistent with the purposes of this Resolution, the Board 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 Board 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 Board 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:

1. Upon substantial compliance with the site plan(s) given preliminary approval; and
2. Upon conformance with all applicable regulations of this Resolution; and
3. Upon a finding by the Board that all preceding phases conform to all requirements of this Resolution and conform to approved site plans.

Sec. 301-6 Access Management Requirement

A. Purpose

The purpose of these access management regulations is to promote and protect the public health and safety by providing development regulations that will result in safer access to property and safer traffic flow along Bath Township thoroughfares. It is recognized that land use and site planning issues are directly linked to the capacity of roadways to efficiently move traffic through an area and provide safe access to adjoining property. It is also recognized that achieving an

appropriate balance between roadway access to adjoining property and the ability of roadways to carry through traffic will not only reduce future congestion and accident rates, but will also enhance emergency vehicle response times. These requirements are further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing Traffic Impact Studies.
2. Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
3. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
4. Reduce the negative traffic impacts created by individual developments, which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
5. Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of a community rather than a piecemeal approach.
6. Provide direction to community decision-makers, road agencies, and developers of expected impacts of a project.
7. Alert the community, transportation agencies, and developers of improvements or modifications needed to the roadway, access, or site design.
8. Protect the substantial public investment in the existing street system.

B. Traffic Impact Study Required

A Traffic Impact Study shall be required and shall be submitted by an applicant as part of a proposed site plan in accordance with **Section 301-6.C.** when proposed development would be expected to generate more than fifty (50) directional trips during the peak hour of generation or five hundred (500) trips in an average day. Traffic impact studies are not required for any type of residential subdivision.

Traffic Impact Study shall also be required for new phases or changes to an existing development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two percent (2%) annually).

Additionally, a Traffic Impact Study shall be required for a change or expansion at an existing site where the change or expansion is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least five hundred (500) additional vehicle trips per day for the entire project.

C. Traffic Impact Study Contents

1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any planned roadway improvements. The study should define and justify the study area selected for analysis.
2. Description of the proposed development: A description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion should also be noted.
3. Description of existing traffic conditions:
 - a. Traffic counts: Existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity, which are expected to be impacted, should be provided. Traffic count date shall not be more than two (2) years old.
 - b. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks.
 - c. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometries, signal timing, traffic control devices, posted speed limits, average running speeds, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
 - d. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
 - e. The existing right-of-way shall be identified along with any planned expansion of the right-of-way.

4. Background Traffic Growth: For any project requiring a Traffic Impact Study with a construction completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of construction completion.
5. Trip Generation:
 - a. Forecasted trip generation of the proposed development for the a.m. (if applicable) and p.m. peak hour and average day shall be calculated. This forecast shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
 - b. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
 - c. For projects intended to be developed in phases, the trip generation by phase shall be described.
6. Trip Distribution:
 - a. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required.
 - b. Projected turning movements shall be illustrated in the report.
 - c. A description of the application of standard engineering procedures for determining the distribution shall be attached (trip distribution model, market studies, counts at existing driveways, etc.).
7. Impact Analysis:
 - a. Level of service or “capacity” analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. Before and after capacity analyses shall be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity.

8. Access Design/Access Management Standards: The study shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty feet (250') on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, and support that the access points will provide safe and efficient traffic operation.
9. Other Study Items: The Traffic Impact Study shall also include the following:
 - a. Need for, or provision of, any additional right-of-way where planned or desired by the applicable transportation agency.
 - b. Changes that should be considered to the site plan layout.
 - c. Description of how the proposed site plan conforms to thoroughfare policies described in the Bath Township Comprehensive Plan and the SR 18 Corridor Study prepared by the Summit County Engineer's Office (as applicable).
 - d. If the use involves a drive-through facility, the adequacy of the queuing area should be evaluated.
 - e. If a median crossover is desired, separate analysis should be provided.
 - f. If a traffic signal is being requested, the applicable traffic signal warrants shall be provided along with an analysis of traffic progression along the roadway through coordination with other signals.
 - g. Description of site circulation and available sight distances at site driveways.
10. Mitigation/Alternatives: The Traffic Impact Study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use. Any applicable local or State agency shall review proposed mitigation measures. The responsibility for construction and timing of roadway improvements shall be described.

11. Qualifications: Preparer: The preparation of a thorough Traffic Impact Study requires extensive background and experience in traffic analysis. The person responsible for the preparation of the Study shall meet the following requirements:
 - a. Any Traffic Impact Study involving roadway or traffic signal design work shall be prepared by, or under the supervision of, a registered engineer (P.E.) with specific training in traffic engineering.
 - b. The Traffic Impact Study should include a resume of the preparer responsible for the report. The Traffic Impact Study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.

D. Access Management Standards

1. Access to Parcel: To preserve and maintain efficient traffic movement, permitted access to all thoroughfares shall be limited as defined herein. A goal of these access management standards is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. These regulations are in addition to any other state, or local approvals required.
 - a. Number of Driveways: Each lot is permitted to have a single, two-way driveway except in cases where a Traffic Impact Study clearly demonstrates the benefits of a second driveway from the standpoint of traffic movement. Examples of where a second drive may be justified include large corner lots where driveways on both streets may be desirable and instances where two, one-way drives are preferred more than one, two-way drive.
 - b. Location of Driveways: All driveways shall be located as far as practical from the intersection of public streets.
 - c. Conditional Approval of Driveways: As part of the site plan review process, a site plan may be approved with a specific driveway location under the condition that an agreement be reached between the property owner and the Township requiring that such driveway(s) be closed when specific circumstances are met. Such circumstances may include the future construction of a service road on adjacent property, the opportunity for a shared driveway with development of adjacent property, or other site-specific circumstances. This conditional approval may be required

even if the driveway(s) conforms to all other requirements of this section.

- d. Driveway Alignment: New driveways shall be aligned with existing driveways across a street unless such alignment is shown to be undesirable in a Traffic Impact Study. Where such alignments are shown to be undesirable, the centerlines of opposing driveways shall be offset at least one hundred feet (100').

Sec. 301-7¹

Open Space Residential Subdivision

Open Space Residential Subdivisions provide for and encourage flexible and creative and development techniques aimed toward providing a healthy and safe, natural and built environment. The development of open space subdivisions is encouraged within the Bath Township Comprehensive Plan to conserve and protect the natural environment and rural character. Open Space Residential Subdivisions are permitted uses where the parcel is at least twenty (20) acres in R-1, R-2, and R-3 zoning districts and must be approved by the Bath Township Zoning Inspector in accordance with the requirements of this section.

A. Property Requirements

The developer (applicant) must own in fee simple or have an option to purchase all lands within the Open Space Residential Subdivision. Any lawful ownership arrangement including, but not limited to fee simple lots or condominiums is permitted in an Open Space Residential Subdivision. The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this Section, and shall comply with the Summit County Department of Planning, Rules for Major Subdivisions. The minimum size for an Open Space Residential Subdivision is twenty (20) acres and the required minimum frontage on a public street is five hundred (500') feet.

B. Permitted Density

The maximum number of housing units permitted in an Open Space Residential Subdivision is determined using the minimum lot area required in a zoning district and the following formula:

$$(TSA/MLA) \times 90\%$$

Where:

TSA = Total site area in acres, excluding any area within existing public right-of-way or land that is subject to an existing conservation easement. Total site area also does not include

¹ Amended January 5, 2002

any area occupied by lakes or ponds that are greater than 1 acre in size.

MLA = Minimum lot area in acres required in a given zoning district.
90% = A factor to account for public or private right-of-way required in a development.

When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.

C. Density Bonus

At the sole option of the developer, a bonus of additional housing units (beyond the number allowed according to **Section 301-7B** above) is allowed when required open space is available to the public. For every whole acre of land devoted to walking/biking trails, equestrian trails, park areas or other required open space that is also available for public use, up to one additional housing unit may be added to overall density, provided however, that overall density does not increase by more than fifteen percent (15%) beyond the number of units allowed according to Subsection B above.

D. Allowable Uses

1. The uses allowed in an Open Space Residential Subdivision are those permitted uses and conditional uses listed in the applicable underlying zoning district. Conditional uses in an Open Space Residential Subdivision are subject to the requirements of Article VIII. No multi-family units shall be permitted in an Open Space Residential Subdivision.
2. Private roads connecting one residence to another and/or for means of ingress and egress for the Open Space Residential Subdivision are permitted, subject to the following conditions:
 - a. The private roads must be designed and constructed to meet Summit County Engineer approved road standards for design, thickness, materials, and construction.
 - b. The length, location, distance and other relevant siting factors must comply with all of the Summit County requirements for major subdivision roads.

E. Modifications to Area and Height Regulations

Minimum lot area requirements contained in given zoning districts are modified in an Open Space Residential Subdivision to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

1. **¹Lot Area Requirements:**
 - a. R-1: The minimum lot area for a dwelling unit is 2 acres.
 - b. R-2: The minimum lot area for a dwelling unit is 1 acre.
 - c. R-3 & R-4: There are no minimum lot sizes in these zoning districts, and dwelling units are not required to be on individual lots. However, when lots are included in a development plan, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.
2. **Minimum Yard Depths:** Individual buildings in a proposed development may not be located closer than eighty feet (80') to an existing or proposed public or private road pavement. Individual buildings also may not be closer than sixty feet (60') to any lot line that represents the boundary of the development. The minimum separation between free-standing principal and/or accessory buildings shall be not less than twenty feet (20'), or a distance equal to the height of the tallest vertical wall that is most closely parallel with an adjoining structure, whichever is greater.

F. Sewage Disposal

Open Space Residential Subdivisions shall be served by individual or public sewage disposal structures consistent with applicable State or County regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Summit County Health Department and may be located within required open space.

G. Wetlands in Open Space Residential Subdivisions

Wetlands found within a site proposed to be developed as an Open Space Residential Subdivision must remain in a natural state and no off-site mitigation of wetlands shall be permitted.

H. Minimum Required Open Space

All Open Space Residential Subdivisions shall include fifty percent (50%) of the total site acreage as required open space. This required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site in the order or priority expressed in Subsection K. In the case of phased developments, open space shall be provided in a proportional manner with a developed area.

I. Areas Not Considered Required Open Space

Areas that specifically **shall not be** considered required open space include:

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1. Private and public roads, and associated rights-of-way.
2. Public or private parking areas, access ways, and driveways.
3. Required setbacks between buildings, parking areas, and project boundaries.
4. Required setbacks between buildings and streets.
5. Required minimum spacing between buildings and parking areas.
6. Private yards, including front, back and sides.
7. Land that is subject to preexisting conservation easements or similar limitations on development.
8. Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

J. Use of Required Open Space

Areas designated for required open space:

1. Shall be preserved in its natural state.
2. Shall be designed and intended for the use and/or enjoyment of residents (or general public) of the proposed development.
3. May be utilized for farming when authorized in a conservation easement or in an Association's covenants and restrictions.
4. May be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities.
5. May be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities
6. May be used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited

to twenty percent (20%) of the total acreage devoted to required open space.

K. Design and Location of Required Open Space

Land that is to be designated as required open space pursuant to Section H above shall be done so in accordance with the Environmental Health Matrix provided in the Bath Township Natural Resource Protection Study. Areas that are shown to have the highest composite values shall be given priority over areas with lower composite values to the extent necessary to meet the requirements of this section. To the greatest degree possible, the location of required open space shall also be accomplished in accordance with design principles established in the Bath Township Design Review Guidelines.

L. Reclamation of Disturbed Open Space

Any areas to be designated as required open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

M. Future Subdivision and Development of Open Space

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Bath Township and duly recorded in the office of the Summit County Recorder. Subject to permanent restrictions as set forth above, required open space in an Open Space Residential Subdivision shall be owned by an Owner's Association, Bath Township (with its consent), a land trust or other conservation organization recognized by Bath Township, or by a similar entity. Required open space may be held by the individual members of a Homeowner's Association as tenants-in-common or may be held in common ownership by a Homeowner's Association, Community Association, or other similar legal entity. To obtain township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations require the following:

1. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
2. The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

N. Conservation Easements

With the permission of Bath Township, the owner(s) of required open space may, in accordance with provisions of **ORC §5301.67 - .70**, grant or transfer a conservation easement to any entity described in **ORC §5301.68**, provided that the entity and the provisions of the conservation easements are acceptable to Bath

Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Bath Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under **ORC §5301.68**, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

O. Development Plan Submission Requirements

Development plans are not subject to the site plan review process (as defined in Sec. 301.5). All proposed Open Space Residential Subdivisions shall however, provide a site analysis and a development plan to document compliance with all requirements of this section. This site analysis and development plan together with any required application forms shall be transmitted to and reviewed by the Zoning Inspector in the manner described herein.

P. Site Analysis Content

The site analysis shall specifically illustrate the following information:

1. All adjacent property within two hundred feet (200') of the subject property, including a description of adjoining land use(s) and location of buildings, structures, and man-made features within two hundred feet (200') of the project site.
2. Contour lines at vertical intervals of not more than five feet (5'), highlighting ridges, rock outcroppings, and other significant topographical features. The location of areas with existing slopes in excess of twelve (12%) shall be designated.
3. Location of wetlands, rivers, and other watercourses. Other watercourses include all waterways that appear on 1:24,000 U.S.G.S. maps.
4. All existing buildings and structures on the subject property.
5. Description and location of soils classified as prime farmland soils according to the Summit County Soil Survey.
6. A site of known historic, archaeological, or cultural significance, which may include stone walls, barns, earth mounds, and burial grounds.
7. The location of any land, which is designated as a 100-year flood plain, as defined by applicable Federal Emergency Management Agency Maps.
8. A description of woodlands and canopy cover on the property, including existing hedgerows and tree lines.

9. The location of land that is occupied by wetlands as defined by the U.S. Army Corps of Engineers.
10. The location and acreage of any land that may not be developed due to an existing conservation easement or similar legal limitation on the development of a parcel (with associated acreage).
11. An illustration of existing drainage patterns and watersheds.

Q. Development Plan Content

In addition to the site analysis, a development plan shall be submitted to the Zoning Inspector for approval. A development plan shall include the following information illustrated on a plan drawn to scale of 1" = 100' or otherwise described with accompanying verbal material as necessary:

1. Boundaries of the area proposed for development with accurate dimensions and total acreage of all proposed land uses.
2. A summary of the proposed development broken down into component parts. Such component parts include numbers of residential units, types of residential units, and land proposed to remain as required open space and/or active recreation.
3. The exact location and dimension of private streets, common drives, and public street rights-of-way.
4. Exact location of building footprints or envelopes within which dwelling units are to be constructed. Proposed building envelopes or footprints shall demonstrate that building locations will be in compliance with applicable spacing and yard requirements.
5. All proposed lot lines with dimensions for all residential units for which individual ownership is proposed.
6. Description of proposed improvements within required open space, with the location and acreage of areas proposed for active recreation.
7. A detailed landscaping plan for new landscaping, including entry features and signs.
8. The Declaration, Articles of Incorporation, and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowner's Association), and any other final covenants and restrictions and maintenance agreements to be imposed upon the use of all land and

pertaining to the ownership, use, and maintenance of all common areas, including required open space.

9. Proposed utility easement locations.
10. Proposed pedestrian circulation system providing access to a required open space system.
11. Proposed design guidelines that express common architectural themes in buildings, and other improvements.
12. A description of the proposed ownership and maintenance responsibility relative to the proposed required open space.
13. A description of anticipated project phasing.

R. Review of Open Space Residential Subdivision (Refer to Flowchart B)

Within ten (10) days of receiving an application, site analysis and development plan, the Zoning Inspector shall review submitted material to determine that the application includes all the items required in this section. If the application is deemed complete and the application fee is paid, the Zoning Inspector shall officially accept the application on that date. Review of the proposed Open Space Residential Subdivision shall be accomplished in coordination with review procedures and requirements defined in the Summit County Subdivision Regulations and in the following manner:

1. **Distribution of Submitted Material:** Once determined to be complete, the Zoning Inspector shall distribute copies of submitted materials to members of the Appearance Review Commission, Bath Township's legal counsel and appropriate Bath Township administrative departments, and to such other regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to, the Summit County Planning Commission, the Summit County Health Department, the Summit County Sanitary Engineer, Summit County Engineer, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the Township, and Bath Township Trustees.
2. **Review and Approval by Zoning Inspector:** Within 45 days from the date that a complete application is made, the Township Zoning Inspector shall review materials submitted and take one of the following actions:
 - a. Approve the application and proposed development plan based upon a determination that the proposed plan will constitute a suitable development and the plan meets the standards set forth in this Resolution; or

- b. Approve the application and proposed development plan subject to specific conditions such as, but not limited to, improvements to the general building layout or arrangement of required open space; or
- c. Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the Board of Zoning Appeals in accordance with the requirements in **Section 1001-7**.

In conducting the review of the Open Space Residential Subdivision, the Zoning Inspector may require additional information, including environmental assessments, and archeological surveys prepared by appropriate professionals to document the impacts of the proposed development and to address potential mitigation measures. The applicant may be responsible for all or part of the reasonable expenses incurred by Bath Township in securing the services of professional engineers; architects, planners or environmental scientists in connection with plan review. The cost of securing expert advice or studies shall be borne by the applicant, but in no event shall such cost exceed the sum of one thousand dollars (\$1,000) unless agreed to by the applicant.

S. Approval Criteria

In reviewing a proposed application for an Open Space Residential Subdivision, the Zoning Inspector shall make a determination that the proposed plan:

- 1. Conforms to all development standards and requirements of this Section.
- 2. Is designed to effectively preserve natural and cultural amenities on the site and provide a useful common open space. In addition to other input, the Zoning Inspector shall rely on a recommendation from the Appearance Review Commission to make this determination. The Appearance Review Commission shall refer to the Bath Township Design Guidelines and the Bath Township Natural Resources Protection Study when reviewing a proposed application for an Open Space Residential Subdivision.

T. Amendments

After an Open Space Residential Subdivision has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested. Changes, as defined herein, are allowed and may be approved by the

Zoning Inspector, provided such requests conform to applicable standards defined in this section.