

Article IV Use, Area, Height Regulations

Sec. 401 **R-1 Residential District**

Sec. 401-1 **Purpose**

To provide for very low-density residential development and thereby discourage concentrated living areas primarily along the eastern periphery of the community. Maximum density shall be no more than one single-family dwelling unit per each five (5) acres.

Sec. 401-2 **¹Permitted Uses**

- A. Detached single-family residential dwellings.
- B. Agriculture, including greenhouses and the usual agricultural building and structures.
- C. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign, as defined by **ARTICLE V, Section 501-2-B-3**, may be erected beyond the building line on lands used for agricultural purposes. Such roadside stands and signs shall not be erected nearer than thirty feet (30') from either side lot line. Such stands, signs, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
- D. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- E. Signs - As regulated by **Article V** hereof.
- ²F. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

¹ Private Stables deleted (Sec. 410-2) - June 20, 1984

² Added July 30, 1997

A wireless telecommunication facility may be constructed in an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

- G. Open space residential subdivisions meeting the requirements of **Section 301-7**.
- H. All other uses expressly permitted by law.

Sec. 401-3 **Conditionally Permissible Uses**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of **ARTICLE VIII**, to the specific requirements of **Section 802** referred to below, and to the provisions of **ARTICLE XI**.

- A. Guesthouse or accessory living quarters subject to **Subsections A, E, and K**.
- B. Public and parochial schools subject to **Subsection A, B, C, E, F and K**.
- C. Churches and other buildings used for the purpose of religious worship subject to **Subsections A, C, G, K, N, and Q**.
- D. Governmentally owned and/or operated parks, playgrounds, and golf courses (except miniature) and subject to **Subsections A, B, C, D, E, and Q**.
- E. Cemeteries including mausoleums, providing that any new cemetery shall contain at least twenty (20) acres of land and shall be subject to statutory limitations and **Subsections A, C, and G**.
- F. Recreational uses other than those governmentally owned and/or operated such as; swimming pools, golf courses, tennis clubs, riding academies, subject to **Subsections A, B, C, D, E, I, K, and Q**.
- G. Governmentally owned and/or operated buildings and facilities other than those listed above subject to **Subsections A, C, G, H, and K**.
- H. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to Section 802, **Subsections A, C, E, L, M, O, P, Q, and S**.
- ¹I. Gas and oil wells subject to **Section 803**.

¹ May 3, 1981

- J. Home occupations subject to **Subsection R**.
- ¹K. Adaptive uses of historically significant houses, accessory buildings or similar facilities within the boundaries of the Cuyahoga Valley National Recreational Area (CVNRA), including Bed & Breakfast operations, Inns, or Food Service establishments where the appearance of the building(s) retain historical features and characteristics within the requirement of the National Register of Historic Places for historical buildings or sites, and where the use is approved by and is compatible with the objectives of the CVNRA, subject to applicable provisions of **Section 801-2 (A)**.
- ²L. A wireless telecommunication facility may be constructed on a single parcel of fifty (50) acres or more that is a lot of record on the effective date of this provision and subject to the requirements of **Section 804-1** of this Resolution. The facility shall be sited on the property in a location, which the Board of Zoning Appeals determines is the least intrusive to adjoining properties.
- ³M. Conventional residential subdivision subject to **Subsections C, I, K and Section 412**.

Sec. 401-4 Area and Height Regulations

- A. Minimum Lot Area - All single-family dwellings shall be located on a lot not less than five (5) acres in size. Existing lots less than five (5) acres are subject to the provisions of **Section 301-4.K**.
- B. Minimum Lot Width at Minimum Building Setback Line - Three hundred feet (300’).
- C. Minimum Lot Width at Street Right-Of-Way - Two hundred and fifty feet (250’).
- D. Minimum Front Yard Depth - Sixty Feet (60’).
- E. Minimum Rear Yard Depth - Fifty feet (50’).
- F. Minimum Side Yard Depth - Twenty feet (20’).
- G. Minimum Living Floor Area Per Family - Fourteen hundred square feet (1,400 sq. ft.), provided that for a multi-level dwelling, one thousand square feet (1,000 sq. ft.) on at least one of the levels. Fifteen hundred and fifty square feet (1,550 sq. ft.) shall be required for dwellings not having a basement.

¹ November 20, 1991

² Added July 30, 1997

³ Amended January 3, 2001

- H. Height Regulations - No building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, except as provided otherwise in **Article VIII** hereof.
- I. Off-Street Parking - as regulated by **Article VII** hereof.

Sec. 402 **R-2 Residential District**

Sec. 402-1 **Purpose**

This district is established to accommodate single-family dwellings. Maximum density shall be no more than one single-family dwelling unit per each two and one-half (2-1/2) acres.

Sec. 402-2 **¹Permitted Uses**

- A. Detached single-family residential dwellings.
- B. Agriculture, including greenhouses and the usual agricultural building and structures.
- C. Roadside stands, offering for sale only agricultural products that are produced on the premises, including only one (1) sign, as defined by **ARTICLE V, Section 501-2.B.3.** may be erected beyond the building line on lands used for agricultural purposes. Such roadside stands and signs shall not be erected nearer than thirty feet (30') from either side lot line. Such stands, signs, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
- D. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- E. Signs - As regulated by **ARTICLE V** hereof.
- ²F. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this

¹ Private Stables deleted (Sec. 411-2) - June 20, 1984

² Added July 30, 1997

Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

G. Open space residential subdivisions meeting the requirements of **Section 301-7**.

H. All other uses expressly permitted by law.

Sec. 402-3 **Conditionally Permissible Uses**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of **ARTICLE VIII**, to the specific requirements of **Section 802** referred to below, and to the provisions of **ARTICLE XI**.

- A. Guesthouse or accessory living quarters subject to **Subsections A, E, and K**.
- B. Public and parochial schools subject to **Subsection A, B, C, E, F, and K**.
- C. Churches and other buildings used for the purpose of religious worship subject to **Subsections A, C, G, K, N, Q**.
- D. Governmentally owned and/or operated parks, playgrounds, and golf courses (except miniature) and subject to **Subsections A, B, C, D, E, Q**.
- E. Cemeteries including mausoleums, providing that any new cemetery shall contain at least twenty (20) acres of land and shall be subject to statutory limitations and **Subsections A, C, and G**.
- F. Recreational uses other than those governmentally owned and/or operated such as; swimming pools, golf courses, tennis clubs, riding academies, subject to **Subsections A, B, C, D, E, I, K, and Q**.
- G. Governmentally owned and/or operated buildings and facilities other than those listed above subject to **Subsections A, C, G, H, and K**.
- H. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to **Subsections A, C, E, L, M, N, O, P, Q, S**.
- ¹I. Gas and oil wells ²subject to **Section 803**.
- J. Institutions for higher education subject to **Subsections A, B, C, D, E, G, and K**.

¹ May 3, 1981

² “on parcels of not less than five (5) acres” - DELETED - May 24, 1995

- K. Home occupations subject to **Subsection R**.
- ¹L. A wireless telecommunication facility may be constructed on a single parcel of fifty (50) acres or more that is a lot of record on the effective date of this provision and subject to the requirements of **Section 804-1** of this Resolution. The facility shall be sited on the property in a location, which the Board of Zoning Appeals determines is the least intrusive to adjoining properties.
- ²M. Conventional residential subdivisions subject to **Subsections C, I, K and Section 412**
- N. Landscape businesses and plant nurseries with no retail sale of goods on the premises, subject to **Subsections B, E, J, and P**.

Sec. 402-4 Area and Height Regulations

- A. Minimum Lot Area – All single-family dwellings shall be located on a lot not less than two and one-half (2½) acres in size. Existing lots less than two and one-half (2 ½) acres are subject to the provisions of **Section 301-4-K**.
- B. Minimum Lot Width at Minimum Building Setback Line - One hundred fifty feet (150’).
- C. Minimum Lot Width at Street Right-Of-Way - One hundred feet (100’).
- D. Minimum Front Yard Depth - Sixty Feet (60’).
- E. Minimum Rear Yard Depth - Fifty feet (50’).
- F. Minimum Side Yard Depth - Twenty feet (20’).
- G. Minimum Living Floor Area Per Family - Fourteen hundred square feet (1,400 sq. ft.), provided that for a multi-level dwelling, one thousand square feet (1,000 sq. ft.) on at least one of the levels. Fifteen hundred and fifty square feet (1,550 sq. ft.) shall be required for dwellings not having a basement.
- H. Height Regulations - No building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35’) in height, except as provided otherwise in **Article VIII** hereof.
- I. Off-Street Parking - as regulated by **Article VII** hereof.

¹ Added July 30, 1997

² Amended January 3, 2001

Sec. 403 **R-3 Residential District**

Sec. 403-1 **Purpose**

¹This district is established to accommodate single-family residential dwellings. Maximum density shall be no more than one (1) single-family dwelling unit per acre. This zoning district is intended to provide a transition from higher density residential or business districts to lower density districts or where there is proximity to business areas, higher density residential uses or relatively high vehicular traffic routes.

Sec. 403-2 **²Permitted Uses**

- A. Detached single-family residential dwellings.
- B. Agriculture, including greenhouses and the usual agricultural building and structures.
- C. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign, as defined by **ARTICLE V, Section 501-2.B.3**, may be erected beyond the building line on lands used for agricultural purposes. Such roadside stands and signs shall not be erected nearer than thirty feet (30') from either side lot line. Such stands, signs, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
- D. Accessory uses provided that such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- E. Signs - As regulated by **ARTICLE V** hereof.
- ³F. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

¹ August 14, 1992

² Private Stables deleted (Sec. 412-2) June 20, 1984

³ Added July 30, 1997

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

- G. Open space residential subdivisions meeting the requirements of **Section 301-7**.
- H. All other uses expressly permitted by law.

Sec. 403-3 **¹Conditionally Permissible Uses**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of **ARTICLE VIII**, to the specific requirements of **Section 802** referred to below, and to the provisions of **ARTICLE XI**.

- A. Guesthouse or accessory living quarters subject to **Subsections A, E, and K**.
- B. Public and parochial schools subject to **Subsections A, B, C, E, F, and K**.
- C. Churches and other buildings used for the purpose of religious worship subject to **Subsections A, C, G, K, N, and Q**.
- D. Governmentally owned and/or operated parks, playgrounds, and golf courses (except miniature) and subject to **Subsections A, B, C, D, E, and Q**.
- E. Cemeteries including mausoleums, providing that any new cemetery shall contain at least twenty (20) acres of land and shall be subject to statutory limitations and **Subsections A, C, G**.
- F. Recreational uses other than those governmentally owned and/or operated such as; swimming pools, golf courses, tennis clubs, riding academies, subject to **Subsections A, B, C, D, E, I, K, and Q**.
- G. Governmentally owned and/or operated buildings and facilities other than those listed above subject to **Subsections A, C, G, H, and K**.
- H. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to **Subsections A, C, E, L, M, O, P, Q, and S**.
- I. Home occupations subject to **Subsection R**.

¹ Gas and Oil Wells as Conditionally Permissible Uses deleted August 1, 1990

- ¹J. A wireless telecommunication facility may be constructed on a single parcel of fifty (50) acres or more, which is a lot of record on the effective date of this provision and subject to the requirements of **Section 804-1** of this Resolution. The facility shall be sited on the property in a location that the Board of Zoning Appeals determines is the least intrusive to adjoining properties.
- ²K. Conventional residential subdivisions subject to the provisions of **Subsections C, I, K and Section 412**.

Sec. 403-4 Area and Height Regulations

- A. Minimum Lot Area - All single-family dwellings shall be located on a lot not less than one (1) acre in size when there is governmentally operated and maintained centralized water and sewer system. When governmentally approved central water and sewer is not provided, all single-family dwellings shall be located on a lot not less than two and one-half (2½) acres in size. Existing lots less than required minimum sizes are subject to the provisions of **Section 301-4.K**.
- B. Minimum Lot Width at Minimum Setback Line - Single-family residential dwelling - One hundred fifty feet (150').
- C. Minimum Lot Width at Street Right-Of-Way - Single-family residential dwelling - One hundred feet (100').
- D. Minimum Front Yard Depth - Sixty Feet (60').
- E. Minimum Rear Yard Depth - Fifty feet (50').
- F. Minimum Side Yard Depth - ³Twenty feet (20').
- G. Minimum Living Floor Area Per Family - Single-family residential dwelling - Fourteen hundred square feet (1,400 sq. ft.), provided that for a multi-level dwelling, one thousand (1,000 sq. ft.) square feet on at least one of the levels. Fifteen hundred and fifty square feet (1,550 sq. ft.) shall be required for dwellings not having a basement.
- H. Height Regulations - No building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, except as provided otherwise in **ARTICLE VIII** hereof.
- I. Off-Street Parking - as regulated by **ARTICLE VII** hereof.

¹ Added July 30, 1997

² Amended January 3, 2001

³ June 20, 1984

Sec. 404 **R-4 Residential District**

Sec. 404-1 **Purpose**

¹This district is established to accommodate single-family dwellings and provide for ²attached single-family residential dwellings, two-family and multi-family dwellings as conditionally permitted uses. Maximum density shall be no more than four (4) dwelling units per acre. The purpose of this district is to permit a higher density of population adjacent to the major commercial areas where centralized sanitary sewer and water is provided.

Sec. 404-2 **Permitted Uses**

- A. Detached single-family residential dwellings.
- B. ³Congregate housing.
- C. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building. ⁴(Guest house or accessory living quarters - see **Article II** “Accessory Building or Use.”)
- D. Signs - As regulated by **Article V** hereof.
- ⁵E. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100’) of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

¹ Amended September 24, 1986
² Amended January 5, 2002
³ Renumbered January 5, 2002
⁴ June 20, 1984 - Subsection 103 deleted (Sec. 413-3-B)
⁵ Added July 30, 1997

- F. Residential subdivisions (open space or conventional).
- G. All other uses expressly permitted by law.

Sec. 404-3 ¹Conditionally Permissible Uses

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of **Article VIII**, to the specific requirements of **Section 802** referred to below, and to the provisions of **Article XI**.

- A. ²Attached single-family residential dwellings
- B. Two-family residential dwellings
- C. Multi-family residential dwellings
- D. All uses conditionally permitted by **Section 403-3**, except for conventional residential subdivisions.
- E. Homes for the aged subject to **Subsections B, C, E, G, H, K, Q, and W**.
- F. Community alternative homes subject to **Subsections B, C, E, G, K, Q, and W**.
- G. Adult group homes subject to **Subsections B, C, E, G, K, Q, and W**.
- H. Group Homes subject to **Subsections B, C, E, G, K, Q, and W**.

Sec. 404-4 Area and Height Requirements

A. Minimum Lot Area

- ³1. All single-family attached or detached residential dwellings or two-family dwellings shall be located on a lot not less than ten thousand eight hundred ninety square feet (10,890 sq. ft.) per dwelling unit. Existing lots less than the required minimum size are subject to the provisions of **Section 301-4.K**.
- ⁴2. All multi-family residential dwellings shall be located on a lot not less than ten thousand eight hundred ninety square feet (10,890 sq. ft.) per dwelling unit with a minimum site for development under one ownership of two hundred fifty thousand square feet (250,000 sq. ft.). In establishing the

¹ Gas and Oil Wells as Conditionally Permissible Uses deleted August 1, 1990

² Renumbered January 5, 2002

³ Amended September 24, 1986

⁴ January 3, 1990

allowable number of dwelling units, only that portion of the property suitable for building construction, with respect to topography, streams, wetlands, flood plains, soil conditions, etc., shall be considered.

B. Minimum Lot Width at Setback Line

1. Single-family attached or detached residential dwellings - Sixty feet (60’).
2. Two-family residential dwellings – Eighty feet (80’)
- ¹3. Multi-family residential developments - Two hundred feet (200’).

C. Minimum Lot Width at Street Right-Of-Way

1. Single-family attached or detached residential dwellings - Fifty feet (50’).
2. Two-family residential dwelling – Seventy feet (70’)
- ²3. Multi-family residential developments - Sixty feet (60’).

³D. Minimum Front Yard Depth

1. From an existing public right-of-way - Sixty feet (60’).
2. From a newly proposed public right-of-way within the multi-family development - Forty feet (40’).
3. From a newly proposed private street that provides access to more than eight (8) dwelling units within the project - Sixty-five feet (65’) from the centerline.

E. Minimum Rear Yard Depth - Fifty feet (50’). ⁴When the length of a building along any rear property line, in a multi-family development which is adjacent to a residential zoning district, exceeds fifty feet (50’), the minimum setback shall be increased by one foot (1’) for each foot of wall length in excess of fifty feet (50’) provided that in no case shall the minimum setback be greater than eighty feet (80’).

¹ Amended September 24, 1986

² Amended September 24, 1986

³ January 3, 1990

⁴ Amended September 24, 1986

F. Minimum Side Yard Width

1. Single- or two-family residential dwellings - Ten feet (10'). Attached single-family dwellings may have one or two “zero” lot line side yards.
2. Multi-family residential dwellings - Twenty feet (20').¹ When the length of a building along any side property line in a multi-family development, which is adjacent to a residential zoning district, exceeds thirty feet (30'), the minimum setback shall be increased by one foot (1') for each foot of wall length in excess of thirty feet (30') provided that in no case shall the minimum setback be greater than eighty feet (80').

G. Minimum Living Floor Area Per Family

1. Single-family dwelling - Fourteen hundred square feet (1,400 sq. ft.), provided that for a multi-level dwelling, one thousand square feet (1,000 sq. ft.) on at least one of the levels. Fifteen hundred and fifty square feet (1,550 sq. ft.) shall be required for dwellings not having a basement.
- ²2. Each dwelling unit in a multi-family development shall have a minimum living floor area of fourteen hundred square feet, (1,400 sq. ft.) provided that for a multi-level dwelling there is nine hundred square feet (900 sq. ft.) on at least one (1) of the levels.
3. Minimum living floor area per family shall not include porches, steps, terraces, breezeways, garages, or basements.
4. A residential building shall have a complete foundation, installed to a depth below frostline, and must be at least one (1) story above ground level.

H. Height Regulations - No building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except as provided otherwise by **ARTICLE III** hereof.

I. Parking and Loading Requirements - As regulated by **ARTICLE VII** hereof.

¹ Amended September 24, 1986

² Amended September 24, 1986

¹Sec. 404-5 **Development Standards For Multi-family Developments In an R-4 District**

A. Open Space Requirements

1. A minimum of twenty percent (20%) of the development site shall be devoted to outdoor recreation, open spaces, or preserved in its natural state. This required open space may count toward minimum lot area requirements and permitted density in a multi-family residential development.
 - a. The open space shall be designated on the site plan for the project.
 - ²b. Open space shall be designated and located to be integrally related to the overall design of the development with respect to its location, distribution, size, and shape so as to serve the intended purpose and be beneficial, accessible, and convenient to the maximum number of residents possible.
 - c. The required open space shall not include minimum space between buildings, space between parking and buildings or between parking and property lines, minimum space between property lines and buildings, or any other such land fragments unless, as part of the site plan approval, the Board of Zoning Appeals determines that some of these spaces meet the open space objectives of this Section and thus could be considered as part of the open space requirements.
 - d. The gross floor area of accessory recreational buildings (i.e. outdoor swimming pools, recreational buildings or meeting and community rooms) shall not be considered as meeting the open space requirements of this section.
2. At the time an application is made to the Board of Appeals for Site Plan approval, the applicant shall submit, with the final site plan, a written statement describing the proposed development of the open space. This statement shall include a phasing plan; financial basis for preserving, developing, and maintaining the open space; and, the methods to be employed which assure its continued preservation and maintenance.

The Board of Zoning Appeals shall not approve a Site Plan permit until the Board of Trustees has approved the manner by which the open space will be developed and maintained.

¹ Title and Numbering Amended September 24, 1986

² January 3, 1990

¹B. Garage Requirements

A two- (2) car attached garage shall be provided for each unit. However, through unique design, the required garage if not directly attached to the unit, must be within the building containing the dwelling unit, which the garage serves.

C. Building and Unit Arrangement

In order to further assure a development, which preserves the site's natural amenities and is consistent with the low-density residential environment of the Township, and individual privacy, all multi-family developments shall comply with the following:

- ²1. The distance between exterior walls of any two (2) or more buildings or two (2) or more walls of the same building shall be:
 - a. Fifty feet (50') plus one foot (1') for each foot of wall length overlap in excess of thirty feet (30') between facing walls, when both facing walls contain windows in the unit's primary living areas; or,
 - b. Thirty feet (30') plus one foot (1') for each foot of wall length overlap in excess of thirty feet (30') between facing walls, when neither wall or only one of the facing walls contains windows in the unit's primary living areas; provided that the maximum required spacing shall be seventy five feet (75').
- ³2. A maximum of eight (8) units shall be attached or contained in a single building provided that:
 - a. Not more than four (4) units shall be attached side by side in a row when the units are facing generally the same direction.
 - b. The number of units per building may be limited to four (4) if the Board of Appeals determines that a design with more than four (4) units per building:
 - 1) Is inconsistent with the purpose of this Section;
 - 2) Creates a monotonous row of units;
 - 3) Does not enhance individual unit privacy, or identity; or
 - 4) Is inconsistent with the overall project design.

¹ Added September 24, 1986

² January 3, 1990

³ Renumbered January 3, 1990

- ¹3. The maximum density shall not exceed eight (8) units in any one (1) acre within the development. The overall project density shall not exceed four (4) units per acre. For the purpose of this Section, an acre shall be a square shape with approximately two hundred nine feet (209') per side.
- ²4. The arrangement of units within each building or cluster shall maximize the privacy for each unit by providing screening walls and private yards.
- ³5. If the plan, as submitted, is not consistent with the provisions of the Township Zoning Resolution or the R-4 multi-family regulations, the Board of Zoning Appeals shall disapprove the application.

The Board of Zoning Appeals may suggest plan modifications to the applicant, which if incorporated into the plan, may eliminate the reasons for disapproval. Modifications suggested may include a reduction in the total number of units in the development.

⁴D. Private Street Construction

Any internal private roadway within a multi-family dwelling development which provides access to more than eight (8) dwelling units within the project shall be designed and constructed according to the Summit County Subdivision Regulations in regard to pavement width and roadway construction (**Section 605.5 through 605.52**). In approving an R-4 development, however, the Township Board of Zoning Appeals may waive the requirement that curbs and sidewalks be provided when the Board determines that adequate means for drainage and pedestrian movements are provided in the project.

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¹ Renumbered January 3, 1990

² Renumbered January 3, 1990

³ Renumbered January 3, 1990

⁴ January 3, 1990

⁵ Deleted T-1 Transitional District, Section 405, January 5, 2002

Sec. 406 **B-1 Local Business Districts****Sec. 406-1** **Purpose**

This district is intended to establish and preserve areas for those business facilities, which are especially useful and compatible in close proximity to residential areas. Businesses located in these districts shall be developed, maintained, and operated in such a manner as to minimize any undesirable impact of such uses on the adjacent properties and neighborhoods.

The following regulations shall apply in all “B-1 Local Business Districts,” and all buildings, structures, or premises shall be erected, altered, or used only for one or more of the following permitted or conditionally permissible uses.

Sec. 406-2 **Permitted Uses**

- A. Limited retail businesses which supply merchandise on the premises for persons residing in adjacent residential areas; said merchandise to include groceries, meats, dairy products, baked goods and other food, drugs, drygoods, clothing, notions, gifts, hardware, furniture, and appliances.
- B. Personal service businesses which perform services on the premises; said services to include repair shops for watches, radio, television, shoes, tailor shops, beauty parlors and barbershops, and photographic studios.
- C. Dry cleaning establishments or pick-up stations dealing directly with the customer and not serving more than one retail outlet.
- D. Business offices, which perform services on the premises, including banks without drive-in facilities, loan companies, insurance offices, and real estate offices.
- E. Professional services including the offices of doctors, dentists, osteopaths, architects, engineers, lawyers, and similar professions.
- F. Post office and similar governmental office buildings serving persons living in the adjacent residential area.
- G. Automated teller machine located within the building of an existing use.
- H. Child day care centers.
- ¹I. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section**

¹ Added July 30, 1997

804-1 of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1.C through BB**, except **Section 804-1.D** of this Resolution and as to property owned or controlled by the Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

- ¹J. A wireless telecommunications antenna and related equipment, other than a tower, may be permitted on any conditionally approved site or structure subject to the completion of a conditional zoning permit application, payment of fees or deposits and a review and approval by the Township Appearance Review Commission.

Sec. 406-3 **Conditionally Permissible Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the following uses subject to the general requirements of **ARTICLE VIII** and to the specific requirements of **Section 802** referred to below:

- A. Governmentally owned and/or operated buildings and facilities subject to **Subsection G**.
- B. Churches and other buildings used for the purpose of religious worship subject to **Subsections A, K, N, Q, and X**.
- C. Gasoline service stations where no body and fender and no major rebuilding of engines is done, and subject to **Subsections E, G, and U**.
- D. Banks and other financial institutions having drive-in banking facilities subject to **Subsections E, G, and V**.
- E. Automated teller machine located outside the building of an existing use, subject to **Subsections C, E, and V**.

¹ Added July 30, 1997

- ¹F. Restaurants designed for interior dining room service and not providing for carryout, drive-in, drive-up window, or other fast food services, which are strictly prohibited, subject to **Subsections B, C, E, G, and Y**.
- G. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, Mason's, Grange, or various fraternal or community service groups, subject to **Subsections B, D, E, J, Q, and X**.
- ²H. After required permits relating to waste disposal have been approved, residential dwellings subject to **Subsection I, K, and Q**, and the following additional conditions:
1. Residential dwellings shall be limited to apartments in existing and proposed structures containing businesses permitted or conditionally permitted in B-1 Local Business District only;
 2. The residential use of the structure shall be secondary to the existing or proposed business use in terms of floor area involved, services required, and all other characteristics; the primary purposes and use of the building shall be for business activity and service;
 3. The residential use of any business structure shall be limited to no more than two (2) dwelling units: said dwelling units shall meet the minimum square footage for living area as specified in **Section 404-4.G.2** and other applicable zoning regulations;
 4. No residential occupancy shall occur in spaces located below ground level, i.e. basements, cellars or other spaces in which more than one-half (1/2) of the floor to ceiling height is below ground or in spaces which do not otherwise meet county specifications for habitable or living space;
 5. The residential use of the structure shall not result in the construction of stairways on the exterior of the structure unless designed as a compatible element in the overall character and quality of the structure and surrounding area;
 6. At least two (2) different off-street paved parking spaces of 10x20 feet shall be provided for the use of the residential unit's occupants; said spaces shall be designed and located so that no conflicts in use, access and maintenance shall occur between the residential and business users; residential parking spaces shall be located to the rear or side of the

¹ May 3, 1981

² Section G(1) - G(8) Effective May 3, 1981

structure separated from all property lines by at least five feet (5') and shall be screened by landscaping features;

- 7. A landscaped outside lawn, garden, and/or patio area of at least four hundred square feet (400 sq. ft.) shall be located to the rear or side of the structure, shall be provided for the exclusive use of the residential unit's occupants, shall be conveniently located to the entrance to the residential unit and shall be screened or otherwise visually separated from the users of the business activity and parking areas;
- 8. The Board of Zoning Appeals may impose such other reasonable conditions as are proper upon said residential and business uses regarding traffic flow, access, plat layout, landscaping, parking, shielding from noise and glare, etc., using standards set forth herein for site plan review and appearance review.

- ¹I. Gas and oil wells subject to **Section 803**.
- J. Other uses determined by the Board of Zoning Appeals to be similar to the uses permitted in this District.

Sec. 406-4 Area, Yard and Height Regulations

- A. Minimum Lot Area - There shall be a total lot area of not less than two (2) times the ground area covered by the buildings, structures, parking areas, and driveways thereon.
- B. Minimum Front Yard Depth - Seventy-five feet (75'). In some cases, a front yard landscape strip may be required and shall be regulated in accordance with **Section 702**.
- C. Minimum Side Yard Depth - Twenty-five feet (25'); corner lots shall have the required front yard depth facing all streets.
- D. Minimum Rear Yard Depth - Twenty feet (20').
- E. Side and Rear Yard for Lots Adjacent to a Residential District – Fifty feet (50'); corner lots shall have the required front yard depth facing all streets.
- F. Buffer Strips Required In Side and Rear Yards Adjacent to a Residential District – Refer to **Section 702-3**.

¹ May 3, 1981

- G. Height Regulations - No structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except as provided in **ARTICLE III** hereof.
- H. Parking and Loading Requirements - As regulated by **ARTICLE VII** hereof.

Sec 406-5 Special Regulations

- A. All business activities, services and processes, except off-street parking and loading and gasoline sales, shall be conducted within a completely enclosed building.
- B. ¹In recognition of the local nature of the B-1 Local Business District:
 - 1. ²No individual building in this district shall exceed a building footprint area of 3,000 square feet nor exceed a gross floor area of 6,000 square feet;
 - 2. The distance between exterior walls of any two (2) or more buildings or any above ground part of such building, shall be a minimum of ten (10) feet.

- ³C. Business Use Certificate
 - 1. Any proposed change of occupant in a building in this business district requires a business use certificate from the Township Zoning Inspector in accordance with **Section 901-5**.
 - 2. The new business must be an approved use. If the new business is a conditional use, an appeal to the Board of Zoning Appeals must be made.
 - 3. Any change in signs or any exterior modification to the building for the new occupant requires a sign permit and/or zoning certificate as applicable.

Sec. 406-6 Review and Recommendation by the Appearance Review Commission.

All principal and accessory buildings, structures, landscaping and use areas to be created, moved, altered, remodeled, repaired and otherwise permitted and conditionally permitted in this zoning district shall be submitted to the Appearance Review Commission for review and recommendations, as specified in **ARTICLE XI** hereof.

¹ Amended January 5, 2002
² May 19, 2003
³ April 25, 1986

Sec. 407 **B-2 Community Business District**

Sec. 407-1 **Purpose**

The purpose of this district is to establish and preserve general commercial areas consisting of shopping centers and other business concentrations serving the general consumer population of the community and area. These business areas are to be generally characterized by an integrated and planned cluster of businesses served by common parking, service and access facilities.

The following regulations shall apply in all B-2 Community Business Districts, and all buildings, structures, or premises shall be erected, altered, or used only for one or more of the following permitted or conditionally permissible uses.

Sec. 407-2 **Permitted Uses**

- A. All uses permitted under **Section 406-2** of the B-1 Local Business District.
- B. Any retail business whose primary activity is the sale of merchandise in an enclosed building.
- C. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or radio, television, or home appliance repair.
- D. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
- E. Bowling alley, billiard hall, indoor archery, handball, tennis, and skating facilities, and similar forms of indoor commercial or membership recreation.
- F. Hotels and motels including accessory recreation facilities.
- G. Signs - As regulated by **ARTICLE V** hereof.

Sec. 407-3 **Conditionally Permissible Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the following uses subject to the general requirements of **Article VIII** and to the specific requirements of **Section 802** referred to below:

- A. Governmentally owned and/or operated buildings and facilities subject to **Subsection G**.

- B. Churches and other buildings used for the purpose of religious worship subject to **Subsections A, K, N, Q, and X.**
- C. Gasoline service stations where no body and fender and no major rebuilding of engines is done, and subject to **Subsections E, G, and U.**
- D. Banks and other financial institutions having drive-in banking facilities subject to **Subsections E, G, and V.**
- E. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the YMCA, YWCA, Boy Scouts, Mason's, or various fraternal or community service groups, subject to **Subsections B, D, E, J, Q, and X.**
- F. Retail sales of plant materials and garden and lawn supplies and equipment subject to **Subsections E, K, and Q.**
- G. Swimming pools, tennis courts, and other similar outdoor commercial recreational uses subject to **Subsections A, B, C, D, E, I, K, Q, and X.**
- H. Automated teller machine located outside the building of an existing use subject to **Subsections C, E, and V.**
- ¹I. Gas and oil wells subject to **Section 803.**
- ²J. Restaurants designed for interior dining room service and not for drive-in restaurants and restaurants providing for carry-out, drive-in, drive-up, or other fast food services, which are strictly prohibited, subject to **Subsection B, C, E, G, and Y.**
- ³K. Sexually oriented businesses - as defined in **Article II** and subject to the limitation specified herein and subject to **Section 802. B, D, E, and X.**
- L. Sexually oriented business uses
 - 1. A sexually oriented business as defined in this Resolution may be located only in accordance with the following restrictions:
 - a. Such business shall only be located in a B-2 zoning district within Bath Township.

¹ May 3, 1981

² Moved from Permitted Uses to Conditionally Permitted Uses - June 16, 1993

³ Section K added, effective April 9, 1997

- b. No such business shall be located on any parcel within five hundred feet (500') of any residentially zoned district within Bath Township.
 - c. No such business shall be located on any parcel within one thousand feet (1,000') of any public library, private or public elementary or secondary school, public park, or church.
 - d. No such business shall be located on any parcel within one thousand feet (1,000') of another sexually oriented business.
- 2. For the purposes of **Section L.1**, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
 - 3. For the purposes of **Section L.1**, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - 4. No person shall establish, or operate, or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
 - 5. Once approved and established a sexually oriented business will not be made non-conforming as a result of the establishment of an activity set out in **Section L.1(C)** above within the buffer zone.
- M. Other uses determined by the Board of Zoning Appeals to be similar to the uses permitted in this District.
 - ¹N. Wireless telecommunication facilities as provided for in **Section 804**.

¹ Added July 30, 1997

Sec. 407-4 Area, Yard and Height Regulations

- A. Minimum Lot Area - There shall be a total lot area of not less than two (2) times the ground area covered by the buildings, structures, parking areas, and driveways thereon.
- B. Minimum Front Yard Depth - Seventy-five feet (75'). In some cases, a front yard landscape strip may be required and shall be regulated in accordance with **Section 702**.
- C. Minimum Side Yard Depth - Side yards not adjacent to a residential district ¹shall be twenty-five feet (25').
- D. Minimum Rear Yard Depth – Rear yards not adjacent to a residential district shall be twenty feet (20').
- E. Side and Rear Yard for Lots Adjacent to a Residential District – Seventy-five feet (75') when adjacent to a residential district and on the side adjacent to the residential district only. Corner lots shall have the required front yard depth facing all streets.
- F. Buffer Strips Required In Side and Rear Yards Adjacent to a Residential District – Refer to **Section 702-3**.
- G. Height Regulations - No structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except as provided in **ARTICLE III** hereof.
- H. Parking and Loading Requirements - As regulated by **ARTICLE VII** hereof.

Sec. 407-5 Special Regulations

- A. More than one (1) principal building and/or use shall be permitted either on a lot(s) or part(s) thereof, either alone or in conjunction with any adjoining lot(s) or part(s) thereof under common ownership if said lot(s) or part(s) thereof are of sufficient size that all buildings and/or uses fully conform to use, area, height, and parking and other regulations as set forth in **Sections 407-2, 3, and 4** of this Resolution.

¹ August 1, 1990

¹B. Business Use Certificates.

1. Any proposed change of occupant in a building in this business district requires a business use certificate from the Township Zoning Inspector in accordance with **Section 901-5**.
2. The new business must be an approved use. If the new business is a conditional use, an appeal to the Zoning Board of Appeals must be made.
3. Any change in signs or any exterior modification to the building for the new occupant requires a sign permit and/or zoning certificate as applicable.

Sec. 407-6

²Outdoor Storage And Display

- A. Seasonal outdoor retail sales of live plants, flowers, and landscaping materials may be permitted as an accessory use to a permitted main use. A completed application form and an application fee of one hundred dollars (\$100.00) shall accompany a detailed site plan. The Zoning Inspector shall issue a temporary zoning permit after approval of the site plan and application form. The site plan shall define the area which will occupy the area to be used for temporary sales and shall be designed to provide adequate passage for pedestrians, the handicapped, bicycles, onlookers, and passersby and there will be no blocking of ingress and egress, passageways, fire lanes, driveways or parking spaces.
1. There shall be no bulk storage permitted except in packaged form.
 2. All materials shall not exceed ten feet (10') in height.
 3. The total area shall not be greater than 15% of the main use floor area and building setbacks shall be maintained.
 4. The site is to remain free of litter and debris and shall be restored to its original condition upon expiration of the permit.
 5. The temporary permit is limited to a total of 180 days. No such seasonal permits shall be issued to any one applicant or to the same premises so that the total days for such permit would exceed 180 days in any calendar year.
 6. Any violation of the temporary zoning permit shall be deemed a zoning violation and shall be required to cease and desist with the possibility of penalties, see Section 902-1.

¹ April 25, 1986

² Amended January 5, 2002

Sec. 407-7 Review and Recommendation by the Appearance Review Commission

All principal and accessory buildings, structures, landscaping and use areas to be created, moved, altered, remodeled, repaired and otherwise permitted and conditionally permitted in this zoning district shall be submitted to the Appearance Review Commission for review and recommendations, as specified in **ARTICLE XI** hereof.

Sec. 408 **B-3 Office-Research And Limited Business District****Sec. 408-1** **Purpose**

This district is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, offices, institutions, office-like research and sales facilities, and other similar or limited commercial activities. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.

The following regulations shall apply in all B-3 Office-Research and Limited Business Districts, and all buildings, structures or premises shall be erected, altered, or used only for one or more of the following permitted or conditionally permissible uses.

Sec. 408-2 **Permitted Uses**

- A. Administrative, executive, financial, insurance, real estate, accounting, legal, clerical, design, engineering and architectural offices.
- B. Experimental, research, and testing laboratories provided that no physical effect of the work or processes can be detected beyond the confines of the building in which the activity is located and that the exterior of the building is office-like in physical appearance and service requirements.
- C. Sales offices provided that the display area or showrooms do not exceed twenty percent (20%) of the usable floor area of the building.
- D. Medical and dental offices.
- E. Automated teller machine located within the building of an existing use.
- F. Child day care centers.
- G. Signs - As regulated by **ARTICLE V** hereof.
- ¹H. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the

¹ Added July 30, 1997

Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

- ¹I. A wireless telecommunications antenna and related equipment, other than a tower, may be permitted on any conditionally approved site or structure subject to the completion of a conditional zoning permit application, payment of fees or deposits and a review and approval by the Township Appearance Review Commission.

Sec. 408-3 Conditionally Permissible Uses

The Board of Zoning Appeals may issue conditional zoning certificates for the following uses subject to the general requirements of **Article VIII** and to the specific requirements of **Section 802** referred to below:

- A. Institutions for human medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes for the aged, and philanthropic institutions subject to **Subsection A, B, C, E, G, I, Q, and X**.
- B. Hotels and motels subject to **Subsections C, E, G, and X**.
- ²C. Restaurants subject to **Subsections C, E, G, and X** except for drive-in restaurants and restaurants providing for carry-out, drive-in, drive-up, or other fast food services which are strictly prohibited.
- D. Automated teller machine located outside the building of an existing use, subject to **Subsection C, E, and V**.
- ³E. Gas and oil wells subject to **Section 803**.
- F. Other uses determined by the Board of Zoning Appeals to be similar to the uses permitted in this District.
- ⁴G. Wireless telecommunication facilities as provided for in **Section 804**.

¹ Added July 30, 1997

² May 3, 1981

³ May 3, 1981

⁴ Added July 30, 1997

Sec. 408-4 Area, Yard and Height Regulations

- A. Minimum Lot Area - There shall be a total lot area of not less than two (2) times the ground area covered by the buildings, structures, parking areas, and driveways thereon.
- B. Minimum Front Yard Depth - Seventy-five feet (75'). In some cases, a front yard landscape strip may be required and shall be regulated in accordance with **Section 702**.
- C. Minimum Side Yard Width - Fifty feet (50'). Corner and other multi-frontage lots shall have the required front yard depth facing all streets.
- D. Minimum Rear Yard Depth - Fifty feet (50').
- E. Side and Rear Yard for Lots Adjacent to a Residential District – Fifty feet (50'); corner lots shall have the required front yard depth facing all streets.
- F. Buffer Strips Required In Side and Rear Yards Adjacent to a Residential District – Refer to **Section 702-3**.
- ¹G. Height Regulations - No structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except as provided in **Article III** hereof.
- H. Parking and Loading Requirements - As regulated by **Article VII** hereof.

Sec. 408-5 Special Regulations

- A. More than one (1) principal building and/or use shall be permitted either on a lot(s) or part(s) thereof, either alone or in conjunction with any adjoining lot(s) or part(s) thereof under common ownership if said lot(s) or part(s) thereof are of sufficient size that all buildings and/or uses fully conform to use, area, height, and parking and other regulations as set forth in **Sections 408-2, 408-3, and 408-4** of this Resolution.
- B. All business activities, services, and processes, except off-street parking and loading shall be conducted within a completely enclosed building.

¹ May 3, 1981

¹C. Business Use Certificates

1. Any proposed change of occupant in a building in this business district requires a business use certificate from the Township Zoning Inspector in accordance with **Section 901-5**.
2. The new business must be an approved use. If the new business is a conditional use, an appeal to the Zoning Board of Appeals must be made.
3. Any change in signs or any exterior modification to the building for the new occupant requires a sign permit and/or zoning certificate as applicable.

Sec. 408-6 Review and Recommendation by the Appearance Review Commission

All principal and accessory buildings, structures, landscaping and use areas to be created, moved, altered, remodeled, repaired and otherwise permitted and conditionally permitted in this zoning district shall be submitted to the Appearance Review Commission for review and recommendations, as specified in **ARTICLE XI** hereof.

¹ April 25, 1986

Sec. 409 **B-4 Restricted Business District**

Sec. 409-1 **Purpose**

The purpose of this district is to provide for office and institutional uses in locations adjacent to retail areas and in areas easily accessible to the major arterial system of roads. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.

The following regulations shall apply in all B-4 Restricted Business Districts, and all buildings, structures, or premises shall be erected, altered, or used only for one or more of the following permitted or conditionally permissible uses.

Sec. 409-2 **Permitted Uses**

- A. Medical and dental offices and clinics for human medical care on an outpatient basis.
- B. Administrative, insurance, real estate, financial, accounting, legal, clerical, design, drafting, and business offices.
- C. Churches and other buildings used for the purpose of religious worship.
- D. Governmentally owned and/or operated buildings and facilities.
- E. Meeting facilities for fraternal organizations and community service groups.
- F. Child day care centers.
- G. Signs - As Regulated by **Article V** hereof.
- ¹H. Drive-in or drive-through facilities such as, but not limited to, drive-up tellers, and drive-up automated teller machines shall not be permitted, conditionally permitted or accessory use.
- ²I. A wireless telecommunication facility is permitted on any property owned or controlled by an institution of public education under the requirements of **Section 804-1** of this Resolution, or property owned or controlled by a federal, state, or local government agency upon application for a Zoning Certificate and in compliance with the standards set forth in **Section 804-1-C through BB**, except **Section 804-1-D** of this Resolution and as to property owned or controlled by the

¹ September 28, 1988

² Added July 30, 1997

Township, under such terms, conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees.

A wireless telecommunication facility may be constructed on an electric high tension power line easement, provided the facility is located within one hundred feet (100') of an interstate highway right-of-way, upon application for a Zoning Certificate and compliance with the standards set forth in **Section 804-1** of this Resolution. **Subsections 804-1 A, B, D, G, and S** shall not apply to such facilities.

- ¹J. A wireless telecommunications antenna and related equipment, other than a tower, may be permitted on any conditionally approved site or structure subject to the completion of a conditional zoning permit application, payment of fees or deposits and a review and approval by the Township Appearance Review Commission.

Sec. 409-3 Conditionally Permissible Uses

The Board of Zoning Appeals may issue conditional zoning certificates for the following uses subject to the general requirements of **Article VIII** and to the specific requirements of **Section 802** referred to below:

- A. Convalescent homes.
- B. Homes for the aged subject to **Subsections B, C, E, G, H, K, Q, and W**.
- ²C. Gas and oil wells subject to **Section 803**.
- ³D. Funeral homes for the preparation of bodies for interment and funeral services subject to **Subsections A, B, C, E, G, I, K, and Q**.
- ⁴E. Wireless telecommunication facilities as provided for in **Section 804**.

Sec. 409-4 Area, Yard and Height Regulations

- A. Minimum Lot Area - There shall be a total lot area of not less than two (2) times the ground area covered by the buildings, structures, parking areas, and driveways thereon.
- B. Minimum Front Yard Depth - Seventy-five feet (75'). In some cases, a front yard landscape strip may be required and shall be regulated in accordance with **Section 702**.

¹ Added July 30, 1997

² May 3, 1981

³ January 15, 1992

⁴ Added July 30, 1997

- C. Minimum Side Yard Width - Fifty feet (50'). Corner and other multi-frontage lots shall have the required front yard depth facing all streets.
- D. Minimum Rear Yard Depth - Fifty feet (50').
- E. Side and Rear Yard for Lots Adjacent to a Residential District – Fifty feet (50'); corner lots shall have the required front yard depth facing all streets.
- F. Buffer Strips Required In Side and Rear Yards Adjacent to a Residential District – Refer to **Section 702-3**.
- ¹G. Height Regulations - No structure shall exceed thirty-five feet (35') in height except as provided in **Article III** hereof.
- H. Parking and Loading Requirements - As required by **Article VII** hereof.

Sec. 409-5 **Special Regulations**

- A. More than one (1) principal building and/or use shall be permitted either on a lot(s) or part(s) thereof, either alone or in conjunction with any adjoining lot(s) or part(s) thereof under common ownership if said lot(s) or part(s) thereof are of sufficient size that all buildings and/or uses fully conform to use, area, height, and parking and other regulations as set forth in **Sections 409-2, 409-3-, and 409-4** of this Resolution.
- ²B. All business activities, services, and processes, except off-street parking and loading shall be conducted within a completely enclosed building.
- ³C. Business Use Certificates
 - 1. Any proposed change of occupant in a building in this business district requires a business use certificate from the Township Zoning Inspector in accordance with **Section 901-5**.
 - 2. The new business must be an approved use. If the new business is a conditional use, an appeal to the Zoning Board of Appeals must be made.
 - 3. Any change in signs or any exterior modification to the building for the new occupant requires a sign permit and/or zoning certificate as applicable.

¹ May 3, 1981
² May 3, 1981
³ April 25, 1986

Sec. 409-6 Review and Recommendation by the Appearance Review Commission

All principal and accessory buildings, structures, landscaping and use areas to be created, moved, altered, remodeled, repaired and otherwise permitted and conditionally permitted in this zoning district shall be submitted to the Appearance Review Commission for review and recommendations, as specified in **Article XI** hereof.

Sec. 410 **Cleveland-Massillon Road Corridor Design Review Overlay District****Sec. 410-1** **Purpose**

To implement specific elements of the Bath Township Comprehensive Plan and to encourage and promote orderly, healthy, and safe development and redevelopment within the Cleveland-Massillon Road Corridor, an Overlay Zoning District is created. This Overlay Zoning District is intended to impose higher development standards to protect and enhance the historical and architectural qualities of the three identified historic districts within the Cleveland-Massillon Corridor; the Ghent Village Historic District, the Four Corners Historic District, and the Hammonds Corners Historic District. Within this Overlay Zone, additional specific exterior building design and other exterior development standards shall be imposed through overlay zoning. The overlay zone will impose these additional restrictions while maintaining the requirements of the existing underlying zoning.^{1,2} The overlay district shall extend four hundred feet (400') to either side of the centerline of Cleveland-Massillon Road between Everett Road and the southern most point of Wye Road, and shall extend four hundred feet (400') to either side of the centerline of Ghent Road between the intersection of Cleveland-Massillon Road and Ghent Road, and the intersection of Ghent Road and I-77 and all improvements within this overlay district shall be subject to the Cleveland-Massillon Corridor Design Guidelines.

Sec. 410-2 **Permitted Uses**

Permitted uses shall be those of the underlying zoning district(s).

Sec. 410-3 **Conditionally Permissible Uses**

Conditionally permitted uses shall be those of the underlying zoning district(s).

Sec. 410-4 **Review and Recommendation by the Appearance Review Commission**

All applications for a zoning permit within the Cleveland-Massillon Road Corridor Design Review Overlay District shall be reviewed by the Appearance Review Commission within thirty (30) days from receipt of application. In addition, where improvements to land or buildings do not require a zoning permit, plans for such improvements should be submitted to the Appearance Review Commission for review and recommendations. Such recommendations shall be provided the property owner as specified in **Article XI**.

¹ Amended January 5, 2002

² May 10, 2004

Sec. 410-5 General Development Standards

All development standards applicable to the underlying zoning district(s) along with those development standards imposed in this Section shall apply to property within the Cleveland-Massillon Road Corridor Design Review Overlay District.

Sec. 410-6 Standards and Guidelines

The design review standards and guidelines shall promote the redevelopment of historic structures and encourage compatible new development within the overlay district. These design review standards and guidelines shall not limit new construction to any one historical period or architectural style, but shall seek to preserve the integrity of existing historic, architectural, cultural, and archaeological buildings, sites, places, and settings.

In reviewing proposed site plans and/or conditional uses, The Appearance Review Commission shall utilize the review criteria and standards contained in the Bath Township Design Guidelines.

Sec. 411 Riparian Corridor Overlay District**Sec. 411-1 Purpose**

It is hereby determined that the system of rivers, streams, and other natural watercourses contributes to the health, safety, and morals of the residents of Bath Township. The specific purpose and intent of the Riparian Corridor Overlay District is to implement provisions of the Bath Township Comprehensive Plan and is based on subsequent analysis of point and non-point pollution and ecological studies of riparian systems in Bath Township as contained in the Bath Township Natural Resources Protection Study. More specific purposes of this Riparian Corridor Overlay District are to regulate land use and construction within riparian areas to:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
2. Stabilize the banks of watercourses to reduce bank erosion and then downstream transport of sediments eroded from watercourse banks.
3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
4. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
5. Benefit the Township economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures and reduce property damage and treats to the safety of watershed residents, and by preserving the character and property values of the Township.

It is the policy of Bath Township to encourage the establishment of naturally vegetated riparian setbacks along watercourses. Property owners who own land beside watercourses are encouraged to assume responsibility for helping to maintain water quality and the environmental health of riparian systems within Bath Township. Riparian setback requirements defined ¹herein represent only minimal protection to water quality and property owners are encouraged to do more to protect the ecological health of waterways. ²Guidance regarding characteristics of riparian setbacks can be found in the Bath Township Design Review Guidelines.

As an overlay zone, this zoning district imposes additional development standards for new construction beyond those of the underlying zoning district.

¹ May 19, 2003

² May 19, 2003

Sec. 411-2 Permitted/Conditionally Permitted/Prohibited Uses

Permitted and conditionally permitted uses include all permitted and conditionally permitted uses defined in the underlying zoning district(s). However, regardless of these permitted or conditionally permitted uses in the underlying zoning district(s) the following uses are expressly prohibited:

- A. Asphalt plants.
- B. Dry cleaners.
- C. Gasoline service stations.
- D. Car washes.
- E. Junk yards.
- F. Landfills or transfer stations.
- G. Recycling facilities.
- H. Petroleum storage, sales and distribution.
- I. Quarries and borrow pits.
- J. Sand and gravel extraction.
- K. Road maintenance facilities.
- L. Road salt storage.
- M. Underground storage tanks.

¹Sec. 411-3 Area Yard and Height Regulations

In addition to all area, yard and height regulations established in the underlying zoning district, the following development standards shall apply within the Riparian Corridor Overlay District and to all streams in Bath Township that meet the criteria per **Section 411-3-A-1**:

A. Riparian Setback:

Riparian setbacks are established as follows:

1. Streams are those which meet the definition of “stream” and appear on at least one of the following maps: USGS topographical map, Summit County Riparian Setback map, or soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS

2. Widths of buffers are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:
 - a. A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
 - b. A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
 - c. A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
 - d. A minimum of 50 feet on each side of all streams draining an area greater than 0.05square mile (32 acres) and up to 0.5 square mile (320 acres).
 - e. A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).

3. The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.

4. The following shall apply to the riparian setback:
 - a. Where the 100-year floodplain is wider than the riparian setback on either or both sides of the stream, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-

¹ May 19, 2003

year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

- b. Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the riparian setback formulae for width determination:

Average Percent Slope	Width of Setback
$\geq 15\%$ and $\leq 20\%$	Add 25 feet
$> 20\%$ and $\leq 25\%$	Add 50 feet
$> 25\%$	Add 100 feet

- c. Where wetlands protected under federal or state law are identified within the riparian setback, the riparian setback shall consist of the full extent of the wetlands plus the following additional setback widths:
 - 1) A 50 foot setback extending beyond the outer boundary of a Category 3 wetlands
 - 2) A 30 foot setback extending beyond the outer boundary of a Category 2 wetlands
 - 3) No additional setback will be required adjacent to Category 1 wetlands
- d. Wetlands shall be delineated by a qualified professional under guidelines established by the US Army Corps of Engineers and Ohio Environmental Protection Agency and the site delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.
- e. The applicant shall be responsible for delineating the riparian setback and identifying this setback on all subdivisions, site plans, and/or zoning permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation may be subject to review and approval by the Summit Soil and Water Conservation District (Summit SWCD). As the result of this review, the Summit SWCD may require further studies from the applicant.
- f. Prior to any soil disturbing activity, the riparian setback shall be clearly delineated with construction fencing or other suitable

material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

- g. No approvals or permits shall be issued by Bath Township prior to the determination of the riparian setback in conformance with this resolution.
- h. Upon completion of an approved subdivision, the riparian setback shall be permanently recorded on the plat records for the County of Summit.

B. Standards and Regulations:

All areas located within the riparian setback are subject to the following standards and regulations. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian setback shall be preserved in its natural state.

- 1. Within the riparian setback, the following uses and activities are permitted:
 - a. Construction of multiple use recreation trails, provided such trails are located at least twenty feet (20') from the ordinary high water mark of the watercourse and provided they are not constructed of impervious materials.
 - b. The removal of individual trees that are in danger of falling and causing damage to structures or causing blockage to the stream flow. Additionally, timber cutting is permitted when accomplished under the advice and guidance of an appropriate government agency and necessary to preserve the forest from pest infestation, disease infestation or fire threat.
 - c. One stream crossing may be constructed on each ¹tax parcel. The angle of any crossing shall be perpendicular to the stream and structures should be designed to allow fish passage.
 - d. ²Stream crossings for subdivisions, open space subdivisions or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards

¹ Amended January 5, 2002

² Amended January 5, 2002

and as approved by the Summit County Planning Commission and Bath Township. If more than two crossings per 1,000 linear feet of stream center are required for these areas, the applicant must apply for a variance. All roadway crossings shall minimize disturbance to the riparian setback and shall mitigate and remediate any necessary disturbances.

- e. Revegetation and/or reforestation of the riparian setback shall be allowed. Information pertaining to species of shrubs and vines recommended for stabilizing flood prone areas along streams may be obtained from the Summit SWCD.
 - f. Best Management Practices for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan by the Summit SWCD.
2. Within the riparian setback, the following uses and activities are prohibited:
- a. ¹Construction of principal or accessory structures and changing of topography, including grading, excavating, and filling, except when constructing an approved stream crossing.
 - b. The creation of new impervious surfaces, unless within a public right-of-way or approved private street constructed as part of a major residential subdivision.
 - c. There shall be no drilling for petroleum or mineral products, mining activity, altering, dumping, filling or removal of riverine materials or dredging (except as may be necessary as part of a stream restoration project or other similar activity carried out by a government agency or authorized organization).
 - d. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and

¹ Amended January 5, 2002

maintenance of landscaping or lawns existing at the time of passage of these regulations.

C. Exceptions:

In accordance with **Article X**, the Board of Zoning Appeals may authorize a variance from the above development standards. Such a variance may include a reduction in the width of the riparian setback, or a modification of the requirements listed above. As a condition for requesting a variance from these regulations, evidence shall be provided that the site and any construction to be done thereon has been reviewed by the Summit Soil and Water Conservation District. The Zoning Inspector shall submit site plans to the Summit Soil and Water Conservation District for their review. Such a variance may be found to be appropriate when it can be shown that strict application of these standards will result in the loss of a reasonable use of a property. Conditions on such variances may include other reasonable and necessary measures to adequately protect the riparian environment, such as erosion control measures and new plantings of native vegetation.

¹Sec. 412 Steep Slope Regulations**Sec. 412-1 Purpose**

Bath Township has steep topography, a scenic feature that increases the potential for erosion hazards. Protection of naturally vegetated slopes from erosion is also critical to protection of water quality and the riparian areas. If erosion is not controlled, property will also be threatened with loss of structures. The Bath Township Comprehensive Plan (1998) and the Bath Natural Resource Protection Study (1999) recommended that development on steep slopes should be addressed.

Sec. 412-2 Permitted Uses

Permitted uses shall be those of the applicable zoning district(s).

Sec. 412-3 Conditionally Permissible Uses

Conditionally permitted uses shall be those of the applicable zoning district(s).

Sec. 412-4 Conditions For Building On Steep Slopes

- A. ²Activity on steep slopes requires a conditional use permit to preserve the integrity of natural drainage systems, to maintain soil stability, to avoid property damage from erosion and to protect the health and safety of residents. Additional development standards and review procedures apply to construction and development activity on steep slopes. Specifically, any cutting, filling, grading, or other construction activities otherwise allowed by this Resolution, that would be constructed or located in any area of a site where in that area the greatest amount of slope over any one hundred foot (100') horizontal distance is greater than eighteen percent (18%) is classified as a conditional use in accordance with the requirements of Article VIII. Prior to granting formal zoning approval, existing natural topography shall not be altered through earthwork or any kind, including but not limited to cutting and/or filling.
- B. ³All subdivisions shall not establish or otherwise create new residential lots where the greatest amount of slope over any one hundred foot (100') horizontal distance (exclusive of any portion of a lot that is within any required front, side or rear yard setback) is greater than thirty percent 30% as shown in Illustration A. Existing natural topography may not undergo earthwork or any type of cutting and filling to alter topographical site conditions prior to granting formal zoning approval.

¹ Added January 3, 2001

² Amended January 5, 2002

³ May 19, 2003

Illustration A

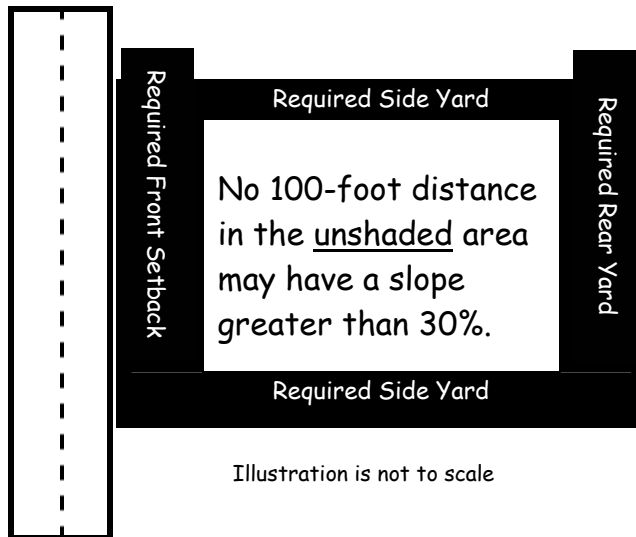


Illustration is not to scale

- C. Open space residential subdivisions and conventional residential subdivisions shall demonstrate sensitivity to natural systems and ecological features of the site as described in the Bath Township Natural Resource Protection Study. To the greatest extent possible, new roadways shall follow natural contours and care should be taken to include areas of highest environmental significance as part of the non-building areas of each lot and/or subdivision.
- D. Evidence that structural issues related to development on steep slopes have been addressed by the applicant shall be provided. This evidence ¹may include presenting foundation plans approved and stamped by a Professional Engineer (P.E.).
- E. Finished grades in disturbed areas shall not exceed a three to one slope and construction of retaining walls shall be avoided. Only when demonstrated to be absolutely necessary, retaining wall may be used, but shall be constructed as a decorative landscape element with vegetated plantings that soften edges and create visual interest.
- F. Evidence that adequate measures will be taken to prevent erosion and sedimentation during and after construction shall be provided by the applicant. In areas with very steep slopes, or for areas very close to a waterway, the Board of Zoning Appeals may require the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for any type of construction in accordance with requirements in Section 301-5.

¹ May 19, 2003

- G. Evidence that ecological issues are addressed shall be provided by the applicant. For areas that are shown as having a high ecological value according to the Bath Township Natural Resource Protection Study, the Board of Zoning Appeals may require the applicant to present plans for vegetation preservation and tree planting/replanting and documentation from environmental scientists that the proposed development will not substantially harm downstream water quality, habitats of state or federally protected species or impact other ecological considerations. Such documentation should also address long-term impacts and cumulative effects of development.

- H. ¹As a condition for building on steep slopes, evidence shall be provided that the site and any construction to be done thereon has been reviewed by the Summit Soil and Water Conservation District. The Zoning Inspector shall submit site plans to the Summit Soil and Water Conservation District for their review.

¹ May 19, 2003