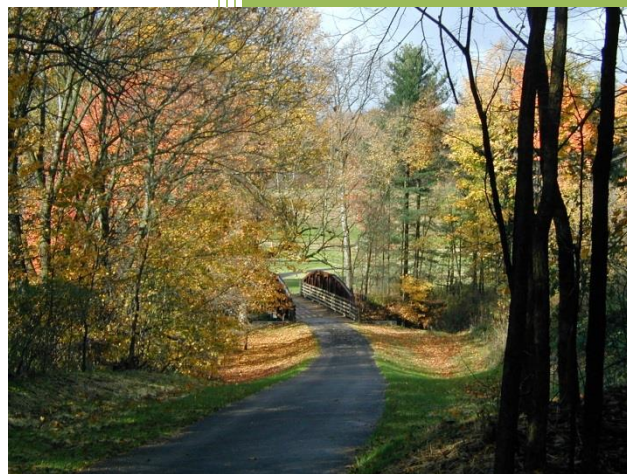




Bath Township Zoning Resolution



Amendment Effective Date
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Latest Amendment
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Article 1: General Provisions

Sec. 101 PURPOSE

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

Sec. 102 TITLE

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

Sec. 103 RELATIONSHIP TO THE COMPREHENSIVE PLAN

Sec. 103-A This zoning resolution was prepared in accordance with the Bath Township Comprehensive Plan.

Sec. 103-B The administration, enforcement, and future amendment of this resolution should be in accordance with the recommendations and policies of the Bath Township Comprehensive Plan. Amendments to this resolution should maintain and enhance the consistency between this resolution and the comprehensive plan.

Sec. 104 AUTHORITY

Sec. 104-A General Authority

This resolution establishes the township’s zoning regulatory authority as authorized by the ORC.

Sec. 104-B References to the Ohio Revised Code or the Ohio Administrative Code

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or cites a section of the Ohio Revised Code or the Ohio Administrative Code (OAC), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Sec. 105 JURISDICTION

Sec. 105-A General Jurisdiction

The provisions of this resolution shall apply to all land, land development, use of all structures, architectural design, landscaping, signage, and uses of land within the unincorporated areas of Bath Township, Summit County, Ohio as allowed by the ORC.

Sec. 105-B Zoning of Annexed Lands

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

Sec. 106 INTERPRETATION AND CONFLICTS

- Sec. 106-A** For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare as allowable by law.
- Sec. 106-B** When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.
- Sec. 106-C** Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it does not conflict with the ORC and federal law.

Sec. 107 RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS

- Sec. 107-A** This zoning resolution is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.
- Sec. 107-B** In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

Sec. 108 COMPLIANCE REQUIRED

- Sec. 108-A** Except as hereinafter specified, no building or structure shall be located, constructed, erected, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution or in a manner that does not comply with all of the regulations established by this resolution for the applicable zoning district and development.
- Sec. 108-B** It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate or business use certificate is issued by the Zoning Inspector in accordance with [this resolution](#). Such certificate shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this zoning resolution.
- Sec. 108-C** Existing uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of [Article 14: Nonconformities](#).

Sec. 109 SEVERABILITY

- Sec. 109-A** If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.
- Sec. 109-B** If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- Sec. 109-C** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

Sec. 110 TRANSITIONAL RULES

Sec. 110-A Effective Date

- (1) This resolution became effective on May 6, 1952.
- (2) Any amendments to this zoning resolution shall be in full force and effect as provided in the ORC.

Sec. 110-B Violations Continue

Any violation of this zoning resolution that applied to a use, structure, property, development, construction, or other activity, prior to the adoption or amendment of this zoning resolution, shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under [Article 15: Enforcement and Penalties](#), unless the use, structure, property, development, construction, or other activity complies with the provisions of this zoning resolution.

Sec. 110-C Nonconformities Continue

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

Sec. 110-D Approved Projects

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

Sec. 110-E Vested Rights

The transitional rule provisions of [Sec. 110-A](#) through [Sec. 110-D](#) of this resolution are subject to Ohio's vested rights laws.

Sec. 111 RESTORATION OF UNSAFE BUILDINGS

Except as provided in [Article 14: Nonconformities](#), nothing contained in this resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this resolution provided that foundations have been put in place before said effective date of this resolution and provided further that such building shall be completed within two years from the date of passage of this resolution.

Sec. 112 REPEAL

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

Sec. 113 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES

- Sec. 113-A** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- Sec. 113-B** In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- Sec. 113-C** A table shall be considered text for the purposes of this resolution unless specifically identified as a figure.

Sec. 114 BURDEN OF PROOF

- Sec. 114-A** The burden of demonstrating that an application, development, or use of land or structures subject to this resolution complies with applicable review and approval standards is on the applicant.
- Sec. 114-B** Such burden of proof shall also apply to demonstrating that a nonconformity was established legally under a previous amendment of this resolution.
- Sec. 114-C** The burden is not on the township or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this resolution.

Article 2: Decision-Making Roles and Authority

Sec. 201 PURPOSE

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

Sec. 202 ILLUSTRATION OF REVIEW AND DECISION MAKING-BODIES

Sec. 202-A [Figure 202-A](#) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this article. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

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

		H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED)		R = REVIEW AND/OR RECOMMENDATION D = DECISION (RESPONSIBLE FOR FINAL DECISION)		
PROCEDURE	SECTION	BOARD OF TRUSTEES	ZONING COMMISSION	APPEARANCE REVIEW COMMISSION (ARC)	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Certificate	Sec. 304					R-D
Business Use Certificate	Sec. 305					R-D
Sign Permit	Sec. 306			M-R		R-D
Site Plan Review	Sec. 307			M-D		R
Zoning Text or Map Amendment	Sec. 308	H-D	H-R			R
Conditional Use	Sec. 309				H-D	R
Variance	Sec. 309				H-D	R
Appeals	Sec. 310				H-D	R [1]

NOTES:

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

Figure 202-A: The above is an illustration of the roles of the Zoning Inspector and township boards and commissions in the review and decisions on all review procedures subject to this zoning resolution.

Sec. 203 BOARD OF TRUSTEES

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

- Sec. 203-A** Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- Sec. 203-B** Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map; and
- Sec. 203-C** Perform all other duties as specified in the ORC and as specified in this zoning resolution.

Sec. 204 ZONING COMMISSION

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

Sec. 204-A Appointment and Organization

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

Sec. 204-B Alternates

- (1) The Board of Trustees may appoint two alternate members to the Zoning Commission for a term of two years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5) When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission. Alternate members have to be appointed to replace a full member upon a vacancy.

Sec. 204-C Roles and Powers

- (1) The Zoning Commission shall have the authority to initiate proposed amendments to the text of this zoning resolution and/or the official zoning map.
- (2) The Zoning Commission shall have the authority to review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees.

- (3) The Zoning Commission shall perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

Sec. 204-D Organization and Bylaws

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

Sec. 204-E Meetings

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

Sec. 204-F Quorum and Recommendations

- (1) Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- (2) The Zoning Commission shall act when three members who are eligible to vote and concur.
- (3) Every recommendation shall be accompanied by written findings specifying the reason for granting or denying the application, or making its decision.

Sec. 205 APPEARANCE REVIEW COMMISSION (ARC)

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

Sec. 205-A Appointment and Organization

- (1) The ARC shall be composed of five members who reside in the unincorporated area of Bath Township, Summit County, Ohio, to be appointed by the Board of Trustees.
- (2) Pursuant to ORC requirements, at least one member of the ARC shall be a licensed architect or engineer. If a licensed architect or engineer who is willing to serve does not reside in the township, such person may reside in Summit County.
- (3) Members shall serve five-year terms with the term of one member expiring each year.
- (4) Each member shall serve until his or her successor is appointed and qualified.
- (5) Members of the ARC shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.
- (7) In the event that the ARC no longer includes a licensed architect or engineer, the authority for site plan review shall be given to the Zoning Inspector until such a time as a licensed architect or engineer is appointed to the ARC.

Sec. 205-B Alternates

- (1) The Board of Trustees may appoint two alternate members to the ARC for a term of two years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the ARC.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5) When a vacancy occurs, alternate members do not automatically become full members of the ARC. Alternate members have to be appointed to replace a full member upon a vacancy.

Sec. 205-C Roles and Powers

- (1) The ARC shall have the authority to review and decide on all site plan review applications.
- (2) The ARC shall have the authority to review and make recommendations to the Zoning Inspector on all sign permits, where applicable.
- (3) The ARC shall have the authority to provide advice and input on the application of the Bath Township Design Guidelines, where requested by any resident, official, board, or commission of the township.
- (4) The ARC shall perform all other duties as specified for architectural review board in the ORC and as specified in this zoning resolution.

Sec. 205-D Organization and Bylaws

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

Sec. 205-E Meetings

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

Sec. 205-F Quorum and Decisions

- (1) Any combination of three or more regular or alternate members of the ARC shall constitute a quorum.
- (2) The ARC shall act when three members who are eligible to vote concur.
- (3) Every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its decision.

Sec. 206 BOARD OF ZONING APPEALS (BZA)

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

Sec. 206-A Appointment and Organization

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

Sec. 206-B Alternates

- (1) The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5) When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

Sec. 206-C Roles and Powers

- (1) The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.
- (2) The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.
- (3) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance, enforcement, and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest. The BZA shall have the power to enforce any of its decisions by requiring deed restrictions that contain the requirements and conditions for the particular use, signed by the owner of the affected property and recorded in the chain of title.

- (4) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, and enforcement as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest. The BZA shall have the power to enforce any such variance by requiring as a condition of granting the variance, deed restrictions that contain the requirements and conditions for the variance, signed by the owner of the affected property and recorded in the chain of title.
- (5) The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied.
- (6) The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 14: Nonconformities](#).
- (7) The BZA shall have all other powers conferred upon township boards of zoning appeals in the ORC, or as authorized by the Board of Trustees in compliance with state law.

Sec. 206-D Organization and Bylaws

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

Sec. 206-E Meetings

- (1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the BZA may determine.
- (2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per the ORC.
- (3) All meetings of the BZA shall be open to the public, except as exempted by law.
- (4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Bath Township Fiscal Officer and shall be a public record, unless exempted by law.
- (5) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

Sec. 206-F Quorum and Decisions

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

Sec. 206-G Modification of Approval

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

Sec. 207 ZONING INSPECTOR

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

Sec. 207-A Roles and Powers

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates, sign permits, and business use certificates and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, ARC, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate or business use certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- (10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

Sec. 207-B Decisions

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to [Sec. 310: Appeals](#).
- (2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.

Article 3: Review Procedures

Sec. 301 PURPOSE

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

Sec. 302 EXEMPTIONS

Sec. 302-A Agricultural Use Exemption

- (1) Agricultural uses, and buildings or structures that are incidental to agricultural uses, as defined in the ORC, located on lots with a lot area of five acres or more shall be exempt from the requirements of this zoning resolution pursuant to the ORC.
- (2) Agricultural uses, and buildings or structures that are incidental to agricultural uses, as defined in the ORC, located on lots with a lot area of one to five acres shall be subject to all setbacks and maximum height requirements of the applicable zoning district as allowed by the ORC.
- (3) All agricultural uses, as defined by the ORC, are prohibited on lots of less than one acre except for the raising of fruits, vegetables, grains, trees, and other crops for personal use of the property owners or residents. Such uses shall be permitted on all lots, in all yards.
- (4) Structures that are exempt from the provisions of this zoning resolution pursuant to this section may not be exempt from any applicable special flood hazard area regulations established and enforced by Summit County.

Sec. 302-B Public Utility or Railroad Exemption

Public utilities and railroads, as defined by the ORC, shall be exempt from the provisions of this zoning resolution.

Sec. 303 COMMON REVIEW REQUIREMENTS

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

Sec. 303-A Authority to File Applications

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

Sec. 303-B Application Contents

- (1) **Submittal Requirements**
 - (A) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the township and made available to the public.
 - (B) The Board of Trustees shall adopt the submittal requirements at a regular board meeting after hearing recommendations on the requirements from the Zoning Inspector.

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

(2) Submission of Fees

(A) Applications shall be accompanied by a fee as established by resolution of the Board of Trustees.

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

(3) Complete Application Determination

(A) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.

(B) The Zoning Inspector shall make a determination of application completeness within a reasonable time.

(C) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.

(D) If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.

(E) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to [Paragraph \(D\) above](#), the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of [Sec. 303-B: Application Contents](#), submit a new application and filing fee.

(F) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be rejected.

(4) Refund of Fees

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

(5) Submission Schedule

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

Sec. 303-C Examination and Copying of Application and Other Documents

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

Sec. 303-D Notice

(1) BZA Hearing Notice

- (A) Written notice shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing. The failure of delivery of such notice does not invalidate the notice.
- (B) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

(2) Constructive Notice for All Proceedings

The following shall apply to all public notice requirements, regardless of decision-making body.

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

Sec. 303-E Computation of Time

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

Sec. 303-F Conduct of Public Hearing

(1) Rights of All Persons

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

(2) Continuance of a Public Hearing or Deferral of Application Review

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

(3) Withdrawal of Application

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

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

Sec. 304 ZONING CERTIFICATE

Sec. 304-A Applicability

- (1)** A zoning certificate shall be required for any of the following:
 - (A)** New construction or structural alteration of each single-family dwelling or attached dwelling, including related accessory structures, unless otherwise exempted in this resolution;
 - (B)** Any work or improvements to those portions of a lot located within a RC-O District (Riparian Corridor) or portions of a lot subject to the regulations of [Sec. 802: Steep Slope Regulations](#) if also located within a residential zoning district;
 - (C)** Occupancy and use of vacant land in a residential zoning district;

- (D) Temporary uses or structures in a residential zoning district that require a certificate pursuant to [Sec. 702: Temporary Uses and Structures](#); or
- (E) Any change in the use of a nonconforming use in a residential zoning district.
- (2) Applications for an open space residential subdivision shall be subject to the procedure established in [Sec. 503-E: Open Space Residential Subdivisions](#).
- (3) Applications for the construction, expansion, or changes to a site related to a nonresidential use, including public and institutional uses, shall be required to obtain a business use certificate instead of a zoning certificate. See [Sec. 305: Business Use Certificate](#).

Sec. 304-B Review Procedure

(1) Step 1 – Application

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

- (A) The zoning certificate application and applicable forms available from the township offices;
- (B) All such forms, maps, and information as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record;
- (C) An approved site plan, as applicable (See [Sec. 307: Site Plan Review](#).); and
- (D) All required fees as established in the Bath Township fee schedule.

(2) Step 2 – Review

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

(3) Step 3 – Decision

- (A) Within 30 business days after an application (Step 1) is determined to be complete, the Zoning Inspector shall either approve and issue the zoning certificate or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.
- (B) In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution. Any costs of review shall be borne by the applicant, as stated in the Bath Township fee schedule.
- (C) Upon approval, the Zoning Inspector shall give to the applicant one signed copy of the zoning certificate and maintain the second copy of the certificate for township records.
- (D) If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Sec. 310: Appeals](#).

Sec. 304-C Review Criteria

- (1) All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning resolution and any approved site plan, if required.

- (2) 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.
- (3) No zoning certificate shall be granted to build any structure where there is a proposed ingress or egress point to the roadway until the owner of such property has secured a permit from the Ohio Department of Transportation, the Summit County Engineer, or the proper township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by the respective authority and has completed the installation of such culvert.

Sec. 304-D Expiration

- (1) Construction shall begin within 12 months of issuance of a zoning certificate. Construction shall be considered “begun” if the footers of the structure have been installed.
- (2) Failure to begin construction within 12 months shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the Zoning Inspector for good cause.
- (3) Where the zoning certificate is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a zoning certificate or the zoning certificate shall expire.
- (4) Construction shall be completed within 24 months of the zoning certificate approval or the certificate shall expire. Construction shall be considered complete when a certificate of occupancy has been issued.
- (5) Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction.

Sec. 304-E Temporary Zoning Certificate

- (1) Temporary buildings and uses that require a zoning certificate as established in [Sec. 702: Temporary Uses and Structures](#), shall be required to obtain a temporary zoning certificate in accordance with the procedure set forth above for approval of a zoning certificate.
- (2) A temporary zoning certificate shall be valid for a period of 30 days, unless the Zoning Inspector authorizes a longer period or in accordance with [Sec. 702: Temporary Uses and Structures](#).

Sec. 304-F Revocation of a Zoning Certificate

- (1) The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate or temporary zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.
- (2) The Zoning Inspector may also revoke a zoning certificate if the applicant has not conformed with all applicable federal, state, county, and township regulations, resolutions, and rules including, but not limited to, the Summit County Planning Commission, the Summit County Engineer, the Summit Soil and Water Conservation District, and the Bath Water and Sewer District.

Sec. 305 BUSINESS USE CERTIFICATE

Sec. 305-A Business use certificates shall be considered a form of a zoning certificate, required by this resolution and allowed for in accordance with the ORC.

Sec. 305-B Applicability

- (1) A business use certificate shall be required for any of the following:

- (A) New construction or structural alteration of any principal use where a zoning certificate is not required (See [Sec. 304-A: Applicability](#)), unless otherwise exempted in this resolution;
 - (B) Any accessory use that requires a certificate in accordance with [Sec. 701: Accessory Use Regulations](#) and that is not accessory to a single-family dwelling or attached dwelling;
 - (C) A change in use or occupancy of an existing building or structure used for any nonresidential use;
 - (D) Any work or improvements to those portions of a lot located within a RC-O District (Riparian Corridor) or portions of a lot subject to the regulations of [Sec. 802: Steep Slope Regulations](#) if also located within a business zoning district;
 - (E) Occupancy and use of vacant land in a business zoning district;
 - (F) Temporary uses or structures in a business zoning district that require a certificate pursuant to [Sec. 702: Temporary Uses and Structures](#); or
 - (G) Any change in the use of a nonconforming use in a business zoning district.
- (2) Applications for the construction, expansion, or changes to a site related to a single-family dwelling or attached dwelling shall be required to obtain a zoning certificate. See [Sec. 304: Zoning Certificate](#).

Sec. 305-C Review Procedure

Business use certificates shall be reviewed in the same manner as a zoning certificate. See [Sec. 304-B: Review Procedure](#).

Sec. 305-D Review Criteria

The Zoning Inspector shall use the review criteria for zoning certificates in reviewing and making a decision on a business use certificate. [Sec. 304-C: Review Criteria](#).

Sec. 305-E Expiration

- (1) Where the business use certificate is related to a change in use or occupancy, the occupancy of the building, structure, or part thereof, shall take place within 12 months of the business use certificate approval or the certificate shall expire.
- (2) Where the certificate is related to new construction, including expansions or alterations, construction shall begin within 12 months of issuance of a business use certificate. Construction shall be considered “begun” if the footers of the structure have been installed.
- (3) Failure to begin construction within 12 months shall result in the expiration of the business use certificate unless the applicant requests and receives an extension from the Zoning Inspector for good cause.
- (4) Where the business use certificate is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a business use certificate or the business use certificate shall expire.
- (5) Construction shall be completed within 24 months of the business use certificate approval or the certificate shall expire. Construction shall be considered complete when a certificate of occupancy has been issued.
- (6) Upon expiration of a business use certificate, a new business use certificate application, including all applicable fees, shall be required before construction or before occupancy of the proposed structure or building can occur.

Sec. 305-F Temporary Business Use Certificate

- (1) Temporary buildings and uses that require a business use certificate as established in [Sec. 702: Temporary Uses and Structures](#), shall be required to obtain a temporary business use certificate in accordance with the procedure set forth above for approval of a business use certificate.
- (2) A temporary business use certificate shall be valid for a period of 30 days, unless the Zoning Inspector authorizes a longer period or in accordance with [Sec. 702: Temporary Uses and Structures](#).

Sec. 305-G Revocation of a Business Use Certificate

The Zoning Inspector shall have the authority to revoke a business use certificate for the same reason and in the same manner as a zoning certificate. See [Sec. 304-F: Revocation of a Zoning Certificate](#).

Sec. 306 SIGN PERMIT

Sec. 306-A Sign permits shall be considered a form of a zoning certificate, required by this resolution and allowed for in accordance with the ORC.

Sec. 306-B Applicability

- (1) A sign permit shall be required for all new permanent signs, certain temporary signs, or sign changes as established in [Article 13: Signage Standards](#).
- (2) All sign permits, unless otherwise specified in [Article 13: Signage Standards](#), shall be subject to review by the ARC prior to the Zoning Inspector making a decision unless the ARC reviews and decides on signage as part of a site plan review application.
- (3) The ARC may review and make a recommendation on signage as part of a site plan review prior to a zoning certificate or business use certificate review. In such cases, the Zoning Inspector may make a decision on a sign permit based on the ARC's site plan review decision along with any related recommendations and shall not be required to submit the proposed signage to the ARC a second time unless the applicant has made changes to the proposed signs.
- (4) Temporary signs shall not be subject to review by the ARC.

Sec. 306-C Review Procedure

- (1) Where the ARC does not review and make a decision on signage as part of a site plan review application, sign permits shall be subject to the following procedure:

(A) Step 1 – Application

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

- i) The sign permit application and applicable forms available from the township offices;
- ii) All such forms, maps, and information as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record; and
- iii) All required fees as established in the Bath Township fee schedule.

(B) Step 2 – Review and Recommendation by the ARC

- i) Within 30 business days after an application (Step 1) is determined to be complete, the ARC shall hold a public meeting to review and make a recommendation on the sign permit application. The recommendation shall be made to the Zoning Inspector who shall make the final decision on the application.
- ii) The ARC may refer to this resolution and the Bath Township Design Guidelines in making its recommendation.

(C) Step 3 – Review by the Zoning Inspector

- i) The Zoning Inspector shall review the application for conformance with the provisions of this zoning resolution.
- ii) The applicant shall be responsible for providing the Zoning Inspector with amended information (e.g., drawings) where modifications are to be made to the sign based on the ARC’s recommendations.

(D) Step 4 – Decision

- i) Within 15 business days after the ARC makes a recommendation (Step 2), the Zoning Inspector shall either approve and issue the sign permit (pursuant to the actual application or any amendment application) or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the application, signed, dated, and noted as denied.
 - ii) Upon approval, the Zoning Inspector shall return one signed copy of the application and maintain the second copy of the application for township records.
 - iii) If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Sec. 310: Appeals](#).
- (2) Signs that do not require ARC review (e.g., temporary signs) shall be subject to Steps 1, 3, and 4 in the above review procedure. Applicants may request that an application be submitted to the ARC for review and recommendations.

Sec. 306-D Expiration

- (1) Construction of the sign shall be completed within 12 months of the sign permit approval or the sign permit shall expire.
- (2) Upon expiration of a sign permit, a new sign permit application, including all applicable fees, shall be required before construction or changes to the applicable sign.

Sec. 306-E Revocation of a Sign Permit

- (1) The Zoning Inspector shall have the authority to revoke a sign permit for the same reason and in the same manner as a zoning certificate. See [Sec. 304-F: Revocation of a Zoning Certificate](#).

Sec. 307 SITE PLAN REVIEW

Sec. 307-A Applicability

- (1) A site plan review shall be required prior to a zoning certificate or business use certificate application, whichever is applicable, for any new construction or structural alteration or addition to any building or structure, including signs and accessory structures.
- (2) Single-family and two-family dwellings shall be exempt from the site plan review requirement but shall require a zoning certificate.

Sec. 307-B Review Procedure

(1) Step 1 – Pre-application Conference (Optional)

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

(2) Step 2 – Application

The applicant shall submit an application for site plan review and approval prior to submitting for a zoning certificate or business use certificate, whichever is applicable. Such application shall include:

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

(3) Step 3 – Public Meeting and Decision by the Appearance Review Commission

- (A) Upon application (Step 2), the ARC shall fix a reasonable time for the public meeting on any application. The public meeting shall be noticed in accordance with state law.
- (B) Within 60 days after the submission of a completed application (Step 2), the ARC shall make a decision on the application. An extended review time may be granted with the approval of the applicant.
- (C) The ARC may take one of the following actions on a site plan review application:
 - i) A site plan may be approved as submitted;
 - ii) A site plan may be approved with modifications expressly stated in a motion passed by the ARC;
 - iii) A site plan may be approved as submitted (or with modifications) in phases as described in [Sec. 307-F: Phased Site Plans](#); or
 - iv) A site plan may be denied.
- (D) The applicant may appeal the decision to the BZA in accordance with [Sec. 310: Appeals](#).

- (E) Prior to its decision, the ARC may seek expert advice or cause special studies to be made for input to its review of any plans or proposals submitted. Proposed building plans shall be reviewed by County building officials and authorized representatives of the Bath Fire Department to assure conformance with appropriate fire, safety, building, and sanitary conditions.
- (F) The ARC may request that the applicant provide (or the applicant may volunteer) additional information or re-study all or part of the proposal, or have additional studies done. The costs of securing expert advice or studies shall be borne by the applicant, but in no event shall such cost, if requested by the ARC, exceed the sum of 1,000 dollars unless agreed to by the applicant. Funds for such advice or studies shall be placed on deposit with the Board of Trustees upon the request of the ARC. The ARC may submit any or all site plans and proposals to the Zoning Commission, Board of Trustees, BZA, or the Summit County Planning Commission, Soil and Water Conservation District, County Engineer, and/or any other similar organization for review and recommendations prior to acting on any such plan.
- (G) When a particular site plan involves a variance and/or conditional use application, the applicant shall be required to apply for, and gain, approval of such applications prior to the site plan review.
- (H) Upon approval of the site plan, an applicant may submit the appropriate forms and application for a zoning certificate or business use certificate, whichever is applicable. The applicable zoning certificate or business use certificate shall be required for all approved site plans prior to construction.

Sec. 307-C Review Criteria

- (1) Site plans shall be reviewed on the basis of uniform criteria that advance the principals of good site design and that meet the purpose of this resolution as established in [Sec. 101: Purpose](#). 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.
- (2) Specific review criteria include the following:
 - (A) All applications for site plan review demonstrate conformity with the provisions of this zoning resolution and any plans approved by the township related to the application.
 - (B) 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, natural vegetation, and natural resources protected under this resolution and by Summit County. See also [Sec. 802: Steep Slope Regulations](#), related to protection of steep slopes.
 - (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 12: Parking, Loading, and Circulation Standards](#) and on-site traffic circulation shall be designed to provide adequate access for fire and police protection, and minimize interference with the traffic carrying capacity of adjacent streets.

- (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 water lines, sewer lines, electric lines, cable, telephone, fiber optics, and similar 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 ARC may require that the Summit County Soil and Water Conservation District, County Engineer, or other registered engineer review such grading plans, with any costs borne by the developer. The costs of any uncommon means used to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.

Sec. 307-D Expiration

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

Sec. 307-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.

Sec. 307-F Phased Site Plans

In order to assure that a project will be developed consistent with the purposes of this resolution, the ARC may require or agree that the site plan(s) for a project be submitted indicating development in phases, if such project can logically be divided into phases. The ARC shall review the entire project for conformance with all applicable regulations in this resolution and shall give preliminary approval to the entire project if it so conforms. However, the ARC shall also have the power to limit final approval and authorization for the Zoning Inspector to issue zoning or business use certificate 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;
- (2) Upon conformance with all applicable regulations of this resolution; and
- (3) Upon a finding by the ARC that all preceding phases conform to all requirements of this resolution and conform to approved site plans.

Sec. 308 ZONING TEXT OR MAP AMENDMENT

Sec. 308-A Amendment Initiation

- (1) Amendments or supplements to the zoning resolution or zoning map may be initiated by:
 - (A) A motion of the Zoning Commission;
 - (B) Passage of a resolution by the Board of Trustees; or
 - (C) By the filing of an application by the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

- (2) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify such resolution to the Zoning Commission.

Sec. 308-B Review Procedure

(1) Step 1 – Pre-application Conference (Optional)

- (A) If initiated by the property owners, the applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (B) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission are not binding on the township and do not constitute official assurances or representations by Bath Township or its officials regarding any aspects of the plan or application discussed.

(2) Step 2 – Application

- (A) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Commission at the township offices.
- (B) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (C) Each application initiated by property owners shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (D) Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board’s motion or resolution pertaining to such proposed amendment.
- (E) All applications shall be submitted with the required fees as established in the Bath Township fee schedule.

(3) Step 3 – Referral to the Summit County Planning Commission

- (A) Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Summit County Planning Commission.
- (B) The Summit County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.
- (C) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

(4) Step 4 – Public Hearing and Recommendation by the Zoning Commission

- (A) Upon adoption of a motion, certification of a resolution, or the filing of an application (certified as complete by the Zoning Inspector) for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
- (B) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was certified as complete by the Zoning Inspector.
- (C) Notification shall be given in accordance with the ORC.

(D) Within 30 days after the completion of the Zoning Commission’s public hearing, the Zoning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Summit County Planning Commission to the Board of Trustees.

(5) Step 5 – Public Hearing and Decision by the Board of Trustees

(A) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed amendment.

(B) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(C) Notification shall be given in accordance with the ORC.

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

Sec. 308-C Effective Date and Referendum

(1) Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption.

(2) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with the ORC.

Sec. 308-D Review Criteria

The following criteria shall be used by the Zoning Commission and the Board of Trustees in decisions regarding zoning amendments:

(1) The amendment is in accordance with and in the spirit of this resolution;

(2) The amendment has been reviewed to determine the consistency with the Bath Township Comprehensive Plan;

(3) The applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township; and

(4) Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

Sec. 309 VARIANCE OR CONDITIONAL USE

Sec. 309-A Review Procedure

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

(1) Step 1 – Application

(A) An application for a variance or conditional use over which the BZA has original jurisdiction under [Sec. 206](#):

[Board of Zoning Appeals \(BZA\)](#), may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.

- (B) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (C) The Zoning Inspector shall transmit a copy of the application to the BZA.
- (D) All applications shall be submitted with the required fees as established in the Bath Township fee schedule.

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

- (A) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application, give at least ten days notice in as noted in [Sec. 303-D: Notice](#), and give notice of such public hearing by publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- (B) Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

(3) Step 3 – Decision

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

Sec. 309-B Variance Review Criteria

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

 - (A) The following factors shall be considered and weighed by the BZA to determine practical difficulty:

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

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

 - (A) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

- (B) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (C) The variance requested cannot otherwise be resolved by a zoning map amendment;
- (D) The essential character of the neighborhood will not be substantially altered as a result of the variance;
- (E) There is an existing structure that cannot be reasonably used for a permitted use or a conditionally permitted use in the applicable zoning district;
- (F) The proposed use is listed in [Table 502-1: Permitted Use Table](#);
- (G) The hardship condition is not created by actions of the applicant;
- (H) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (I) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (J) The variance will be consistent with the general spirit and intent of this Resolution;
- (K) The requested use is permitted in another district in this resolution; and
- (L) The variance sought is the minimum that will afford relief to the applicant.

Sec. 309-C Conditional Use Review Criteria

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

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

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

Sec. 309-D Expiration

- (1) For a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning certificate or business use certificate, as applicable.
- (2) For a variance, the applicant shall submit a completed application for a zoning certificate or business use certificate, as applicable, within six months of the BZA decision.
- (3) A variance approval shall expire if a completed zoning certificate application has not been submitted to the Zoning Inspector within six months of the BZA's decision. The applicant may request an extension of an additional six months if such request is submitted to the Zoning Inspector in writing a minimum of two weeks prior to the date of expiration.
- (4) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees, shall be required.

Sec. 309-E Continuation of Existing Uses Conditionally Permissible Under This Resolution

- (1) All legally established uses existing at the time of passage of this resolution or amendments thereto that are made a conditional use by a zoning text amendment shall be issued conditional use permits within one year after the passage of this resolution or amendments thereto.
- (2) The BZA shall issue such permits and may approve the conditional uses as brought forth by the owner.

Sec. 310 APPEALS

Sec. 310-A Appeal Applicability

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

Sec. 310-B Review Procedure

The review procedure for an appeal shall be as follows:

(1) Step 1 – Filing of Appeal

- (A) Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the documents and other evidence constituting the record.

- (B) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.
 - (C) All appeals shall be submitted with the required fees, if applicable, as established in the Bath Township fee schedule.
- (2) **Step 2 – Public Hearing with the Board of Zoning Appeals**
- (A) Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give notice in writing at least ten days prior to the hearing to the parties of interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
 - (B) Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.
- (3) **Step 3 – Decision**
- (A) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.
 - (B) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
 - (C) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning certificate or business use certificate, as applicable.
 - (D) The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
 - (E) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
 - (F) Any party adversely affected by a decision of the BZA may appeal the decision to the Summit County Court of Common Pleas.

Sec. 310-C Appeal Review Criteria

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

Article 4: Establishment of Zoning Districts

Sec. 401 ESTABLISHMENT OF ZONING DISTRICTS

Sec. 401-A The unincorporated territory of Bath Township, Summit County, Ohio, is hereby divided into the base zoning districts established in [Table 401-1: Base Zoning Districts](#).

TABLE 401-1: BASE ZONING DISTRICTS	
DISTRICT DESIGNATION	BASE ZONING DISTRICT NAME
RESIDENTIAL ZONING DISTRICTS	
R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
BUSINESS ZONING DISTRICTS	
B-1	Gateway Business District
B-2	Community Business District
B-3	Office, Research and Limited Business District
B-4	Restricted Business District
B-5	Hamlet Business District

Sec. 402 OFFICIAL ZONING MAP

Sec. 402-A The zoning districts and their boundary lines are indicated upon a map entitled “Zoning Districts Map of Bath Township, Summit County, Ohio”, hereafter referred to as the Zoning Districts Map.

Sec. 402-B The Zoning Districts Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this resolution.

Sec. 403 ZONING DISTRICT BOUNDARY INTERPRETATION

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

Sec. 403-A 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.

Sec. 403-B 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 from there as indicated on the Zoning Districts Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

Sec. 404 VACATION OF PUBLIC WAYS

Whenever any street or public way is vacated in the manner authorized by law, and the vacated public way is unzoned or it is unclear what the applicable zoning district should be, the Board of Trustees or Zoning Commission shall initiate a zoning map amendment (See [Sec. 308: Zoning Text or Map Amendment](#).) to establish a zoning district(s) for the vacated public way.

Article 5: Base Zoning Districts and Principal Use Regulations

Sec. 501 PURPOSE STATEMENTS FOR BASE ZONING DISTRICTS

The following are the purpose statements for each of the zoning districts established in this resolution.

Sec. 501-A R-1 Residential District

The purpose of the R-1 Residential District is to establish areas for low-density single-family dwelling units, parks, or institutional development in the township where there are minimal community services and which will allow for the protection of portions of the township where there are significant areas of steep slopes, tree canopy coverage, and riparian corridors.

Sec. 501-B R-2 Residential District

The purpose of the R-2 Residential District is to establish areas for single-family dwelling units in portions of the township where there are limited public services and where there are concentrations of natural resources.

Sec. 501-C R-3 Residential District

The purpose of the R-3 Residential District is to establish areas for moderate density single-family dwelling units that represent some of the older, traditional neighborhoods in close proximity to Akron and Fairlawn. This zoning district is intended to provide a transition from higher density residential areas, business zoning districts, or roads with high volumes of traffic to the lower density residential districts.

Sec. 501-D R-4 Residential District

The purpose of the R-4 Residential District is to establish areas for moderate density single-family or attached dwelling units focused around natural resources, open spaces, and waterways. This zoning district is intended to provide a transition from higher density residential areas, business zoning districts, or roads with high volumes of traffic to the lower density residential districts.

Sec. 501-E B-1 Gateway Business District

The purpose of the B-1 Gateway Business District is to enhance the main gateways into Bath Township in accordance with the Bath Township Comprehensive Plan. This district is intended to provide an opportunity for some small-scale business and mixed use development that is compatible with surrounding residential areas but allows for the reasonable expansion of business and housing opportunities within the township.

Sec. 501-F B-2 Community Business District

The purpose of the B-2 Community Business 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.

Sec. 501-G B-3 Office, Research and Limited Business District

The purpose of the B-3 Office, Research and Limited Business 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.

Sec. 501-H B-4 Restricted Business District

The purpose of the B-4 Restricted Business 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.

Sec. 501-I B-5 Hamlet Business District

The purpose of the B-5 Hamlet Business District is to preserve and enhance the small-scale hamlets of Ghent and Hammond's Corners as identified in the Bath Township Comprehensive Plan. These hamlets are small crossroad centers of the community with unique development form that reflects Bath's historic character. The intent of this district is to preserve and enhance these hamlets through design standards that maintain and enhance the traditional form and use of these hamlets.

Sec. 502 PRINCIPALLY PERMITTED USES AND ACTIVITIES

Sec. 502-A General Use Regulations

(1) Number of Principal Buildings

- (A) Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot in a residential zoning district.
- (B) Multiple principal buildings may be permitted in the business zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this resolution. Multiple principal uses may also be permitted within a single principal building within the business zoning districts.

(2) Required Frontage

- (A) Every principal building and/or use shall be located on a lot that meets the minimum lot widths along a public or private street, built to the appropriate public street standards and specifications contained in the Summit County Subdivision Regulations.
- (B) Issuance of a township zoning certificate or business use certificate authorizing the construction of a principal building or use shall be done only if the proposed building site or use is located on an existing street as specified above or on a proposed public street contained on a recorded dedicated plat for which financial guarantees for construction and maintenance have been accepted by the proper Summit County authority.
- (C) Evidence of such financial guarantees and recorded plat shall be submitted to the Zoning Inspector prior to the issuance of said zoning certificate or business use certificate.

(3) Enclosed Building

- (A) Unless specifically stated in the use name, all principal uses shall be required to take place in a fully enclosed building.
- (B) Wireless telecommunication facilities, gas wells, and oil wells are exempt from this requirement.

(4) Prohibited Activities

- (A) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes including, but not limited to, outdoor fire boilers. Any use or operations of medical marijuana cultivators, processors, dispensaries, and/or testing laboratories are prohibited.
- (B) Any action to abate a nuisance shall be administered by the Board of Trustees or Zoning Inspector in accordance with applicable laws.

Sec. 502-B Permitted Use Table Summary

[Table 502-1: Permitted Use Table](#) sets forth the uses allowed within the base zoning districts.

(1) Permitted Uses

- (A) A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (B) Permitted uses are approved administratively by the ARC where site plan review is required (See [Sec. 307: Site Plan Review](#).) or by the Zoning Inspector through the zoning certificate or business use certificate procedure where site plan review is not required.

(2) Conditional Uses

- (A) A “C” in a cell indicates that a use may be permitted if approved through the conditional use review (See [Sec. 309: Variance or Conditional Use](#).). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 502-1: Permitted Use Table](#). Conditional uses are subject to all other applicable regulations of this resolution.
- (B) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. All uses that are permitted as a conditional use shall be subject to the general review standards for conditional uses in [Sec. 309: Variance or Conditional Use](#).

(3) Permitted Uses with Standards

- (A) A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (B) Uses permitted with standards under this category are approved administratively by the ARC where site plan review is required (See [Sec. 307: Site Plan Review](#).) or by the Zoning Inspector through the zoning certificate or business use certificate procedure where site plan review is not required (See [Sec. 304: Zoning Certificate](#) and [Sec. 305: Business Use Certificate](#).).

(4) Prohibited Uses

A blank and/or shaded cell indicates that a use is prohibited in the respective zoning district.

(5) Numerical References

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

(6) Unlisted Uses

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 502-1: Permitted Use Table](#), the applicant may choose to take one of the following actions:

- (A) The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to [Sec. 310: Appeals](#).
- (B) The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant [Sec. 308: Zoning Text or Map Amendment](#).
- (C) The applicant may present their case to the Zoning Commission and/or Board of Trustees to request that the township initiate a text amendment to address the proposed use and applicable standards.

(7) Overlay Districts

The requirements of applicable overlay zoning districts (See [Article 6: Overlay Zoning Districts](#).) may alter how a use may be permitted or reviewed, or may prohibit a use that is otherwise permitted in the applicable base zoning district.

Article 5: Base Zoning Districts and Principal Use Regulations

Sec. 502: Principally Permitted Uses and Activities

Subsection Sec. 502-C: Permitted Use Table

Sec. 502-C Permitted Use Table

TABLE 502-1: PERMITTED USE TABLE										
PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS				BUSINESS ZONING DISTRICTS					USE-SPECIFIC STANDARDS SEE SECTION:
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	B-5	
AGRICULTURAL USES										
Agricultural uses on lots of five acres or more	Exempt pursuant to Sec. 302-A: Agricultural Use Exemption.									
Agricultural uses on lots between one and five acres	PS	PS	PS	PS	PS	PS	PS	PS	PS	Sec. 503-A
RESIDENTIAL USES										
Adult family homes or small residential facilities	P	P	P	P						
Adult group homes or large residential facilities				C						Sec. 503-B
Attached dwellings				C	C				C	Sec. 503-C
Conventional residential subdivisions	C	C	C	P						Sec. 503-D
Open space residential subdivisions	PS	PS	PS	C						Sec. 503-E
Permanently sited manufactured housing	PS	PS	PS	PS						Sec. 503-F
Single-family dwellings- on lots of record	P	P	P	P					P	
Skilled Nursing or Personal Care Facility				C				C		Sec. 503-G
PUBLIC AND INSTITUTIONAL USES										
Cemeteries	C	C	C	C						Sec. 503-H
Churches and places of worship	C	C	C	C	C	C	P	P	C	Sec. 503-I
Cultural institutions	C	C	C	C	C	C			C	Sec. 503-J
Educational institutions (public or private)	C	C	C	C						Sec. 503-J
Government offices and buildings	C	C	C	C	C	C	C	P	C	Sec. 503-K
Institutions for human medical care							C	C		Sec. 503-L
Institutions for higher education						C	C	C		Sec. 503-M
Parks, playgrounds, and golf courses (except miniature)	C	C	C	C	C					Sec. 503-N
Passive parks and open space	P	P	P	P	P	P	P	P	P	
Quasi-public, fraternal or service facilities	C	C	C	C	C	C	C	C	C	Sec. 503-O
Urgent care clinics						C	C	C		
COMMERCIAL AND OFFICE USES										
Automotive service (minor) uses					C	C				
Banks and financial institutions					P	P	P	P	P	
Bed and breakfast establishments	C								P	Sec. 503-P
Commercial entertainment or recreation uses (indoors)	C	C	C	C	C	P	P	P	C	Sec. 503-Q
Day care centers (adult or child)					P	P	P		P	
Funeral homes					C			C	C	Sec. 503-R
Gasoline stations (fueling only)					C	C			C	Sec. 503-S
General offices (administrative, professional, business)					P	P	P	P	P	
Hotels and motels						P	P			
Medical and dental offices					P	P	P	P	PS	

TABLE 502-1: PERMITTED USE TABLE											
PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS				BUSINESS ZONING DISTRICTS					USE-SPECIFIC STANDARDS SEE SECTION:	
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	B-5		
Mixed use buildings					PS					PS	Sec. 503-T
Outdoor retail sales of plant materials and garden or lawn supplies						C					Sec. 503-U
Personal service establishments					P	P	PS	PS	P		Sec. 503-V
Private recreational uses (outdoors)					C	C	C	C	C		Sec. 503-W
Research and development facilities							C	C			
Restaurants and taverns					C	C	C	C	C		Sec. 503-X
Retail commercial uses					P	P			P		
Sales offices and showrooms						P	PS				Sec. 503-Y
Service commercial uses					PS	P			PS		
Sexually oriented businesses						C					Sec. 503-Z
Theaters and assembly halls						C					
Veterinarian offices (no boarding)					P	P			P		
OTHER USES											
Gas and oil wells	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Sec. 503-AA
Wireless telecommunication facilities	C	C	C	C	C	P	P	P	C		Sec. 503-BB

Sec. 503 USE-SPECIFIC STANDARDS

Sec. 503-A Agricultural Uses on Lots between One and Five Acres

The following standards shall apply to agricultural uses located on lots between one acre and five acres:

- (1) All buildings and structures, except fencing, associated with an agricultural use on lots larger than one acre but smaller than five acres shall be set back a minimum of 100 feet from any residential dwelling unit and 50 feet from all lot lines.
- (2) Fencing utilized to corral or pen livestock shall be set back a minimum of 20 feet from all lot lines.
- (3) Gardens are permitted on any lot by-right.

Sec. 503-B Adult Group Homes or Large Residential Facilities

The following standards shall apply to adult group homes or large residential facilities:

- (1) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (2) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (3) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.
- (4) The minimum lot size shall be one acre.

Sec. 503-C Attached Dwellings

(1) Attached Dwellings in the R-4 or B-1 Districts

The following standards shall apply to attached dwellings in the R-4 and B-1 districts:

(A) Open Space Requirements

- i) A minimum of 20 percent of the site shall be devoted to outdoor recreation, open spaces, or preserved in its natural state that complies with [Article 11: Open Space Standards](#).
- ii) The required open space may count toward minimum lot area requirements and permitted density in an attached dwelling development.

(B) Garage Requirements

A two-car attached garage shall be provided for each unit. However, an applicant may propose an alternative, through unique design and building layout, where the required garage is attached to the building containing the applicable dwelling but not necessarily the dwelling unit itself.

(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 attached dwellings shall comply with the following:

- i) The distance between exterior walls of any two or more buildings or two or more walls of the same building shall be:
 - a) 50 feet between facing walls when both walls contain windows in the unit’s primary living areas; or
 - b) 25 feet between facing walls when no walls, or only one of the facing walls, contains windows in the unit’s primary living areas.



Figure 503-A: Illustrative example of building separation requirements for attached dwellings

- ii) A maximum of eight dwelling units shall be attached or contained in a single building provided that:
 - a) Not more than four 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 if the BZA determines that a design with more than four units per building:
 - 1. Is inconsistent with the purpose of the applicable zoning district;
 - 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.
- iii) The maximum net density shall not exceed eight units in any one acre within the development. The overall project density shall not exceed four units per acre. For the purpose of this section, an acre shall be a square shape with approximately 209 feet per side.
- iv) The arrangement of units within each building or cluster shall maximize the privacy for each unit by providing screening walls and private yards.
- v) If the plan, as submitted, is not consistent with the provisions of this resolution or the R-4 attached dwelling regulations, the BZA shall deny the application.
- vi) The BZA may suggest plan modifications to the applicant, which if incorporated into the plan, may eliminate the reasons for denial. Modifications suggested may include a reduction in the total number of units in the development.

(D) Private Street Construction

Any private street or roadway built within a development with attached dwellings shall be constructed to meet the pavement requirements for public streets as established by Summit County Subdivision Regulations. The BZA, Bath Township Fire Department, or Bath Township Police Department may apply additional standards or establish specific conditions to the street construction for the purposes of safety and access.

(E) Architectural Standards

Attached dwellings shall be subject to [Article 9: Architectural Standards](#).

(2) Attached Dwellings in the B-5 District

The following standards shall apply to attached dwellings in the B-5 district:

- (A) Attached dwellings shall only be permitted as part of a mixed-use building where the residential use is located above or behind a business use.
- (B) 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.
- (C) The residential use of any business structure shall be limited to no more than two dwelling units per principal building. Each dwelling unit shall meet the minimum square footage for living area as specified [Sec. 504-B\(5\): Minimum Floor Area Requirements](#) and other applicable zoning regulations.

- (D) 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.
- (E) 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.
- (F) At least two different off-street paved parking spaces shall be provided for the use of the residential unit's occupants and such spaces shall meet the minimum design requirements of [Sec. 1204-D: Design Standards for Off-Street Parking](#). The parking spaces shall be designed and located so that no conflicts in use, access or maintenance occur between the residential and business users.
- (G) The residential parking lot shall be located to the rear of the structure and set back five feet from all lot lines. The parking lot shall be screened by landscaping features pursuant to [Sec. 1006: Buffering between Land Uses](#).
- (H) A landscaped outside lawn, garden, and/or patio area of at least 400 square feet shall be provided to the rear or side of the structure for the exclusive use of the residential unit's occupants. The space shall be conveniently located to the entrance of the residential unit and shall be screened or otherwise visually separated from the users of the business activity and parking areas.
- (I) The BZA 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.

Sec. 503-D Conventional Subdivisions

The following standards apply to conventional subdivisions when reviewed as a conditional use:

- (1) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (2) A conventional subdivision shall not be permitted if it will require the extension of any utility services at the expense of the community.
- (3) An application for a conventional subdivision shall demonstrate that special circumstances exist that make the property unsuitable for development as an open space residential subdivision for any of the following reasons:
 - (A) Is not economically viable from a standpoint of the provision of infrastructure and services;
 - (B) Is not compatible with surrounding land uses; or
 - (C) Does not contribute to the protection of the natural resources established in the comprehensive plan and further protected by this zoning resolution.
- (4) All conventional subdivisions shall be reviewed by the ARC as a site plan after approval of the subdivision as a conventional use. The subdivision shall be reviewed in accordance with [Sec. 307: Site Plan Review](#).

Sec. 503-E Open Space Residential Subdivisions

The following shall apply to open space residential subdivisions:

(1) Purpose and Intent

Open space residential subdivisions provide for and encourage flexible and creative development techniques aimed toward providing a healthy, safe, and natural 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.

(2) Property Requirements

- (A) The 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.
- (B) 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 Subdivision Regulations.
- (C) The minimum size for an open space residential subdivision is 20 acres and the required minimum frontage on a public street is 500 feet.

(3) 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 formula in [Table 503-1: Permitted Gross Density Formula](#).

TABLE 503-1: PERMITTED GROSS DENSITY FORMULA
$(TSA/MLA) \times 90\%$
TSA = Total Site Area, in acres, excluding any areas within public rights-of-way existing prior to development, land that is subject to an existing conservation easement, or land located in a floodway. The Total Site Area also does not include any area occupied by existing lakes or ponds that are greater than one acre in size.
MLA = Minimum lot area, in acres, required in a given zoning district.
90% is the reduction factor used to account for public or private right-of-ways in a development. When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.

(4) Allowable Uses

- (A) The uses allowed in an open space residential subdivision are those permitted uses and conditional uses listed in the applicable base zoning district. Conditional uses in an open space residential subdivision are subject to the requirements of this article and [Sec. 309: Variance or Conditional Use](#).
- (B) Attached dwelling units shall be permitted in open space residential subdivisions in the R-4 district when the proposed subdivision is reviewed as a conditional use. The attached dwellings shall be subject to [Article 9: Architectural Standards](#).
- (C) Private roads connecting one residence to another or that serves as a means of ingress and egress for the open space residential subdivision are permitted, subject to the following conditions:
 - i) The private roads must be designed and constructed to meet Summit County Engineer approved road standards for design, thickness, materials, and construction.
 - ii) The length, location, distance and other relevant siting factors must comply with all of the Summit County requirements for major subdivision roads.

(5) Modifications to Area and Height Regulations

The minimum lot area, setback, and yard requirements contained in the applicable zoning district are modified for 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.

(A) Lot Area Requirements:

- i) The minimum lot area for a dwelling unit in the R-1 district is two acres.
- ii) The minimum lot area for a dwelling unit in the R-2 district is one acre.
- iii) There are no minimum lot sizes in the R-3 and R-4 zoning districts, but dwelling units are required to be on individual platted lots. Such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.

(B) Minimum Yard Depths

- i) Individual buildings in a proposed development shall be set back a minimum of 80 feet from an existing or proposed public or private road pavement.
- ii) Individual buildings shall be set back a minimum of 60 feet from lot line that represents the boundary of the development.
- iii) There shall be a minimum setback of 20 feet between free-standing principal and/or accessory buildings, or a distance equal to the height of the tallest vertical wall that is most closely parallel with an adjoining structure, whichever is greater.

(6) General Design Standards

To the maximum extent feasible, open space residential subdivisions should be designed to meet the following standards in order to further enhance and protect the existing character of Bath Township and the surrounding development:

- (A) Lots should be located to the rear of the development site, away from existing roadways and adjacent development to protect the rural character along roads.
- (B) Lots should be located in areas that are least likely to block any scenic views of hills, roadway corridors, waterways, natural areas, or wetlands.
- (C) Use the natural resources to buffer the visibility of homes by maintaining existing trees between the proposed development area and any roads.
- (D) Lots should be grouped into several clusters of homes within a single development to break up the concentration of housing in a single area.
- (E) Lots should be designed and developed in a manner that minimizes the clearing of lots or the elimination of trees and other natural resources. In particular, natural vegetation should be maintained around the perimeter of the development as a form of landscape buffering.

(7) 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.

(8) 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.

(9) Minimum Required Open Space

- (A) All open space residential subdivisions shall include 50 percent of the total site acreage as required open space. If the subdivision includes attached dwellings, the minimum open space requirement shall be 65 percent of the total site acreage.
- (B) All required open space shall meet the standards of [Article 11: Open Space Standards](#).

(10) Development Plan Submission Requirements

- (A) Development plans for open space residential subdivisions are subject to the site plan review process (as defined in [Sec. 307: Site Plan Review](#)).
- (B) All proposed open space residential subdivisions shall be required to provide a site analysis and a development plan to document compliance with all requirements of this section.
- (C) The 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.

(11) Site Analysis and Development Plan Content

- (A) An application for an open space residential subdivision shall be subject to [Sec. 303: Common Review Requirements](#).
- (B) The site analysis and development plan shall be submitted in such forms and number as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (C) All required fees as established in the Bath Township fee schedule shall be submitted at the time of application.

(12) Review of Open Space Residential Subdivision

(A) Distribution of Submitted Material

Upon determination that an application is complete (See [Sec. 303-B\(3\): Complete Application Determination](#).), the Zoning Inspector shall distribute copies of submitted materials to members of the ARC, 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, Summit Soil and Water, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the township, and Bath Township Trustees.

(B) Review and Approval by Zoning Inspector

Within 45 days from the date that a complete application is made, the Zoning Inspector shall review materials submitted and take one of the following actions:

- i) 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;
 - ii) 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
 - iii) 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 BZA in accordance with the requirements in [Sec. 310: Appeals](#).
- (C) 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 1,000 dollars unless agreed to by the applicant.

(13) Approval Criteria

In reviewing a proposed application for an open space residential subdivision, the Zoning Inspector shall make a determination that the proposed plan:

- (A) Conforms to all development standards and requirements of this section and all other applicable sections of this resolution; and
- (B) 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 ARC to make this determination. The ARC 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.

(14) Amendments and Expiration

- (A) 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.
- (B) An approved plan for an open space residential subdivision shall remain valid for one year after approval by the Zoning Inspector or BZA, as appropriate. If an applicant does not record the final subdivision plat through the Summit County Subdivision process within one year, the plan shall expire and any further development shall be reviewed through a new application process including all applicable fees.
- (C) An extension of the one year time limit may be authorized by the BZA through the conditional use review process.

Sec. 503-F Permanently Sited Manufactured Housing

The following standards shall apply to permanently sited manufactured housing:

- (1) All permanently sited manufactured homes shall comply will all zoning requirements of a single-family dwelling in the applicable zoning district.
- (2) Any travel trailers, park trailers, or mobile homes, as defined in the ORC, which do not qualify as a permanently sited manufactured home, are prohibited.

Sec. 503-G Skilled Nursing or Personal Care Facility

The following standards shall apply to skilled nursing or personal care facilities:

- (1) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (2) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (3) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.
- (4) The minimum lot size shall be two acres.
- (5) All buildings shall be set back a minimum of 100 feet from any abutting residential zoning district or recorded subdivision.

Sec. 503-H Cemeteries

The following standards shall apply to cemeteries:

- (1) The minimum lot area for any new cemetery shall comply with any State requirements.
- (2) Any cemetery that exists as of the effective date of this resolution, or amendment thereto, may be expanded regardless of the size of the existing lot area.
- (3) Cemeteries may include chapels and other accessory buildings associated with the use.
- (4) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.
- (5) All maintenance equipment and materials shall be stored in a completely enclosed building.
- (6) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way except for grave markers.
- (7) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

Sec. 503-I Churches and Places of Worship

The following standards shall apply to churches and places of worship:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (4) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-J Cultural Institutions and Educational Institutions (Public or Private)

The following standards shall apply to cultural institutions:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.

- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Elementary school structures shall be located on a collector or arterial thoroughfare as determined by the Summit County Engineer.
- (4) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (5) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-K Government Offices and Buildings

The following standards shall apply to government offices and buildings:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (4) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.
- (5) Such establishments shall be, to the maximum extent feasible, located adjacent to nonresidential uses such as churches, parks, or commercial districts.

Sec. 503-L Institutions for Human Medical Care

The following standards shall apply to institutions for human medical care:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (4) Such institutions shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.
- (5) Ambulances and other vehicles used in the operation of the principal use shall be stored in an enclosed building.

Sec. 503-M Institutions for Higher Education

The following standards shall apply to institutions for higher education:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (4) Such institutions shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-N Parks, Playgrounds, and Golf Courses (Except Miniature)

The following standards shall apply to parks, playgrounds, and golf courses:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

Sec. 503-O Quasi-Public, Fraternal or Service Facilities

The following standards shall apply to quasi-public, fraternal, or service facilities:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (4) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-P Bed and Breakfast Establishments

The following shall apply to bed and breakfast establishments:

- (1) The principal building shall have been originally designed as a single-family dwelling.
- (2) The owner of the premises used for the bed and breakfast establishment shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- (3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging.
- (4) At least one bathroom shall be dedicated to guest use.
- (5) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- (6) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit. Signs shall be permitted in accordance with the following:
 - (A) In the R-1 District, a bed and breakfast establishment may have one ground-mounted monument sign that does not exceed four square feet in sign area and shall not exceed four feet in height. The sign shall be subject to the same general sign standards as all other signs in residential districts as established in [Article 13: Signage Standards](#).
 - (B) In the B-5 District, a bed and breakfast establishment may have any signage allowed in the B-5 District as established in [Article 13: Signage Standards](#).
- (7) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (8) Guests shall be permitted to reside at the facility for not longer than two continuous weeks.

Sec. 503-Q Commercial Entertainment or Recreation Uses (Indoors)

The following standards shall apply to indoor commercial entertainment or recreational uses:

- (1) All activities related to the use, except parking, shall be located within an enclosed building.
- (2) All structures shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (3) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

- (4) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1006: Buffering between Land Uses](#).
- (5) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-R Funeral Homes

The following standards shall apply to funeral homes:

- (1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (3) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.

Sec. 503-S Gasoline Stations (Fueling Only)

The following standards shall apply to gasoline stations:

- (1) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets as defined in the Summit County Subdivision Regulations.
- (2) Gasoline stations should be designed so as to not interfere with pedestrian connectivity between various commercial areas in and around the township.
- (3) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If any services are to be provided for vehicles (e.g., service, oil changes, etc.), such services shall be provided within a fully enclosed building.
- (4) No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed 30 feet in width at the lot line.
- (5) If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as is practical.
- (6) Outdoor storage and display shall be regulated by [Sec. 701: Accessory Use Regulations](#).

Sec. 503-T Mixed Use Buildings

The following standards shall apply to mixed use buildings:

- (1) Residential apartments shall only be permitted on the second or higher floor of a mixed use building.
- (2) Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
- (3) A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 9:00 p.m. shall require a conditional use approval to ensure that the commercial uses will not negatively impact the residential uses within the building or on adjacent properties.

Sec. 503-U Outdoor Retail Sales of Plant Materials and Garden or Lawn Supplies

The following standards shall apply to outdoor retail sales of plant materials and garden or lawn supplies:

- (1) A site plan illustrating the location, size, and other pertinent information shall be submitted as part of the conditional use application.

- (2) The site plan shall define 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.
- (3) There shall be no bulk storage permitted except in packaged form.
- (4) Materials shall not be stacked in piles or stacks in excess of ten feet in height.
- (5) The total area shall not be greater than 15% of the principal building floor area and building setbacks shall be maintained.
- (6) The site is to remain free of litter and debris and shall be restored to its original condition upon expiration of the permit.

Sec. 503-V Personal Service Establishments

The following standard shall apply to personal service establishments:

- (1) No more than 15% of the total gross floor area of a use in the B-3 and B-4 district may be used for personal service establishments.

Sec. 503-W Private Recreational Uses (Outdoor)

The following standards shall apply to private recreational uses that are subject to conditional use review and to all outdoor commercial entertainment or recreational uses:

- (1) All structures shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (2) Any outdoor areas utilized for the use shall only be located in the side and rear yard and shall be set back a minimum of 200 feet from all lot lines and street rights-of-way.
- (3) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (4) Outdoor entertainment activities such as concerts, rallies, or similar activities, are prohibited.
- (5) The BZA may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six feet.
- (6) Swimming pools shall be subject to the accessory use standards related to swimming pools. See [Sec. 701: Accessory Use Regulations](#).

Sec. 503-X Restaurants and Taverns

The following standards shall apply to restaurants and taverns:

- (1) Outdoor speakers are prohibited in the B-1 and B-5 district.
- (2) Any outdoor dining shall be subject to the applicable provisions of [Sec. 701: Accessory Use Regulations](#).
- (3) Any proposed drive through-facility must be approved as part of a conditional use (See [Sec. 309: Variance or Conditional Use](#)).

Sec. 503-Y Sales Offices and Showrooms

The following standards shall apply to sales offices and showrooms:

- (1) Sales offices are permitted in the B-3 district provided that no more than 20 percent of the gross floor area is utilized for a showroom or display area.
- (2) Automotive or other motor vehicle sales are not permitted as a sales office and/or showroom.

Sec. 503-Z Sexually Oriented Businesses

The following standards shall apply to sexually oriented businesses:

- (1) **Required Setbacks**
 - (A) No sexually oriented business shall be located on any parcel within 500 feet of any residentially zoned district within Bath Township.
 - (B) No such business shall be located on any parcel within 1,000 feet of any public library, private or public elementary or secondary school, public park, church, or other place of worship.
 - (C) No such business shall be located on any parcel within 1,000 feet of another sexually oriented business.
- (2) For the purposes of [Sec. 503-Z\(1\)](#) above, 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 lot line of the premises of a public library, church or other place of worship, 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 [Sec. 503-Z\(1\)](#) above, the distance between any two 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) There shall be no more than one advertisement oriented to each abutting road identifying the use.
- (5) 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.
- (6) 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 [Sec. 503-Z\(1\)](#) above within the buffer zone.

Sec. 503-AA Gas and Oil Wells

The following standards shall apply to gas and oil wells:

- (1) **Purpose**

The purpose of the standards in this section are to provide for health, safety, and the welfare of the public through the regulation of drilling and operation of wells for oil, gas or other hydrocarbons in gaseous or liquid form within the boundaries of Bath Township.
- (2) **State Standards**

Gas and oil wells shall be subject to all applicable state regulations established in both the ORC and the OAC.
- (3) **Standards for Gas and Oil Wells**
 - (A) Exploration for, drilling of, and production of oil or gas or oil and gas wells may be conducted in all zoning districts if the owner or operator of the well or wells holds all necessary mineral and surface rights, and a lawful and valid permit for said well or wells from the Ohio Department of Natural Resources (ODNR), Division of Oil and Gas, hereafter referred to as the Division of Oil and Gas.

- (B) No zoning certificate or business use certificate shall be required for the drilling, operation, production, plugging or abandonment of any gas or oil well. However, all owners and operators of oil and gas wells in the township must complete an application for registration of the well or wells, prior to the commencement of any site work for oil and/or gas operations on the site, and submit the application to the Zoning Inspector. Such registrations shall be updated, as necessary, to be valid and up-to-date at all times.
- (C) The applicant shall provide the Zoning Inspector with a plat of all buried and surface transmission lines serving or connected to the well, for which the applicant must have written and recorded easements or leases. All buried transmission lines crossing or intersecting any township road shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the Township Road Superintendent. The minimum depth of such lines below roads, perennial or intermittent streams, and ditches shall be established by the Township Road Superintendent and Zoning Inspector prior to the excavation to install such lines. No transmission lines intended for burial under Township roads shall be covered until the installed line is inspected by the Township Road Superintendent. The applicant also shall coordinate the laying of transmission lines with all public utilities servicing the township.
- (D) At no time shall an operator of an oil or gas well move drilling equipment or any equipment onto a township road without prior written approval of the Board of Trustees and issuance of proper permits and road maintenance bonds in the amounts specified by the Board of Trustees. This rule shall be in effect from the time drilling commences until the oil or gas well is unproductive and plugged.
- (E) All storage tanks, separators and well installations shall be entirely enclosed by a six foot high chain link type fence, with three strands of barbed wire above the fence. The fence shall be set back a minimum of five feet outside of all tanks, pumps, separators, and any related miscellaneous apparatus.
- (F) All fenced in areas that exceed 300 square feet in area shall have two exits remote from each other with a minimum width of four feet to facilitate orderly and safe firefighting operations. All fences and gate installations shall be inspected by the authorized inspector before the producing operation commences. All gates, including the drive entrance gate, shall be locked and keyed the same and a key shall be given to the Bath Township Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators, and pump equipment are removed.
- (G) Access roads shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather. Access roads for the exclusive use of the oil or gas well owner or operator, shall have a gate with a locking device, keyed as required above, installed at or near the public road entrance to prevent unauthorized entry from the public road. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the drive and pad area.

Sec. 503-BB Wireless Telecommunication Facilities

The following standards shall apply to wireless telecommunication facilities:

(1) Purpose

- (A) The purpose of these standards is to provide regulations for the installation, maintenance, and removal of wireless telecommunication facilities in a manner to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design, construction, removal and to minimize the need for separate wireless telecommunication facilities.
- (B) Wireless telecommunication facilities are permitted under varying conditions dependent upon their form, current uses of the property, and the zoning district in which they are located.

(2) Applicability

- (A) Pursuant to the ORC, wireless telecommunication facilities are exempt from these use-specific standards if located in the business districts (B-1, B-2, B-3 and B-4) where residential uses are not permitted.
- (B) All applications for a wireless telecommunication facility in all other zoning districts shall be subject to the requirements of this section.

(3) Review Procedure

Any applicant that is subject to the provisions of this section shall, according to the ORC, fulfill the notice requirements of this subsection.

(A) Notice to Property Owners

Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the facility is proposed to be constructed, stating all of the following in clear and concise language:

- i) The person's intent to construct the facility;
- ii) A description of the property sufficient to identify the proposed location;
- iii) Notification that, no later than 15 days after the date of mailing of the notice, any such property owner may give written notice to the Board of Trustees requesting that the proposed wireless telecommunication facility location be subject to a conditional use review pursuant to [Sec. 309: Variance or Conditional Use](#).
- iv) If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of such notice does not invalidate the notice.

(B) Notice to Trustees

Written notice to the Board of Trustees shall include the information specified in [Sec. 503-BB\(3\)\(A\)](#). The notice to the Board of Trustees shall also include verification that the person has complied with [Sec. 503-BB\(3\)\(A\)](#).

(C) Trustee Action

If the Board of Trustees receives notice from a property owner within the time specified in [Sec. 503-BB\(3\)\(A\)](#) or if a Board of Trustees member makes an objection to the proposed location of the wireless telecommunications facility within 15 days after the date of mailing of the notice sent to the Board of Trustees, the Board of Trustees shall request that the Township Fiscal Officer send the applicant written notice that the facility is subject to a conditional use review (See [Sec. 309: Variance or Conditional Use.](#)) and the standards of this section. The notice shall be sent no later than five days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Board of Trustees member makes an objection.

(4) Wireless Telecommunication Facility Standards

Wireless telecommunication facilities that are subject to conditional use review pursuant to the procedure above shall be subject to the following standards and requirements:

(A) Additional Submittal Requirements

The following additional information must be submitted as part of the conditional use application:

- i)** The applicant shall supply a map of the township and all contiguous townships and municipalities indicating the location of all existing facilities (towers, buildings, etc.) within the township and within three miles of the borders of the township, which are technically suitable and capable of supporting the antenna requirements of the applicant. The applicant must show that it has requested to locate or collocate on an existing tower, building, or other technically suitable facility indicated on the above referenced map and the location of the collocation request was rejected by the owner/operator of the tower, building or other technically suitable facility. In all circumstances, owners of existing wireless telecommunication facilities located in the township shall promptly respond to requests for collocation, but in no event shall they respond more than 30 days from the date of receipt of a written request for collocation.
 - ii)** The applicant shall supply a map of the township and all contiguous townships and municipalities indicating the location of all the applicant's existing and proposed wireless telecommunication facilities and projects for a five year build out service projection if known.
- (B)** As a condition of issuing a zoning certificate or business use certificate to construct and operate a wireless telecommunications tower in the township, the owner/operator of the tower is required to allow, under commercially reasonable terms, collocation until said tower has reached full antenna capacity, but in no event fewer than two additional antenna platforms for two additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the property owner, if different from the owner/operator of the tower.
 - (C)** The minimum set back from any lot line shall be 150 feet and the minimum set back from any residential dwelling unit shall be 300 feet.
 - (D)** The wireless telecommunication facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

- (E) The location of all wireless telecommunication facilities shall comply with all natural resource protection standards established in this resolution or by all other federal or state agencies including those for flood plain, wetlands, steep slopes and endangered flora and fauna species.
- (F) Wireless telecommunication facilities may be located on a lot with another use subject to the following conditions:
 - i) The existing use on the property may be any permitted or conditionally permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunication provider.
 - ii) The wireless telecommunication facility will not be considered an addition to the structure or the value of a nonconforming use or be included in the green space calculations of such uses.
- (G) Security fencing shall be provided in a manner that surrounds the wireless telecommunication tower and related equipment, either completely or individually, as may be determined by the BZA. The fencing shall be a minimum of eight feet in height.
- (H) A metal sign with a maximum sign area of four square feet shall be posted on the above required fence showing the street or road number, names of companies with facilities at the site, and all 24-hour emergency telephone numbers.
- (I) Vehicular access to the facility shall be integrated with the parking and vehicular circulation on the site for the principal use, if any, to the maximum extent possible.
- (J) In the event a separate access road is necessary, it shall be constructed of suitable road materials to prevent mud deposits on public roads. Access roads shall have a gate with a locking device, installed at or near the public road entrance to prevent unauthorized entry from the public road.
- (K) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (L) All disturbed areas are to be fine-graded, seeded and mulched upon completion of construction. Between November 1st and March 1st, fine mulch only shall be utilized, temporary mulch is to be removed in such areas dressed, seeded and mulched after March 1st. Weather permitting, all grading and landscaping required herein shall be completed within 60 days after completion of construction. In no event shall grading and landscaping required herein in this section be completed in excess of 150 days after completion of construction.
- (M) An evergreen screen shall be planted around the required security fencing that consists of either an evergreen hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center. The evergreen hedges or trees may be planted in an offset manner so as to create an opaque screening upon full growth. The BZA may permit an alternate form of screening if it meets or exceeds this requirement.
- (N) All utility lines directly located between the utility source and the wireless telecommunications equipment shall be run underground.
- (O) An applicant shall provide evidence of permanent legal access from a public right-of-way to the wireless telecommunication facility.
- (P) Underground equipment shelters are encouraged and may be requested by the BZA, where an aboveground equipment shelter would substantially diminish the use and enjoyment of an adjoining property.

- (Q) All towers shall be of a self-supporting monopole design, as opposed to a lattice or guy wire design. Wireless telecommunication towers incorporated into the structure of an electric high-tension power line are also permitted.
- (R) A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design, structural loading capacity to comply with [Sec. 503-BB\(4\)\(B\)](#) herein, and proof of compliance with all Summit County Building Department requirements.
- (S) The maximum height of the wireless telecommunication tower shall be 200 feet as measured from the average ground level at the base of the tower. No equipment building facility shall exceed 10 feet in height from building grade.
- (T) The applicant shall utilize stealth technology. Stealth technology, also termed “low-observable” technology, is a set of techniques, methods and practices that render Wireless Communications Facilities including cell towers, mounting apparatus and associated antennae difficult to observe. The camouflaging methods applied to Wireless Communications Facilities are to portray Facilities and the components thereof in a more visually appealing manner; conceal, cover, screen or blend the proposed facility into the existing structure or visible back drop in such a way as to render it minimally visible to the casual observer or have an adverse impact on the exiting viewshed. Such methods include, but are not limited to, architecturally screened surface or roof-mounted antennae and building mounted antennae painted or otherwise constructed to resemble trees, shrubs, flagpoles, light poles, steeples and/or other architectural/natural features.
- (U) The color of the tower/antenna/equipment shelter shall be as required by the BZA, who are instructed to minimize the facility’s visibility, unless otherwise required by the Federal Aviation Administration (FAA).
- (V) Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the Federal Aviation Administration (FAA) regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. Lighting for security purposes shall be permitted, if necessary, at the facility with prior approval of the BZA.
- (W) An applicant, prior to receiving a zoning certificate or business use certificate, shall submit certification that the wireless telecommunication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).
- (X) No advertising shall be permitted on the facility.
- (Y) The owner or operator of the wireless telecommunication facility shall agree to remove a non-functioning facility within six months of ceasing its use. The owner or operator of the antenna and/or tower shall, on no less than an annual basis from the date of issuance of the zoning certificate or business use certificate, file a declaration with the Zoning Inspector as to the continuing operation of the facility.
- (Z) The owner or operator shall be required, as a condition of issuance of a zoning certificate or business use certificate, to post a cash or surety bond acceptable to the Board of Trustees, of not less than 100.00 dollars per vertical foot from natural grade of the tower, which bond shall insure that an abandoned, obsolete or destroyed facility shall be removed within six months of cessation of use and/or abandonment. Any collocator shall be required to additionally execute such bond, as principal, to ensure that the bond will be in place during the period of time the collocator occupies a facility.

(5) Additional Fees

In addition to any required application fee, the applicant for a wireless telecommunication facility shall be responsible for all expenses incurred by the township for any technical and/or engineering services deemed necessary by the Zoning Inspector, the BZA, or the Board of Trustees to perform the reviews and/or inspections set forth in this article which are not covered by the application fees or deposits established by the Board of Trustees.

Sec. 504 DISTRICT DEVELOPMENT STANDARDS

Sec. 504-A Measurements, Computations, and Exceptions

(1) General Rules of Measurement

(A) Percentages and Fractions

When a calculation required by this resolution results in a fractional number or percentage, the resulting number shall be rounded to the nearest whole number.

(B) Distance Measurements

Unless otherwise expressly stated, distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points.

(C) 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.

(2) Lot Area Measurements

(A) The area of a lot includes the total horizontal surface area within the lot's boundaries, excluding any area of street right-of-way.

(B) For nonconforming lots, see [Sec. 1406: Nonconforming Lots of Record](#).

(C) With the exception of approval of an open space residential subdivision or governmental acquisition of land, no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not met.

(3) Setback and Yard Measurements

(A) Setback Measurement and Permitted Projections

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a principal structure and the lot line of the lot on which the structure is located. Every part of a required yard shall be open to the sky and unobstructed except:

i) As otherwise provided in this section;

ii) For temporary and accessory buildings as allowed in [Article 7: Accessory and Temporary Use Regulations](#);

iii) Fences and walls as permitted in [Sec. 801: Fencing, Walls, Hedges, and Similar Structures](#);

- iv) For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
- v) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet;
- vi) The ordinary projections of chimneys and flues may be permitted by the Summit County Building Department when placed so as not to obstruct light and ventilation but shall not be any closer than two feet to any lot line;
- vii) An open and unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten feet; or
- viii) Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

(B) Front Yard Setback

Unless otherwise noted, the required minimum front yard setback shall be measured from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 504-A](#).

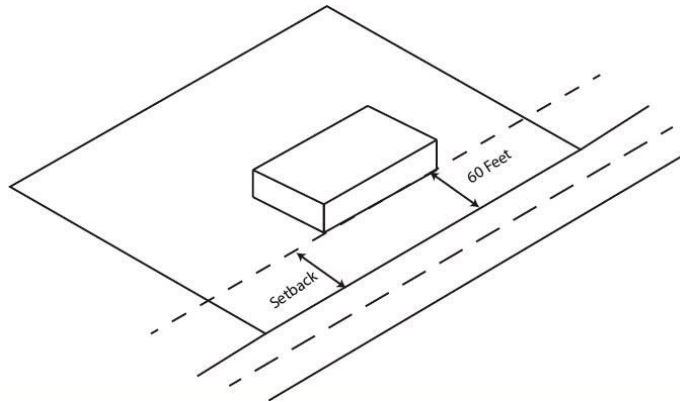


Figure 504-A: Measurement of a 60-foot front yard setback.

(C) Front Yard Modifications

Notwithstanding [Sec. 504-A\(3\)\(B\): Front Yard Setback](#), in any residential district where the average depth of at least two existing front yards on lots within 200 feet of the lot in question and within the same block front is less or greater than the minimum front yard setback prescribed elsewhere in this resolution, the required front yard setback 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 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 25 feet and need not exceed 100 feet.

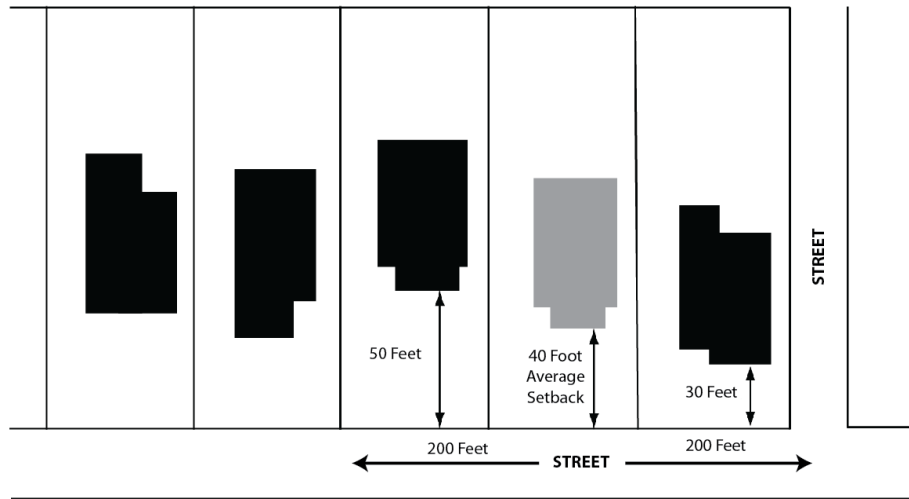


Figure 504-B: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 60 feet, smaller setbacks may be allowed if the average front yard setbacks on the same lot are less than the required setback.

(D) Interior Lots (Side and Rear Yards)

- i) The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See [Figure 504-C](#).
- ii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 504-C](#).

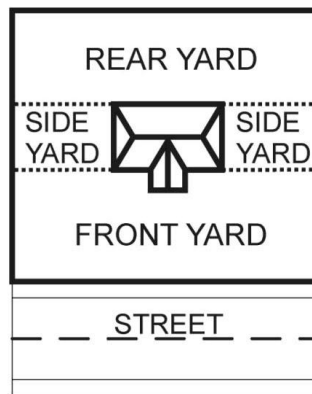


Figure 504-C: Typical yard locations for an interior lot.

(E) Corner Lots

- i) On corner lots, the required minimum front yard setback shall be provided from each street or section thereof. [Figure 504-D](#).
- ii) The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 504-D](#).
- iii) All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 504-D](#).

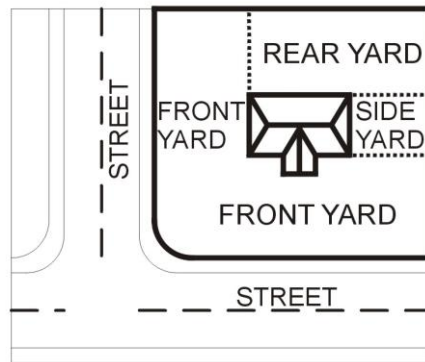


Figure 504-D: Typical yard locations for a corner lot.

(F) Double Frontage Lots

- i) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 504-E](#).

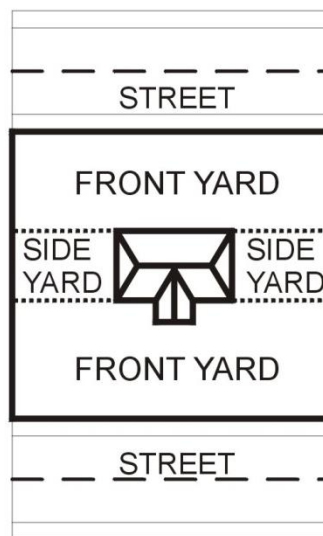


Figure 504-E: Typical yard locations for double frontage lots.

- ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 504-E](#).
- iii) For the purposes of allowing accessory uses in a rear yard, the front yard that is located to the rear of the house shall be considered the rear yard.

(G) Cul-de-Sac or Curved-Street Lot

- i) For a cul-de-sac lot (including lots with frontage on a knuckle or eyebrow) or a lot abutting a curved street, the front-yard setback shall follow the curve of the front lot line. See [Figure 504-F](#).

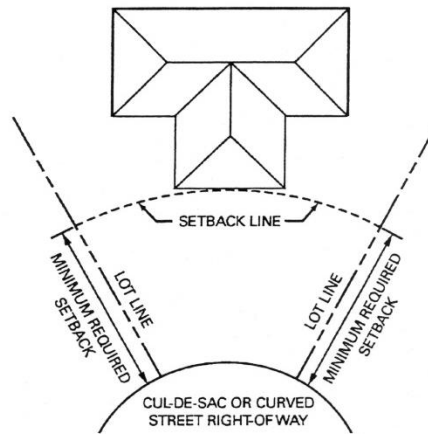


Figure 504-F: Setback line of a lot with frontage on a curved street or cul-de-sac.

- ii) On a cul-de-sac roadway, knuckle, or eyebrow, the required lot width at the street right-of-way shall be required and measured at the right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

(H) Flag Lots

- i) Flag lots shall not be used to avoid the construction of a street.
- ii) The “flag pole” portion of the lot shall have a minimum lot width at the street right-of-way as required in [Table 504-1: Site Development Standards for Residential Zoning Districts](#) and [Table 504-2: Site Development Standards for Business and Mixed Use Zoning Districts](#). At no point shall the “flagpole” be less than 25 feet in width.
- iii) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 504-G](#).
- iv) The “flag pole” portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

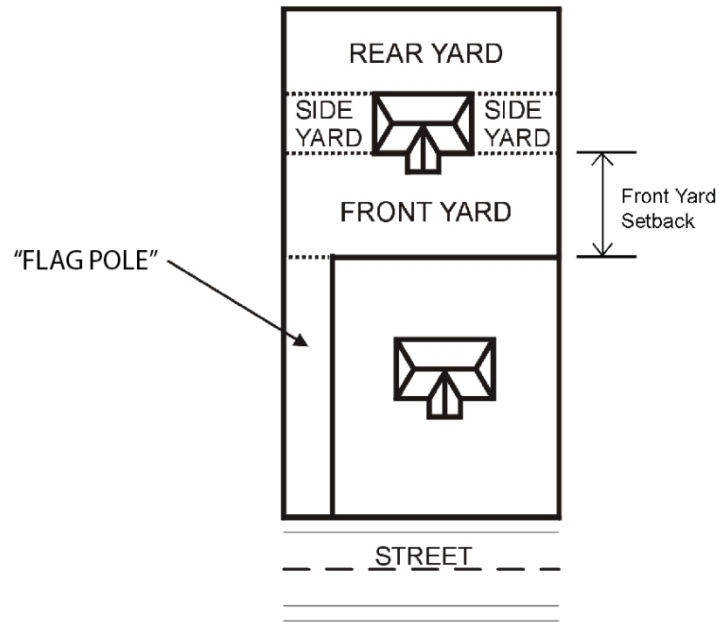


Figure 504-G: Yard and front yard setback locations on a flag lot.

(I) Other Lot Types

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

(4) Lot Width Measurements

- (A) The lot width at the street right-of-way is the distance between the side lot lines measured at the point of the street right-of-way line or, if no right-of-way exists, at the back of the curb/pavement, or at the back of any public utility easement along the roadway, whichever is greater. See [Figure 504-H](#).
- (B) The lot width at the building setback line is the distance between the side lot lines measured along the front yard setback line. See [Figure 504-H](#).

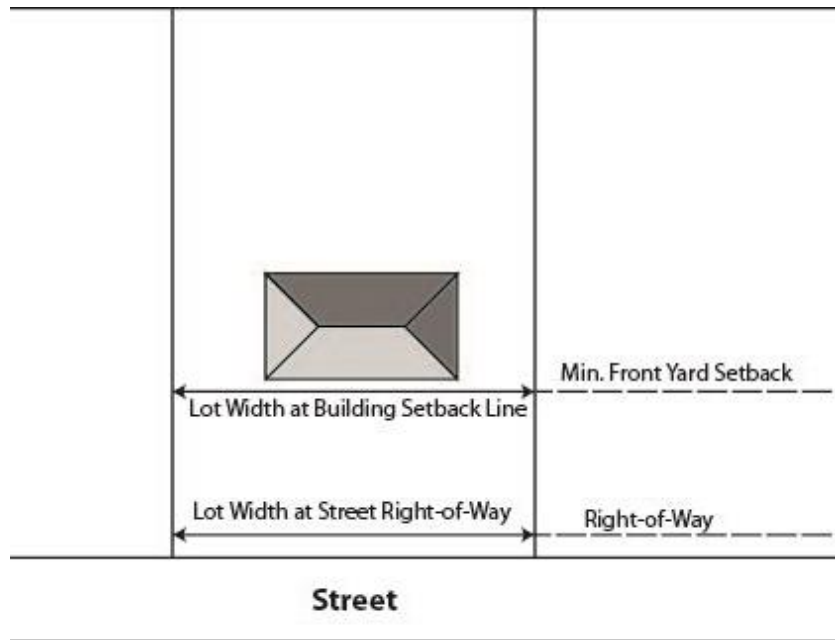


Figure 504-H: Illustration of lot width measurements

(5) Height Measurement and Exceptions

(A) Height Measurement

- i) Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.

- ii) Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to (See [Figure 504-I.](#)):
 - a) The highest point of a flat roof;
 - b) The deck line of a mansard roof; or
 - c) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

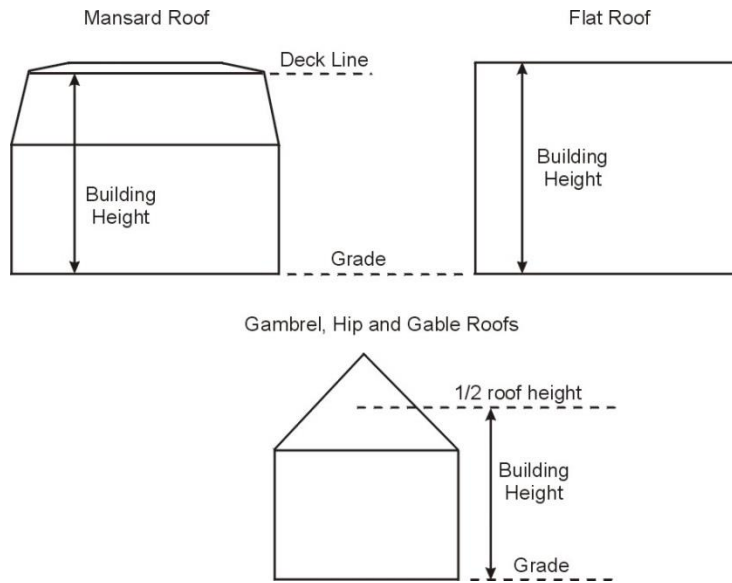


Figure 504-I: Measurement of roof heights based on the type of roof.

(B) Exceptions to Height Limits

Height limitations stipulated in this resolution shall not apply:

- i) To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, and domes, monuments, chimneys, and smokestacks, provided such space is not habitable;
- ii) To cupolas and parapet walls extending not more than three feet above the maximum height of buildings permitted within the applicable zoning district; or
- iii) To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
 - a) The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
 - b) The total footprint of the structure shall not exceed 60 percent of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

Sec. 504-B Site Development Standards

- (1) [Table 504-1](#) establishes the minimum site development standards for residential zoning districts. [Table 504-2](#) establishes the minimum site development standards for business and mixed use zoning districts.
- (2) The minimum site development standards established in [Table 504-1](#) and [Table 504-2](#) may be reduced or enlarged:
 - (A) By requirement of the Summit County General Health District if an on-site wastewater system (e.g., septic system) is required;
 - (B) In the use-specific standards established in [Sec. 503: Use-Specific Standards](#); or
 - (C) As a condition of an approved conditional use or variance (See [Sec. 309: Variance or Conditional Use](#)).

TABLE 504-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

RESIDENTIAL ZONING DISTRICT	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH AT BUILDING SETBACK LINE (FEET)	MINIMUM LOT WIDTH AT STREET RIGHT-OF-WAY (FEET)	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]
				FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)	
R-1 Residential District	5 acres	300	250	60	20	50	35
R-2 Residential District	2.5 acres	150	100	60	20	50	35
R-3 Residential District	1.0 acre	150	100	60	20	50	35
R-4 Residential District	10,890 sq. ft.	60	50	60	10	50	35

NOTES:

sq. ft. = square feet

[1] The minimum lot area requirement shall be for each single-family dwelling unit. The minimum lot area for other uses allowed in the district may be larger, as defined in any applicable use-specific standards, but in no case shall it be reduced below this requirement.

[2] The maximum building height is given in feet but in no case shall a residential building exceed 2.5 stories in height. Building heights are maximum heights except as provided in [Sec. 504-A\(5\): Height Measurement and Exceptions](#).

TABLE 504-2: SITE DEVELOPMENT STANDARDS FOR BUSINESS AND MIXED USE ZONING DISTRICTS

DISTRICT	MAXIMUM IMPERVIOUS SURFACE COVERAGE	SETBACKS			MAX. BUILDING HEIGHT (FEET) [1]
		FRONT YARD (FEET)	SIDE AND REAR YARD ADJACENT TO A RESIDENTIAL DISTRICT (FEET)	SIDE AND REAR YARD ADJACENT TO A BUSINESS OR MIXED USE DISTRICT (FEET)	
B-1	50%	75	50	25	35
B-2	50%	75	75	25	35
B-3	50%	75	50	25	35
B-4	50%	75	50	25	35
B-5	50%	60	50	10	35

NOTES:

[1] Building heights are maximum heights except as provided in [Sec. 504-A\(5\): Height Measurement and Exceptions](#)

(3) Maximum Impervious Surface Coverage

The maximum impervious surface coverage reference above shall be calculated by dividing the amount of the site that is covered by any impervious surface by the total area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

(4) Maximum Building Footprint

In the B-1 and B-5 districts, the maximum building footprint shall be 3,000 square feet and the maximum total gross floor area shall be 6,000 square feet.

(5) Minimum Floor Area Requirements

The following minimum floor area requirements shall apply to all residential uses in the township:

(A) There shall be a minimum of 1,550 square feet of floor area for any dwelling unit without a basement.

(B) For dwelling units that have a basement, the minimum floor area shall be 1,400 square feet.

(C) For dwelling units that have multiple levels (excluding the basement), at least one level must have a minimum floor area of 1,000 square feet.

(D) For attached dwelling units, the minimum floor area for each dwelling unit shall be 1,000 square feet.

(6) Visibility at Intersections

(A) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See [Figure 504-J](#).

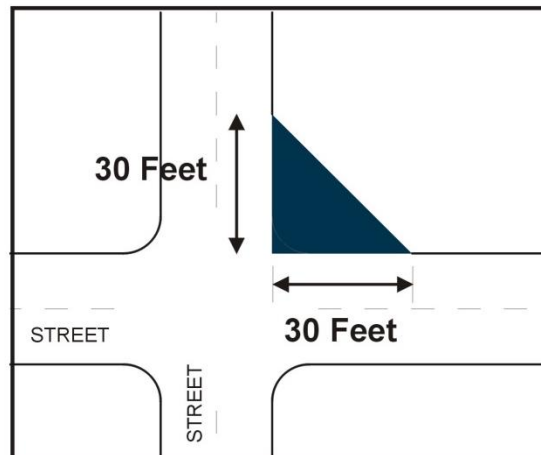


Figure 504-J: Traffic safety visibility triangle for intersecting streets.

- (B) For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the curb or right-of-way line and 20 feet along the driveway, perpendicular from the street. See [Figure 504-K](#).

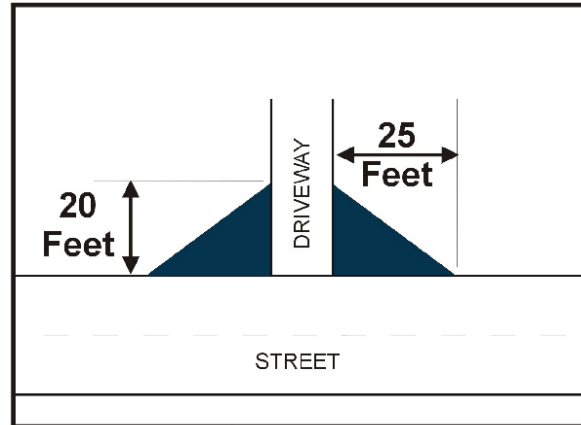


Figure 504-K: Traffic safety visibility triangle for driveway and street intersections.

- (C) No structure, sign, or landscape element shall exceed 24 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector. Mailboxes are exempt from this requirement.
- (D) An exception to this requirement shall be for existing trees where the tree canopy (branches and leaves) is trimmed to a minimum of eight feet above grade.

Article 6: Overlay Zoning Districts

Sec. 601 PURPOSE AND ESTABLISHMENT OF OVERLAY DISTRICTS

Sec. 601-A Due to unique characteristics and/or recommendations of the Bath Township Comprehensive Plan, some areas of the township may be divided into overlay zoning districts as established in [Table 601-1: Overlay Zoning Districts](#), in addition to the base zoning districts established in [Sec. 401: Establishment of Zoning Districts](#).

TABLE 601-1: OVERLAY ZONING DISTRICTS	
DISTRICT DESIGNATION	OVERLAY ZONING DISTRICT NAME
RC-O	Riparian Corridor Overlay District
SW-O	Sidewalk and Walkway Overlay District

Sec. 601-B Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

Sec. 602 RC-O RIPARIAN CORRIDOR OVERLAY DISTRICT

Sec. 602-A Purpose

- (1) It is hereby determined that the system of rivers, streams, and other natural watercourses contributes to the health, safety, and general welfare of the residents of Bath Township and the protection of such resources are aligned with the purposes of this zoning resolution and the vision established in the Bath Township Comprehensive Plan. The specific purpose and intent of the Riparian Corridor Overlay District (RC-O) is to implement the 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. In accordance with these documents and this resolution, the specific purpose of the RC-O is to regulate land use and construction within riparian areas to:
- (A) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow;
 - (B) Stabilize the banks of watercourses to reduce bank erosion and downstream transport of sediments eroded from watercourse banks;
 - (C) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter watercourses;
 - (D) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation; and
 - (E) Minimize encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures, reduce property damage and threats to the safety of watershed residents, and preserve the character and property values of the township.

- (2) 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 herein represent only minimal protection to water quality and property owners are encouraged to do more to protect the ecological health of waterways. Guidance regarding characteristics of riparian setbacks can be found in the Bath Township Design Guidelines.

Sec. 602-B Riparian Corridors Established

The RC-O is hereby established based on the following setback requirements:

- (1) For the purposes of this district, streams are those which meet the definition of “stream” and as indicated 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 prepared by the U.S. Department of Agriculture’s (USDA) National Resource Conservation Service (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 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles;
 - (B) 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;
 - (C) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres); or
 - (D) 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-year floodplain shall be as established by the Federal Emergency Management Administration (FEMA) and enforced by Summit County.
 - (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 formula for width determination:

AVERAGE PERCENT SLOPE	WIDTH OF SETBACK
>=15% and <=20%	Add 25 feet
>20% and <= 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:
 - i) A 50 foot setback extending beyond the outer boundary of a Category 3 wetlands;
 - ii) A 30 foot setback extending beyond the outer boundary of a Category 2 wetlands; and
 - iii) 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 certificate 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 Summit County.

Sec. 602-C Permitted Uses and Activities

All areas located within the riparian setback are subject to the following standards and regulations. Alteration of this natural area is strictly limited and with the exception of activities specifically allowed in this section, the riparian setback shall be preserved in its natural state.

(1) Permitted Uses and Activities

- (A) Construction of multiple use recreational trails is permitted provided such trails are set back at least 20 feet from the ordinary high water mark of the watercourse and provided they are not constructed of impervious materials.
- (B) The creation of wet or dry hydrants for fire protection is permitted in the riparian setback.
- (C) The removal of individual trees are permitted if they 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.
- (D) One stream crossing may be constructed on each tax parcel. The angle of any crossing shall be perpendicular to the stream and structures should be designed to allow fish passage.

- (E) Stream crossings for subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the Summit County Engineer’s design standards and as approved by the Summit County Planning Commission and Bath Township. If more than two crossings per 1,000 linear feet of the stream centerline 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. See [Figure 602-A: Traffic safety visibility triangle for driveway and street intersections.](#)

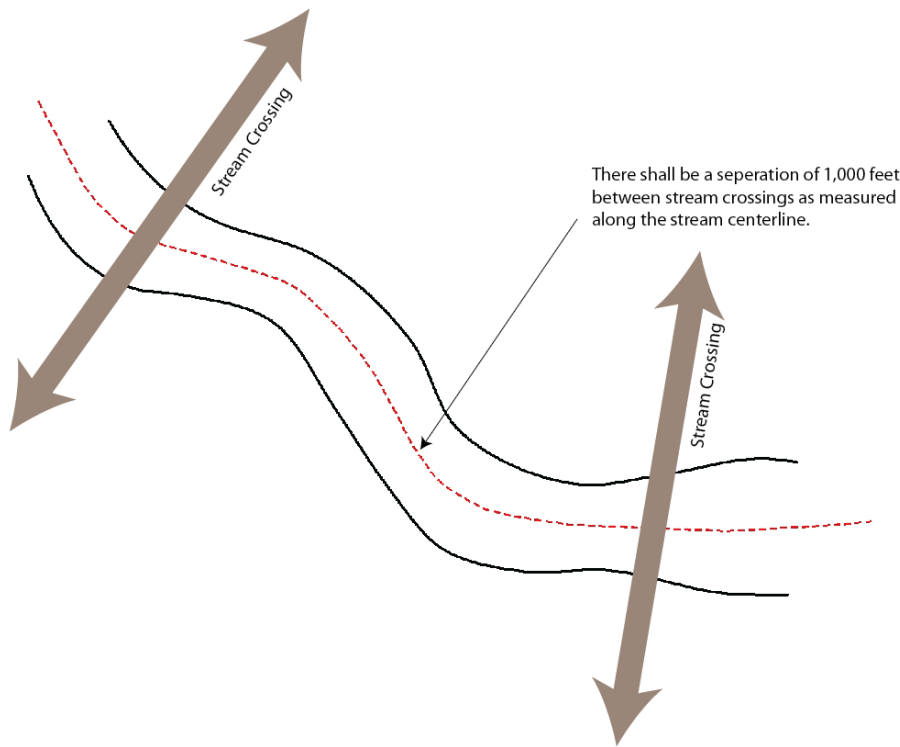


Figure 602-A: Traffic safety visibility triangle for driveway and street intersections.

- (F) 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.
- (G) Development on steep slope areas or the use of Best Management Practices (BMP) for stream bank stabilization or erosion control may be allowed if:
- i) The proposed development or practice is approved through a conditional use review (See [Sec. 309: Variance or Conditional Use.](#)) that shall include review and recommendation from the Summit SWCD;
 - ii) The proposed development or practice is appropriate for the specific site and is the best approach for the site and township;
 - iii) 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; and
 - iv) Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan or bank stabilization plan by the Summit SWCD.

(2) Prohibited Uses and Activities

- (A) The construction of principal or accessory structures is prohibited in a riparian setback.
- (B) There shall be no change in topography including grading, excavating, and filling, except when constructing an approved stream crossing.
- (C) The creation of new impervious surfaces is prohibited unless within a public right-of-way or approved private street constructed as part of a major residential subdivision.
- (D) 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.
- (E) Modification of the natural vegetation shall be limited to conservation maintenance that the landowner reasonably 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 maintenance of landscaping or lawns existing at the time of passage of these regulations.

Sec. 602-D Exceptions

- (1) In accordance with [Sec. 309: Variance or Conditional Use](#), the BZA 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.
- (2) As a condition for requesting a variance from these regulations, evidence shall be provided that the site and any construction to be done thereon have been reviewed by the Summit SWCD. The applicant shall be required to submit site plans to the Summit SWCD for their review prior to submitting any application to the township.
- (3) A variance may 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.
- (4) 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.

Sec. 603 SW-O SIDEWALK AND WALKWAY OVERLAY DISTRICT

Sec. 603-A Purpose

The purpose of the Sidewalk and Walkway Overlay District (SW-O) is to incorporate sidewalks or walkways along public streets in areas of the township where such sidewalks or walkways were not included in previous developments or subdivisions but where the intensity of land uses necessitates the development of sidewalks or walkways.

Sec. 603-B Applicability

The requirements of this section shall apply to all new site plan applications after the effective date of this resolution.

Sec. 603-C Standards

- (1) Sidewalks and walkways shall be as defined in the Summit County Subdivision Regulations.
- (2) Property owners shall be responsible for the care and maintenance of all sidewalks and walkways.

- (3) When a new sidewalk or walkway is installed, the applicant shall record a deed restriction for the property that states the following: “No governmental body is responsible or liable for the care, repair, replacement or maintenance of said sidewalks or walkways. Any property owner or occupier shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the sidewalks or walkways.”
- (4) Sidewalks or walkways shall have a minimum width of six feet unless the width of the street pavement and/or right-of-way constrains the width of the sidewalk or walkway, in which case, the Zoning Inspector may authorize a reduction to a minimum width of four feet.
- (5) Sidewalks and walkways shall be constructed to the standards shown in the “Summit County Engineer Specs and Details Manual.”
- (6) Sidewalks and walkways shall generally run parallel to the street but may vary in distance to prevent conflicts with utilities, trees, or other permanent structure or to be creative in the incorporation of the sidewalk or walkway within landscaping areas.

Article 7: Accessory and Temporary Use Regulations

Sec. 701 ACCESSORY USE REGULATIONS

Sec. 701-A Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with [Article 5: Base Zoning Districts and Principal Use Regulations](#) or [Article 6: Overlay Zoning Districts](#).

Sec. 701-B General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be subordinate to and serves the principal building or use.
- (3) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves.
- (4) An owner shall be required to apply for and receive a zoning certificate or business use certificate, as applicable, unless exempted or not required by this section.
- (5) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning resolution.
- (6) Accessory uses and structures are prohibited in any open space area that is preserved by a covenant deed restriction, or other private agreement.
- (7) Accessory structures used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.
- (8) Accessory uses in any overlay zoning district shall be subject to the accessory use regulations for the underlying base zoning district.
- (9) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision.
- (10) Accessory buildings and structures with a floor area less than or equal to 20 square feet shall not require a zoning certificate or business use certificate, as applicable, but shall comply with the location and setback requirements of this section.
- (11) **Size Requirements and Location**
 - (A) Detached accessory structures shall be set back 15 feet from the principal building.
 - (B) Accessory buildings and structures with a floor area greater than 144 square feet shall be set back a minimum of 20 feet from the side and rear lot lines and should be screened with vegetation around the perimeter of the structure.

- (C) Accessory buildings and structures with a floor area less than or equal to 144 square feet shall be set back a minimum of five feet from the side and rear lot lines.
- (D) The total building footprint area of all accessory buildings and structures on a lot in the R-1 and R-2 districts shall not exceed 1,500 square feet.
- (E) The total building footprint area of all accessory buildings and structures on a lot in the R-3 and R-4 districts shall not exceed 1,000 square feet.
- (F) The total building footprint area of all accessory buildings and structures on a lot in the B-1, B-2, B-3, B-4, and B-5 shall not exceed 144 square feet.
- (G) The maximum height of an accessory building or structure shall not exceed the height of the principal dwelling.
- (H) The total area of all accessory structures shall not exceed the main floor area of the principal building's footprint.

Sec. 701-C Permitted Accessory Uses

Table 701-1 lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 701-1.

(1) **Permitted Use (P)**

A "P" in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this zoning resolution, including the additional standards set forth in this section.

(2) **Permitted Use with Use-Specific Standards (PS)**

(A) A "PS" in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning resolution.

(B) Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the Zoning Inspector pursuant to the zoning certificate or business use certificate review procedure, where required.

(3) **Conditional Use (C)**

A "C" in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to [Sec. 309: Variance or Conditional Use](#). Conditional uses are subject to all other applicable regulations of this zoning resolution, including the additional standards set forth in this section.

(4) **Prohibited Uses (Blank Cells)**

(A) A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

(B) The outdoor storage of junk, building materials, parking of inoperative or unlicensed motor vehicles, or similar items of personal property is prohibited on all lots where the principal use is residential. Outdoor storage on all other lots shall be classified as "outdoor storage and displays" as regulated in this section.

(5) Certificate Required

The “Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure. If the accessory use or structure is associated with a use other than a single-family dwelling or attached dwelling, a business use certificate shall be required in lieu of a zoning certificate.

(6) Yards Permitted

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also [Sec. 504-A: Measurements, Computations, and Exceptions](#), for more information about specific yard locations for interior, corner, double frontage, flag, cul-de-sac, or curved street lots.

(7) Numerical References (Last Column)

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 701-1: PERMITTED ACCESSORY USE TABLE

PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR	USE-SPECIFIC STANDARDS SEE SECTION
	R-1, R-2, R-3, AND R-4	B-1, B-2, B-3 B-4, AND B-5			
Above Ground Liquid Hydrocarbon Storage Tank	PS in R-1 and R-2	PS in B-2, B-3, and B-4	Yes	S or R	Sec. 701-D(1)
Accessory Dwelling Units	C		Yes		Sec. 701-D(2)
Accessory Recreational Structures	PS		Yes	R	Sec. 701-D(3)
Automated Teller Machines (ATM) (Indoors)		P	No	Inside principal building	
Automated Teller Machines (ATM) (Outdoors)		C	Yes	S or R	Sec. 701-D(4)
Cisterns or Rain Barrels	See Sec. 701-D(5).				
Community Gardens	PS	PS	No	F, S, or R	Sec. 701-D(6)
Detached Accessory Buildings or Structures	P	P	Yes	S or R	
Drive-Through Facilities		C in B-1 and PS B-2	Yes [1]	S or R	Sec. 701-D(7)
Driveways	PS	PS	No	F, S, or R	Sec. 1204
Drop-Off Boxes		PS	No	S or R	Sec. 701-D(8) Sec. 701-D(7)(A)
Farm Markets	PS	PS	No	F, S, or R	Sec. 701-D(9)
Home Occupations	PS		Yes	Inside principal building	Sec. 701-D(10)
Keeping of Domestic Animals	PS in R-1 and R-2		No		Sec. 701-D(11)
Outdoor Dining		C	Yes		Sec. 701-D(12)
Playsets and Trampolines	P		No	S or R	
Porches or Decks	PS	PS	Yes	F, S, or R	Sec. 701-D(14)
Satellite Dishes	PS	PS	See Sec. 701-D(15)		Sec. 701-D(15)

TABLE 701-1: PERMITTED ACCESSORY USE TABLE

PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR	USE-SPECIFIC STANDARDS SEE SECTION
	R-1, R-2, R-3, AND R-4	B-1, B-2, B-3 B-4, AND B-5			
Small Wind Energy Conservation Systems - Horizontal Axis Wind Turbines (HAWT)	C	C	Yes	S or R	Sec. 701-D(16)
Small Wind Energy Conservation Systems - Vertical Axis Wind Turbines (VAWT)	C	C	Yes	S or R	Sec. 701-D(16)
Small Wind Energy Conservation Systems - Blade Tip Power System Turbines (BTPS)	C	C	Yes	S or R	Sec. 701-D(16)
Solar Panels – Roof Mounted Panels	PS	C	Yes	R	Sec. 701-D(17)
Solar Panels – Freestanding Panels	C	C	Yes	See Sec. 701-D(17) .	Sec. 701-D(17)
Swimming Pools	PS	PS	Yes	S or R	Sec. 701-D(18)
Type-B day care homes (1-6 children)	P		Yes	Inside principal building	
Unenclosed Patios	PS	PS	No	F, S or R	Sec. 701-D(19)

Sec. 701-D Use-Specific Standards

(1) Above Ground Liquid Hydrocarbon Storage Tank

Above ground liquid hydrocarbon storage tanks may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Above ground liquid hydrocarbon storage tanks are prohibited in the R-3, R-4, B-1, and B-5 districts.
- (B) These use-specific standards do not apply to above ground liquid hydrocarbon storage tanks in business districts or to storage tanks for operating gas or oil wells.
- (C) Above ground liquid hydrocarbon storage tanks are not permitted in the Riparian Corridor Overlay District (RC-O) as defined in [Sec. 602: RC-O Riparian Corridor Overlay District](#).
- (D) Above ground liquid hydrocarbon storage tanks are not permitted on steep slopes as defined in [Sec. 802: Steep Slope Regulations](#).
- (E) If the above ground liquid hydrocarbon storage tank is visible to neighbors or the public street right-of-way, it must be perpetually screened. The 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 75 percent opacity within two 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 more than the height of the tank.
- (F) No more than one 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.

- (G) The above ground liquid hydrocarbon storage tank shall be set back a minimum of 60 feet from all lot lines.
- (H) 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.
- (I) The above ground liquid hydrocarbon storage tank shall display a large clearly visible label identifying the liquid contained in the tank.

(2) Accessory Dwelling Units

Accessory dwelling units may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (A) All structures and activity areas shall be set back a minimum of 50 feet from all lot lines and street rights-of-way.
- (B) The use may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, or stable).
- (C) Only one accessory dwelling unit may be permitted on any single lot.
- (D) The floor area for the accessory dwellings shall be limited in size to a maximum of 750 square feet or 25 percent of the square footage of the principal dwelling, whichever is greater. In no case shall the accessory dwelling be more than 75 percent of the square footage of the principal dwelling.
- (E) Interior apartments may be contained within the existing house or attached onto the exterior. However, they are to be constructed so that the exterior appearance of a single-family home is maintained. A second front door is not permitted. Any additions to the existing living quarters must comply with all the dimensional requirements of the applicable zoning district.

(3) Accessory Recreational Structures

Accessory recreational structures may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) The structure shall be set back a minimum of 200 feet from the front lot line and 50 feet from all other lot lines.
- (B) Up to one basketball hoop is permitted, without a zoning certificate or business use certificate, on every lot. The placement of two or more basketball hoops on a single lot, regardless if they are temporary or permanent, shall require a zoning certificate or business use certificate, depending on the principal use.
- (C) Any fencing related to accessory recreational structures shall be subject to [Sec. 801: Fencing, Walls, Hedges, and Similar Structures](#).
- (D) All lighting used to illuminate such recreational facilities shall not be located in a required yard setback and shall not directly shine on adjacent properties.

(4) Automated Teller Machines (ATM) (Outdoors)

Automated teller machines may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (A) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

- (B) The ATM shall be subject to the vehicle stacking requirements of [Sec. 1206: Vehicle Stacking Requirements](#).
- (C) The ATM shall be connected to the principal building either as part of an attached canopy affixed to the principal building or as an integral part of the principal building.

(5) Cisterns and Rain Barrels

Cisterns and rain barrels may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) This resolution shall not apply to cisterns or rain barrels that are underground or not visible from any public right-of-way.
- (B) For cisterns and rain barrels that are above ground and/or visible from a public right-of-way, such equipment shall be subject to the setback requirements of this resolution and the applicable zoning district, however, cisterns and rain barrels are exempt from any setback requirements from the principal building as may be established in this section on accessory uses.

(6) Community Gardens

Community gardens may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (B) Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- (C) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (D) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.
- (E) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (F) There shall be no retail sales on site, except for produce grown on the site.
- (G) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- (H) Fences and walls shall be subject to the provisions of [Sec. 801: Fencing, Walls, Hedges, and Similar Structures](#).

(7) Drive-Through Facilities

Drive-through facilities may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Drive-through facilities shall be subject to the vehicle stacking requirements of [Sec. 1206: Vehicle Stacking Requirements](#).
- (B) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 300 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.

- (C) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- (D) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (E) A fence or screen between four and six feet in height shall be constructed along any lot line abutting a residential district.
- (F) **Menu Board Signs**
 - i) One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
 - ii) Menu board signage shall not be included in the total calculated allowed signage for a property under [Article 13: Signage Standards](#).
 - iii) No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
 - iv) All menu board signs shall be internally illuminated.

(8) Drop-Off Boxes

Drop-off boxes may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) The drop-off box shall be screened on a minimum of three sides to a height that fully screens the use unless otherwise required in this zoning resolution.
- (B) Screening shall be accomplished by the use of hedges, wall, or decorative fence that provides full opacity screening.

(9) Farm Markets

Farm markets may be permitted with standards when they are used in conjunction with any lawful agricultural use pursuant to the ORC and shall be subject to the following standards and any other applicable sections of this resolution:

- (A) A farm market shall only be permitted where 50% or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- (B) The farm market shall be located on the same property where the produce is raised.
- (C) The structure shall not exceed 800 square feet.
- (D) The structure and sign shall be set back a minimum of 30 feet from all side and rear lot lines.
- (E) The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.
- (F) Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of [Article 13: Signage Standards](#).

(10) Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted. Accessory buildings shall not be used as space for home occupations.
- (B) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- (C) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- (D) Such use shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- (E) There shall be no display or stock in trade or commodities sold except those that are produced on the premises.
- (F) The use shall not involve the use of more than one-third of the floor area of only one story.
- (G) Any signage related to the home occupation shall require a conditional use approval and shall not exceed one square foot to be mounted at a location approved by the BZA.
- (H) There shall be no retail sales (customers purchasing on site) of products at the location of the home occupation. Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- (I) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence (excluding the garage or accessory buildings).

(11) Keeping of Domestic Animals (Not Including Chickens)

The keeping of domestic animals may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Domestic animals shall not be harbored on any lands in the R-3 and R-4 Residential Districts.
- (B) Domestic animals, not including goats, shall not be kept on any lot with an area less than two acres.
- (C) There shall be a maximum of two domestic animals permitted on any lot with two acres of lot area. One additional domestic animal may be permitted for each additional one-half acre of land over two acres.
- (D) There shall be a maximum of one goat permitted on any lot with 1 acre of lot area. One additional goat may be permitted on each additional one-half acre of land over the one acre.
- (E) The keeping of domestic animals shall only be for the enjoyment of the property owner or lessee thereof and their respective family, without the payment of any fee.
- (F) Riding academies and the keeping, training, and otherwise harboring of domestic animals for a fee, shall be permitted in business zoning districts only.
- (G) The animals shall be properly housed in structures that are maintained in sanitary conditions.

- (H) The keeping of exotic animals is prohibited.
- (I) At a minimum, all permitted animals shall be confined within the building setback lines of the premises. Fences and other similar structures shall conform to Section [Sec. 801: Fencing, Walls, Hedges, and Similar Structures](#).
- (J) 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 set back a minimum of 300 feet 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 100 feet from all lot 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 set back a minimum of 100 feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals.
- (K) In no instance shall the keeping of any animal be allowed to become a public or private nuisance.
- (L) All buildings and structures, except fencing, associated with an agricultural use on lots larger than one acre in area but smaller than five acres shall be set back a minimum of 100 feet from any residential dwelling unit and 50 feet from all lot lines. No building shall exceed the height of the principal building.

(12) Keeping of Chicken

The keeping of chicken may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Chickens shall not be harbored on any lands in the R-4 residential District.
- (B) The number of chickens per household shall be limited to the following:
 - Under 1/3 acre - 0 chickens
 - 1/3 acre to 1/2 acre – 3 chickens
 - 1/2 acre to 1 acre – 5 chickens
 - 1 acre to 5 acres – 10 chickens
- (C) The keeping of roosters is prohibited in all zoning districts.
- (D) The keeping of chickens shall only be for the enjoyment of the property owner or lessee thereof and their respective family, without the payment of any fee.
- (E) Chicken coops and associated structures (i.e. enclosure, hutch, pen, and run) shall be located in the rear yard. All coops and associated structures related with the keeping of chicken on lots shall be setback a minimum of 50' from the side and rear property lines.
- (F) All coops and associated structures shall be screened from neighboring properties and the road rights of way by either landscaping or fencing that conforms to Section 801: Fencing, Walls, Hedges, and Similar Structures.
- (G) The chickens shall be properly housed in structures that are maintained in safe and sanitary conditions.
- (H) Chicken manure and other refuse shall be removed from the coop and associated structures and shall be properly disposed or composted no less than once per week.
- (I) All coops and associated structures shall be maintained in an orderly fashion. In no instance shall the keeping of chicken be allowed to become a public or private nuisance.
- (J) If the chicken coop and associated structures are deemed to be a nuisance the property owner and/or lessee shall be subject to Article 15: Enforcement and Penalties of the

Zoning Resolution.

(13) Outdoor Dining

Outdoor cafes and food service areas may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Outdoor dining areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking areas. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- (B) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions. No signage shall be permitted on the umbrellas.
- (C) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate or business use certificate.
- (D) Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

(14) Porches or Decks

Porches and decks may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Porches or decks that are enclosed (with screening or other materials), have a roof, that are physically attached to the principal structure, or that extend more than three feet above the average grade shall meet the setback requirements for principal buildings in the applicable zoning district. See [Sec. 504-B: Site Development Standards](#).
- (B) All other porches may extend into required setbacks in accordance with [Sec. 504-A\(3\)\(A\): Setback Measurement and Permitted Projections](#).

(15) Satellite Dishes

Satellite dishes may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate or business use certificate. To the maximum extent possible, the dish should be located in the side or rear yard.
- (B) Portable satellite dishes are prohibited in the township.
- (C) Any satellite dish that is larger than one meter in diameter shall be subject to the following standards:
 - i) The dish shall only be permitted in the rear yard and shall be set back 15 feet from the principal dwelling and 10 feet from all lot lines.
 - ii) The maximum diameter of any dish shall be 10 feet in a residential zoning district and 12 feet in all other zoning districts.
 - iii) The dish shall not exceed 15 feet in height as measured from the natural grade level.

- iv) Fencing or landscaping shall be installed around the dish or the subject property so as to fully screen the dish from view from adjacent properties or street rights-of-way.

(16) Small Wind Energy Conservation Systems

Small wind energy conservation systems may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Systems that are five megawatts or larger in capacity are regulated by the Ohio Public Utilities Commission.
- (B) Horizontal Axis Wind Turbines (HAWT), Vertical Axis Wind Turbines (VAWT), and Blade Tip Power System Turbines (BTPS) are permitted as part of these regulations.

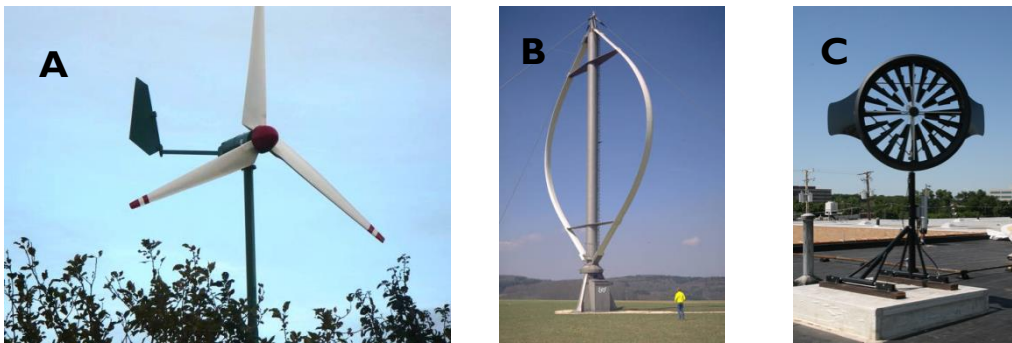


Figure 701-A: Illustrative examples of the types of wind turbines, from left to right, (A) Horizontal Axis (HAWT), (B) Vertical Axis (VAWT), and (C) Blade Tip Power System (BTPS).

- (C) Small wind energy conversion systems shall not exceed 55 dbA, measured five feet above ground level at the closest lot line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.
- (D) All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.
- (E) No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (F) Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- (G) Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- (H) Small wind energy conversion systems shall not be climbable up to 15 feet above the ground surface.
- (I) The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.

- (J) Any small wind energy conversion system that is not operated on a functional basis for a period of six consecutive months shall be deemed abandoned. The Zoning Inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within 60 days of receipt of notification by certified mail. If said facility is not either operational or removed after 60 days, the township may remove the system at the owner's expense.
- (K) The following standards apply to all HAWT and VAWT systems:
- i) The installation of a HAWT or VAWT system shall require approval as a conditional use.
 - ii) Only one HAWT or VAWT system shall be permitted on a lot with a minimum area of 100 acres.
 - iii) The maximum tower height shall be 150 feet.
 - iv) No portion of a turbine, including the rotor blades, shall be located within 20 feet of the ground except that the generator for a VAWT may be located on the ground at the base of the system.
 - v) No portion of a turbine may extend over parking areas, driveways, or sidewalks.
 - vi) The maximum rotor diameter shall be 43 feet for HAWTs.
 - vii) The maximum rotor blade length for VAWTs shall be 20 feet less than the height of the tower in order to provide for 20 feet of turbine clearance.
 - viii) All portions of the small wind energy system shall be set back a minimum of 150 feet from all lot lines. Guy wire anchors and ground-mounted conversion equipment shall be set back a minimum of 50 feet from all lot lines.
- (L) The following standards apply to all BTPS systems:
- i) The installation of a BTPS system shall require approval as a conditional use.
 - ii) The minimum lot area shall be one acre.
 - iii) Any post or pole that the BTPS system is attached to must be affixed to the principal building.
 - iv) The tip of the rotor blades shall not extend more than 10 feet above the highest point of existing roofline.
 - v) No portion of a turbine, including the rotor blades, shall be located within 20 feet of the ground if ground-mounted. There are no clearance requirements for roof-mounted systems.
 - vi) No portion of a turbine may extend over parking areas, driveways, or sidewalks.
 - vii) The maximum rotor diameter shall be six feet.
 - viii) All portions of a ground-mounted BTPS system shall be set back a minimum of 50 feet from all lot lines.

(17) Solar Panels

Solar panels may be permitted with standards or as a conditional use, depending on the applicable district, when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Freestanding solar panels shall require approval as a conditional use and shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 50 feet and shall not exceed 350 square feet in size.
- (B) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- (C) Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

(18) Swimming Pools

Public or private swimming pools may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A) Any public or private in-ground or above ground swimming pool, wading pool, or other pool containing over 1.5 feet of water depth shall be considered an accessory structure subject to these regulations.
- (B) For private swimming pools in any residential district, the pool shall be set back a minimum of 20 feet from all lot lines and 10 feet from principal dwelling.
- (C) Every pool subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four feet. Such fence shall be constructed so as to have no openings, holes, or gaps larger than four inches 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 part of the enclosure.
- (D) Above-ground pools with vertical surfaces of at least four feet in height shall not be required to have fences and gates except in areas where access may be gained to the pool.
- (E) The only pools that are permitted as accessory uses in a business zoning district or the mixed use zoning districts shall be those that are accessory to an existing residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.
- (F) The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.
- (G) 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.
- (H) For lots or parcels 1.5 acres or greater with an in-ground swimming pool, a properly installed swimming pool cover system, in lieu of required fencing and/or walls, must be in full compliance with the current American Society for Testing and Material Standards ASTM Standard F1346-91, or its equivalent, and shall be fully operational at all times. Installed swimming pool cover systems shall always be locked and closed when the pool is not in use.

(19) Unenclosed Patios

All unenclosed patios shall meet the required setbacks of the applicable district unless otherwise permitted in [Sec. 504-A\(3\): Setback and Yard Measurements](#).

Sec. 702 TEMPORARY USES AND STRUCTURES

Sec. 702-A Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

Sec. 702-B Permitted Temporary Uses and Structures

- (1) [Table 702-1](#) summarizes permitted temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited in the township.

TABLE 702-1: TEMPORARY USES AND STRUCTURES		
TEMPORARY USES AND STRUCTURES	CERTIFICATE REQUIRED	ADDITIONAL REQUIREMENTS
Construction Trailers	No	Sec. 702-D(1)
Garage and Estate (Third-Party) Sales	No	Sec. 702-D(2)
Outdoor Storage and Display	Yes	Sec. 702-D(3)
Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes	No	Sec. 702-D(4)
Sidewalk Sales	No	Sec. 702-D(5)
Temporary Special Events	Yes	Sec. 702-D(6)
Temporary Structures for Public or Institutional Uses	Yes	Sec. 702-D(7)

- (2) Temporary uses and structures that require a certificate and are associated with a single-family dwelling or attached dwelling shall be required to obtain a zoning certificate. All other temporary uses and structures shall be required to obtain a business use certificate.

Sec. 702-C General Standards Applicable to All Temporary Uses and Structures

- (1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- (2) All temporary uses and structures shall:
- (A) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (B) Be compatible with the principal uses taking place on the site;
 - (C) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - (D) Not include permanent alterations to the site;
 - (E) Not maintain temporary signs associated with the use or structure after the activity ends;
 - (F) Not violate the applicable conditions of approval that apply to a site or use on the site;
 - (G) Not interfere with the normal operations of any permanent use located on the property; and
 - (H) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

- (3) Temporary tents and seasonal covers are prohibited with the exception that a temporary tent may be permitted as part of a special event. See [Sec. 702: Temporary Uses and Structures](#).

Sec. 702-D Use-Specific Standards

(1) Construction Trailers

- (A) Construction trailers shall be located on the same site or in the same development as the related construction.
- (B) Construction trailers shall be used in conjunction with development subject to valid building and zoning certificate or business use certificate.
- (C) Construction trailers shall be removed from the site upon issuance of a certificate of occupancy.
- (D) Construction trailers shall also be removed from the site if construction is abandoned or halted for six or more consecutive months.

(2) Garage and Estate (Third-Party) Sales

- (A) Garage sales are permitted at any residential dwelling unit in any residential zoning district and in the B-1 and B-5 districts.
- (B) Even though a garage or an estate (third-party) sale does not require a zoning certificate, business use certificate, or fee, the property owner where the sale shall take place shall be required to provide written notification of the sale at least 14 days before the sale to the Zoning Inspector so that the township can review the application for the purposes of protecting the safety of the general public through adequate access and traffic control.
- (C) Garage and estate sales are permitted two times per calendar year for up to four consecutive days each sale.

(3) Outdoor Storage and Display

- (A) A site plan illustrating the location, size, and other pertinent information related to the outdoor storage and display area shall be submitted as part of a site plan review and business use certificate application.
- (B) 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.
- (C) There shall be no bulk storage permitted except in packaged form.
- (D) Materials shall not be stacked in piles or stacks in excess of ten feet in height.
- (E) The total area shall not be greater than 15% of the principal building floor area and building setbacks shall be maintained.
- (F) The site is to remain free of litter and debris and shall be restored to its original condition upon expiration of the permit.
- (G) 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.
- (H) Any violation of the temporary zoning certificate shall be deemed a zoning violation and shall immediately cease and desist, subject to applicable penalties. See [Article 15: Enforcement and Penalties](#).

(4) Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes

- (A)** Portable storage units shall only be permitted for the following situations:
 - i)** For storage at a nonresidential construction site for a period not to exceed 90 consecutive days;
 - ii)** 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 180 consecutive days;
 - iii)** When the occupant of the property is relocating for a period not to exceed 30 consecutive days; or
 - iv)** For storage on any lot in a business zoning district for a period not to exceed 30 consecutive days up to two times per calendar year.
- (B)** Up to one construction dumpster and one portable toilet facility shall be permitted during the construction of any lawful structure in any zoning district, provided the dumpster and portable toilet facility are removed upon completion of the improvements.
- (C)** In residential districts, any construction dumpster or portable toilet facility shall be set back a minimum of 50 feet from all adjacent lot lines.
- (D)** Only one portable storage unit shall be permitted on a single lot at any one time.
- (E)** Any portable storage unit, construction dumpster, or portable toilet facility unit must include a placard not to exceed one square foot in area which is clearly visible and which includes the container identification number (where applicable), the business that owns and is responsible for the unit, dumpster, or facility, and a phone number of such business.
- (F)** The size of a portable storage unit shall not exceed 1,024 cubic feet, measured by the exterior length, width, and height multiplied together except as permitted in a B-2 district.
- (G)** Portable storage units, construction dumpsters, and portable toilet facilities, shall not be placed in the public road right-of-way and shall not block sidewalks, fire lanes, or bike paths.
- (H)** Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.
- (I)** Portable storage units, construction dumpsters, and portable toilet facilities must be placed and kept on a hard surface at all times.
- (J)** 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.
- (K)** Portable storage units, construction dumpsters, and portable toilet facilities shall be located in the side or rear yard to the maximum extent possible.
- (L)** Portable storage units, construction dumpsters, and portable toilet facilities shall not be connected to any utility.

(5) Sidewalk Sales

- (A)** Sidewalk sales are permitted for seven consecutive days in the B-1, B-2, and B-5 districts.

- (B) Up to two sidewalk sales are permitted for each business within a single calendar year. Such sales shall not be within two months of another sidewalk sale for the same business or property.
- (C) Sidewalk sales do not require a business use certificate or fee but the property owner or authorized agent where the sale shall take place shall be required to provide written notification to the Zoning Inspector of the sidewalk sale a minimum of 14 days before the sale so that the township can review the application for the purposes of protecting the safety of the general public through adequate access, safe sidewalk clearance, and traffic control, if applicable.

(6) Temporary Special Events

- (A) A temporary zoning certificate or temporary business use certificate for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than ten consecutive days provided the applicant receives other applicable permits from the Summit County Building Department and the Bath Township Police and Fire Department.
- (B) Temporary tents for outdoor sales may be permitted for a 14-day period twice in one calendar year. The use of a temporary tent shall require review by the Zoning Inspector and the Bath Township Fire Department as part of the zoning certificate or business use certificate review. Temporary tents may also require a building permit from Summit County.
- (C) Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise resolutions and ordinances.

(7) Temporary Structures for Public or Institutional Uses

Temporary structures serving educational institutions shall comply with the following standards:

(A) Location

- i) The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- ii) The use shall not be permitted within required off-street parking, required open space areas, or required landscaping areas.

(B) Standards

- i) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- ii) Parking shall be provided for the temporary structure in conformance with [Article 12: Parking, Loading, and Circulation Standards](#).

(C) Approval and Duration

- i) This use is permitted if approved by the Zoning Inspector, and may remain on the site for no more than two years. This period may be renewed for two additional uses, for good cause shown, upon approval of a written request, submitted to the Zoning Inspector at least 30 days prior to the expiration of the zoning certificate or business use certificate, as applicable. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

Article 8: General Development Standards

Sec. 801 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES

Sec. 801-A Applicability

Fences, walls, retaining walls, hedges and other similar structures may be permitted in all zoning districts in accordance with this section.

Sec. 801-B Zoning Certificate or Business Use Certificate Required

The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate (principal use is a single-family or attached dwelling) or business use certificate (all other principal uses). The planting of hedges shall not require a zoning certificate or a business use certificate but shall be done in a manner that will comply with the location and height requirements of this section.

Sec. 801-C Decorative Fencing Exemption

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate or business use certificate.

Sec. 801-D Snow Fences

A snow fence or fence of similar type may be erected in any yard during the period from the first of November to the first of April for the sole purpose of preventing the drifting of snow on highways, driveways and sidewalks. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. A zoning certificate or business use certificate shall not be required for a snow fence.

Sec. 801-E Retaining Walls

- (1)** An embankment to be retained on any lot that exceeds 48 inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the BZA determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches. See [Figure 801-A](#).



Figure 801-A: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet.

- (2) Retaining walls over 48 inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional engineer licensed in Ohio. A copy of the signed construction drawing should be submitted with a zoning certificate or business use certificate application.
- (3) Retaining walls shall be constructed as a decorative landscape element with vegetated plantings that soften edges and create visual interest.
- (4) Retaining walls shall not be designed or constructed to obstruct the natural flow of water unless approved by any applicable agency having jurisdiction (e.g., Summit County Soil and Water Conservation District, Summit County Engineer, etc.).
- (5) A retaining wall shall not be constructed to a height that exceeds one foot above the highest finished grade.
- (6) In reviewing an application for a retaining wall, the Zoning Inspector may forward the application to the Summit County Engineer for review and comment.

Sec. 801-F Location and Height Standards

(1) Front Yards

- (A) Fencing and hedges in the front yard setback area shall not exceed four feet in height.
- (B) Hedges of any height may be planted in the front yard if they are set back a distance equal to the minimum required front yard setback as established in [Sec. 504-B: Site Development Standards](#).
- (C) Solid masonry walls are permitted in the front yard provided the wall does not exceed a height of two feet above the finished grade and are constructed of materials that are decorative in nature and not cement block.
- (D) Fencing of woven wire chain link, wire stock fences, or other wire fences are prohibited within 20 feet of the street right-of-way.
- (E) Barbed wire fencing is prohibited in the front yard.
- (F) Fences in the front yard shall have uniform openings aggregating at least 50 percent of their surface area when viewed from a perpendicular direction.
- (G) All fencing, walls, hedges, and similar structures shall be subject to the sight clearance regulations of [Sec. 504-B\(6\): Visibility at Intersections](#).

(2) Side and Rear Yards

- (A) Fences and walls located in the side or rear yards shall not exceed a height of six feet.
- (B) Informal plantings, trees, and hedges may be taller than six feet but shall be maintained and trimmed so as not to constitute a nuisance to adjoining property owners.

Sec. 801-G Measurement

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See [Figure 801-B](#).

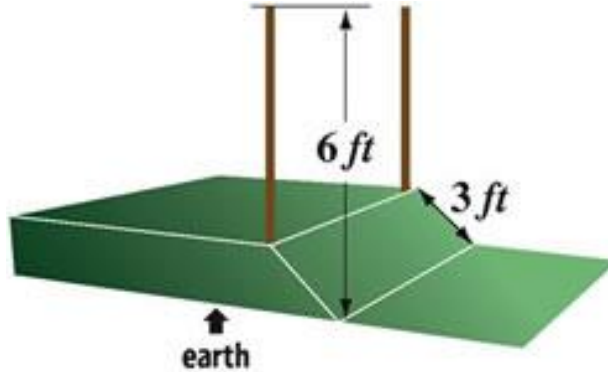


Figure 801-B: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 801-C](#).

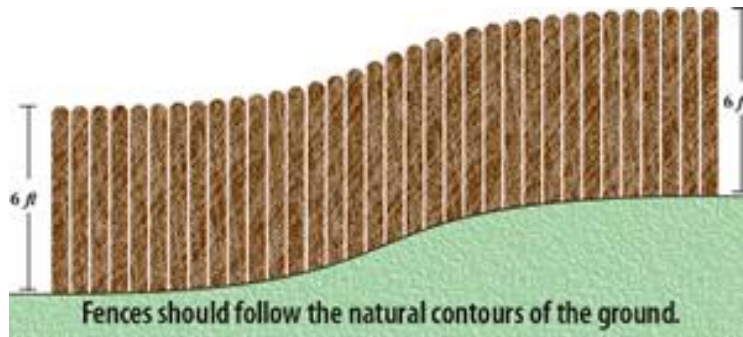


Figure 801-C: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall or retaining wall, shall not exceed the heights specified within this section for a fence, wall, or a retaining wall.

Sec. 801-H Construction, Maintenance and Repair

- (1) No fence, wall or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (2) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (3) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- (4) All fences, walls and hedges shall be maintained in a neat and orderly manner.

Sec. 802 STEEP SLOPE REGULATIONS

Sec. 802-A Purpose

The purpose of steep slope regulations is to control disturbances of steep slope soils, to protect natural areas and features, and to locate development areas that do not have severe environmental limitations. This section intends to regulate disturbances on steep slopes in order to protect life and property from hazards due to slope, erodible soils, unstable soils, earth movement, and other geologic and hydrologic hazards. Furthermore, it is the intent of these standards to:

- (1) Protect the steep slopes of Bath Township because development on steep slopes increases runoff, erosion, sedimentation, and the potential for slope destabilization;
- (2) Undertake development in a manner that protects life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
- (3) Guide development on sensitive sites consistent with the Bath Township Comprehensive Plan;
- (4) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- (5) Preserve the visual quality of steep slope areas, which are valuable natural and economic resources; and
- (6) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

Sec. 802-B Determination of Steep Slopes

- (1) This determination and the regulations of this section refer to existing (pre-development) site conditions that exist prior to any grading, cutting, filling, or other similar earthwork.
- (2) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result into a percentage value.
- (3) For the purposes of this section, steep slopes shall be categorized as follows:
 - (A) A “steep slope area” shall be any area where there exists a slope of 18 percent or steeper over any 50 feet of horizontal distance.
 - (B) A “severe slope area” shall be any area where there exists a slope of 30% or steeper over any 50 feet of horizontal distance.
- (4) The Zoning Inspector shall have the authority to make determinations about the severity of a slope based on data available from Summit County, the United States Geological Survey, or surveys prepared by a registered surveyor.

Sec. 802-C Standards for Development on Steep Slope Areas

- (1) There shall be a minimum setback of 50 feet from the edge of any steep slope area.
- (2) There shall be no disturbance of any severe slope areas (30% or steeper). There shall be a minimum setback of 100 feet from the edge of any severe slope area for all structures and buildings.

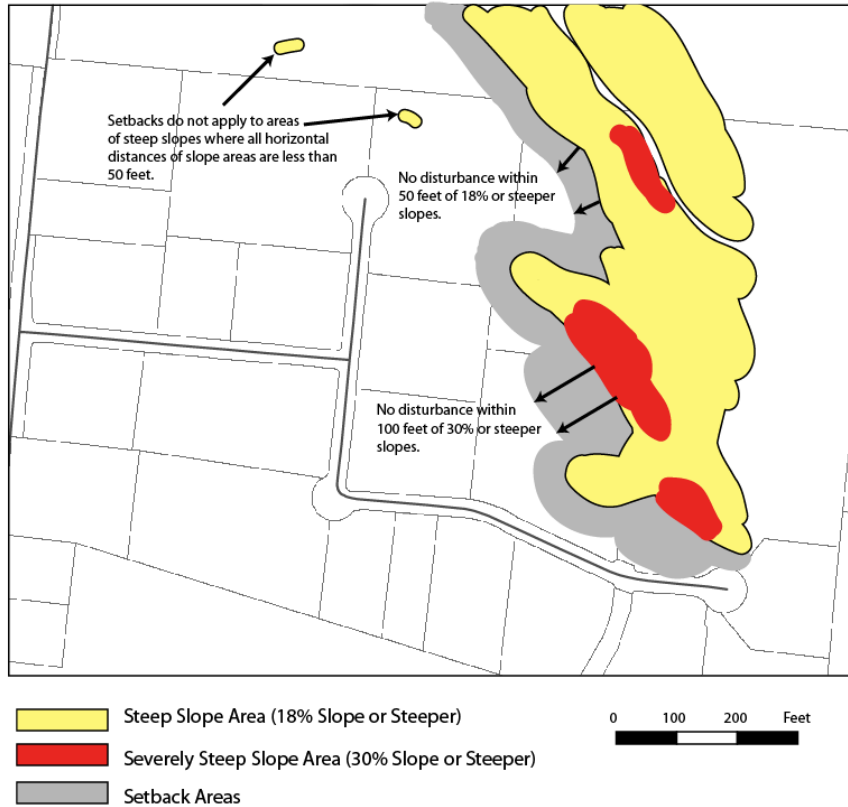


Figure 802-A: Illustrative example of steep slope setbacks

- (3) All subdivisions shall demonstrate sensitivity to natural systems and ecological features of the site, including steep slopes, 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.
- (4) Finished grades in disturbed areas shall not exceed a three to one slope and construction of retaining walls shall be avoided. Retaining walls may only be used when the applicant demonstrates that such walls are absolutely necessary. Retaining walls shall be subject to the provisions of [Sec. 801: Fencing, Walls, Hedges, and Similar Structures](#).
- (5) Evidence that adequate measures will be taken to prevent erosion and sedimentation during and after construction shall be provided by the applicant.

Sec. 802-D Review of Development on Steep Slopes

- (1) 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.
- (2) Any application that meets the minimum setbacks established above shall be subject to the applicable zoning certificate, business use certificate, or site plan review procedure.
- (3) Where an application proposes to disturb land within the established setbacks or construct buildings or structures on a steep slope area or severe slope area, such application shall be subject to a conditional use review pursuant to [Sec. 309: Variance or Conditional Use](#).
- (4) The applicant shall submit proposed site plans to the Summit Soil and Water Conservation District for their review. As a condition for disturbing steep slopes, evidence shall be provided that the site and any construction to be done thereon have been reviewed by the Summit Soil and Water Conservation District.

Sec. 803 EXTERIOR LIGHTING

Sec. 803-A Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

Sec. 803-B Applicability

- (1) All outdoor lighting fixtures shall be subject to review as part of this article unless specifically exempted.
- (2) **Lighting Plan Required**
 - (A) A photometric plan showing the following shall be submitted as part of a zoning certificate or business use certificate application, or for a conditional use application:
 - i) The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;
 - ii) The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
 - iii) The locations of each of the proposed lighting fixtures (wall mounted and pole);
 - iv) The minimum, maximum, and average intensity/illumination for the site;
 - v) Details of all proposed outdoor lighting fixtures indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e. low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
 - vi) The proposed height of the lighting fixtures;
 - vii) The hours of use of the lighting fixtures; and
 - viii) Any additional submittal requirements as may be determined by the Zoning Inspector.
 - (B) A lighting plan shall not be required for single-family or two-family dwellings.

(3) Exemptions

- (A) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- (B) Holiday lighting shall be exempt from the requirements of this section.
- (C) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
- (D) Street lights shall be exempt from the provisions of this section.

(4) Prohibited Lights

- (A) Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- (B) No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting.

Sec. 803-C General Provisions Applicable to All Districts and Development

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public right-of-ways, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

Sec. 803-D Lighting for Residential Uses

- (1) Lighting for single-family dwellings shall be exempt from most provisions of this article with the exception of the following:
 - (A) The prohibited lights established in [Sec. 803-B\(4\)](#) shall apply to lighting for residential uses.
 - (B) Residential lighting for single-family dwellings shall be subject to the general provisions of [Sec. 803-C: General Provisions Applicable to All Districts and Development](#).
 - (C) For light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of 12 feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture. The light bulb shall not produce more than 1,600 lumens.
- (2) Lighting in the R-4 district or lighting for nonresidential uses in the R-1, R-2, or R-3 districts shall be subject to the requirements of this article unless expressly exempted.

Sec. 803-E Exterior Lighting Requirements

(1) Type of Fixtures

- (A) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 803-A](#).
- (B) Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 803-A](#).

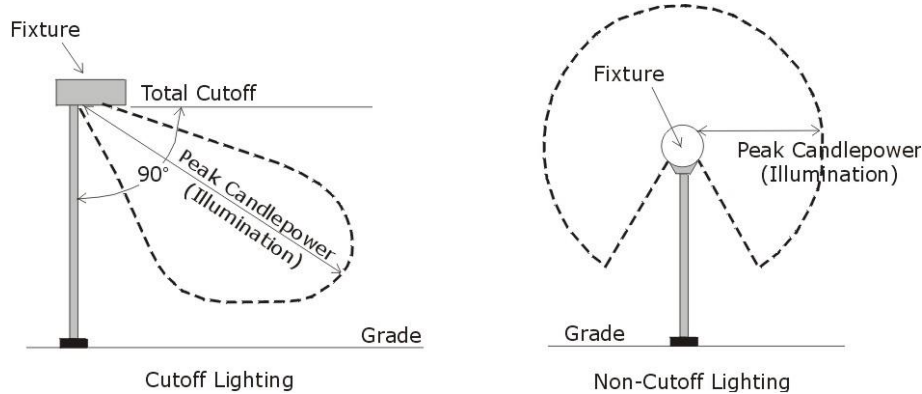


Figure 803-A: Illustration of cutoff lighting versus non-cutoff lighting

(2) Height of Fixtures

- (A) In all districts, the maximum height of any non-cutoff light fixture shall be 12 feet.
- (B) All cut-off exterior lighting shall be designed, located, and mounted at heights pursuant to [Table 803-1](#).

TABLE 803-1: MAXIMUM CUT-OFF LIGHT FIXTURE HEIGHT	
ZONING DISTRICT	MAXIMUM HEIGHT OF LIGHT FIXTURE
R-1, R-2, R-3 or R-4 (except for single-family dwellings See Sec. 803-D .)	15 feet
B-1 or B-5	18 feet
B-2, B-3, or B-4	30 feet

- (C) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- (D) Lighting located under canopies shall be flush mounted or recessed within the canopy.
- (E) Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

(3) Illumination

- (A) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes (except R-4 zoned lots) shall be 0.0 foot-candles.
 - ii) The maximum illumination at a lot line that abuts R-4 zoned lot shall be 0.3 foot-candles.

- iii) The maximum illumination at a lot line that abuts a business zoned lot shall be 1.0 foot-candles.
 - iv) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - v) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- (B) All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

(4) Modifications

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

Sec. 804 MAILBOXES AND DRIVEWAY ENTRY STRUCTURES

Driveway entry structures, including decorative boulders and mailboxes shall be subject to the following standards:

- Sec. 804-A** All driveway entry structures, excluding decorative boulders, shall meet the following requirements:
- (1) One structure is permitted on each side of a driveway entry adjacent to a road with a minimum width clearance of 12 feet between structures.
 - (2) Each structure shall be set back a minimum of five feet from the road right-of-way and side lot lines.
 - (3) Each structure shall be limited to a maximum footprint of 12 feet by 12 feet with a maximum height of five feet from the adjacent grade.
 - (4) Light fixtures that are incorporated into the driveway entry structure shall not exceed a maximum height of eight feet above grade.
 - (5) A lighting fixture may be erected on top of a driveway entry structure but the combined height of the light fixture and driveway entry structure shall not exceed a height of eight feet with the driveway entry structure maintaining a maximum height of five feet as specified above.
 - (6) Gates that extend across the driveway shall not exceed six feet in height above grade and shall meet all other requirements of this resolution.
- Sec. 804-B** Decorative boulders used near a driveway or along a street frontage shall be set back a minimum of five feet from the right-of-way and from all side lot lines. A zoning certificate or business use certificate shall not be required.
- Sec. 804-C** Due to the climate of Bath Township and the need to be able to clear roadways of snow, mailboxes shall not be installed within a masonry or similarly permanent structure. Mailboxes should be installed in accordance with regulations established by the U.S. Postal Service.
- Sec. 804-D** A zoning certificate or business use certificate, as applicable, shall be required for any driveway structure that requires the installation of a footer to ensure the safe location for the purposes of snow removal.

Article 9: Architectural Standards

Sec. 901 PURPOSE

The purpose of architectural standards is to ensure the exteriors of both new construction and new additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of attached dwellings, mixed-use, and nonresidential structures in the township. This purpose shall be supported and accomplished through the use of the standards of this article and the Bath Township Design Guidelines (See the Applicability section below.).

Sec. 902 APPLICABILITY

- Sec. 902-A** The architectural standards of this article shall apply where specifically required by this article and in other applicable sections of this resolution. The standards of this article shall be considered mandatory.
- Sec. 902-B** In addition to this article, the Board of Trustees has adopted the Bath Township Design Guidelines, a separate document that is incorporated herein by reference.
- Sec. 902-C** The Bath Township Design Guidelines shall serve as a guide for decisions and recommendations made by the ARC and/or Zoning Commission as may be applicable in this resolution or in the Bath Township Design Guidelines.

Sec. 903 ARCHITECTURAL STANDARDS FOR ATTACHED DWELLINGS

The standards of this section shall apply to all attached dwellings.

Sec. 903-A Separate Entrances Required

Separate entrances shall be required for each dwelling unit in an attached dwelling structure.

Sec. 903-B Design Features of Front Façades

- (1) Front façades shall incorporate wall offsets in the form of projections and/or recesses in the façade plane a minimum of every 30 feet of façade frontage.
- (2) Wall offsets shall have a minimum depth of two feet.
- (3) In addition to wall offsets, front façades shall provide a minimum of three of the following design features for each residential unit:
 - (A) One or more dormer windows or cupolas;
 - (B) A recessed entrance;
 - (C) A covered porch;
 - (D) Pillars, posts, or pilasters;
 - (E) One or more bay windows with a minimum 12 inch projection from the façade plane;
 - (F) Eaves with a minimum six- inch projection from the façade plane;
 - (G) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
 - (H) Multiple windows with a minimum four- inch wide trim.
- (4) All façades shall be constructed of wood clapboard, cementitious fiber board, wood shingle, wood drop siding, wood board and batten, brick, stone (natural or fabricated), or stucco. Vinyl and aluminum siding is prohibited except as provided below.

- (5) The exception to the above building material requirements shall be that portions of a façade that are less than 50 square feet in area and are difficult to cover in the approved materials due to locational difficulties or areas that serve strictly as trim, as determined by the Zoning Inspector, may be covered in any building material.
- (6) Exposed cement block is prohibited.

Sec. 903-C Design Features of Side Façades

Side façades shall incorporate a minimum of 15 percent façade area glazing (e.g., windows and doors with glass panels).

Sec. 903-D Garages and Car Ports

- (1) Garages/car ports serving attached dwellings shall be located to the side or rear of such buildings.
- (2) The exterior materials, design features, and roof form of garages and carports shall be compatible with the principal building it serves.

Sec. 903-E Roof Penetrations and Equipment

To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

Sec. 904 ARCHITECTURAL STANDARDS FOR THE B-1 DISTRICT

In the B-1 district, all new mixed-use and nonresidential buildings, or expansions thereof, shall be subject to the Bath Township Design Guidelines.

Sec. 905 ARCHITECTURAL STANDARDS FOR THE B-2, B-3, OR B-4 DISTRICTS

In the B-2, B-3, or B-4 districts, all new nonresidential buildings, additions, or expansions thereof shall be subject to the Bath Township Design Guidelines and the following standards:

Sec. 905-A General Requirements for all Nonresidential Buildings

- (1) Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.
- (2) The primary entrances of buildings shall be oriented:
 - (A) Towards a street along the perimeter of the development;
 - (B) Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
 - (C) In another direction as approved by the ARC.

Sec. 905-B Building Facades

Building facades shall comply with the following standards:

- (1) Blank building walls facing streets are prohibited.
- (2) These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved as open space.



Figure 905-A: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.

Sec. 905-C Multi-Sided Architecture for Nonresidential Uses

Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public roadway, an adjacent building, or other private way not subject to buffering requirements in [Article 10: Landscaping Standards](#), shall incorporate architectural detailing on all facades that is consistent with the front façade.

Sec. 905-D Building Design and Mass

- (1) All elevations of principal buildings shall consist of a base, a body, and a cap (See [Figure 905-B.](#)).



Figure 905-B: Image of a building with a clear, base, body, and cap.

- (A) The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
- (B) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture. A cap and base shall incorporate at least two of these design elements.

- (2) Elevations for all new or modified buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises that is visually compatible with the surrounding buildings.

Sec. 905-E Ornamentation

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See [Figure 905-C](#).



Figure 905-C: The above image illustrates a building that contains pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of the large facade.

(1) Façade Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 905-D](#).

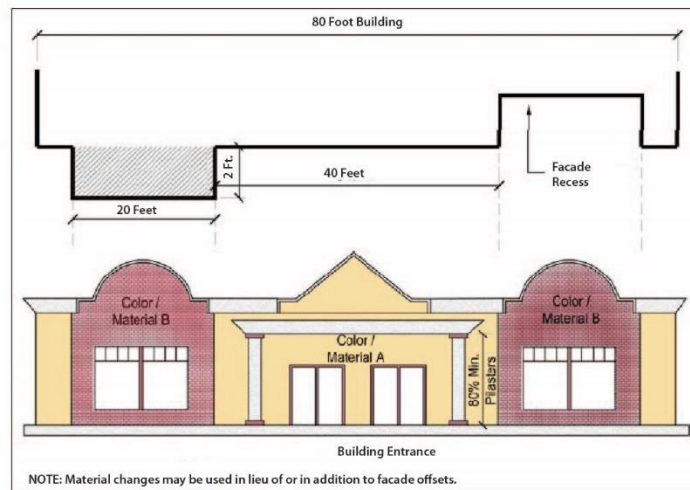


Figure 905-D: Illustration of how the façade offset provisions may be applied.

(2) Offset Alternatives

The following alternatives can be used in place of the required front façade offsets as shown in [Figure 905-D](#):

- (A) Façade color changes following the same dimensional standards as the offset requirements;
- (B) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- (C) Roofline changes when coupled with correspondingly aligned façade material changes.

Sec. 905-F Roofs

(1) Roof Styles

The height of any pitched roof shall not exceed one-half of the overall building height.

(2) Roof Line Changes

- (A) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (B) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See [Figure 905-E](#).



Figure 905-E: Illustration of roofline changes along a long façade wall.

(3) Flat Roofs

- (A) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them.
- (B) The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- (C) Thin parapets that are less than four feet in depth shall not extend more than two feet above the roof unless necessary to conceal mechanical equipment.

(4) Asymmetric or Dynamic Roofs

Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs. See [Figure 905-F](#), for an example of a building with a dynamic roof form.



Figure 905-F: An example of dynamic roof lines

(5) Roof Mounted Mechanical Equipment

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and public rights-of-way. Such equipment shall also be screened from view from any properties that may see the building from above (e.g., if adjacent properties are along higher elevations).

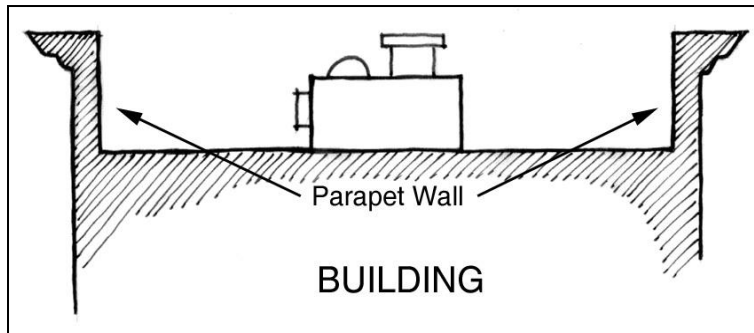


Figure 905-G: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

Sec. 905-G Customer Entrances

For buildings with a total gross square footage of 15,000 square feet or more, customer entrance shall be provided in accordance with this subsection.

(1) Required Entrances

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

(2) Entrance Design

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.

- (A) Canopies/porticos above the entrance;
- (B) Roof overhangs above the entrance;
- (C) Entry recesses/projections;
- (D) Arcades that are physically integrated with the entrance;
- (E) Raised corniced parapets above the entrance;
- (F) Gabled roof forms or arches above the entrance;
- (G) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (H) Display windows that are directly adjacent to the entrance;
- (I) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance;
or
- (J) Integral planters or wing walls that incorporate landscaped areas or seating areas.

Sec. 906 ARCHITECTURAL STANDARDS FOR THE B-5 DISTRICT

Sec. 906-A In the B-5 district, all new mixed-use and nonresidential buildings, or expansions thereof, shall be subject to the Bath Township Design Guidelines and to the following standards for any construction.

Sec. 906-B The following definitions shall apply for the purposes of interpretation of this section:

- (1) “Adjacent” shall mean a condition where one lot abuts or is located directly across a street, alley, right-of-way, easement, public trail, or public open space from another lot.
- (2) “Block Face” shall mean all lots that have frontage on the same street as the subject lot between intersecting streets.

Sec. 906-C Building Height and Massing

- (1) No principal building shall be constructed that is more than 20 percent taller or shorter than the average height of principal buildings along the block face.
- (2) No principal building shall be constructed where the front facade is more than 20 percent wider or narrower than the average width of principal buildings along the block face.
- (3) The roof type shall generally reflect the predominant roof types of the buildings along the same block face (e.g., the building should not have a flat roof where the predominant roof type is a gable).



Figure 906-A: The detached dwelling in the foreground exhibits compatibility with the surrounding dwellings in regard to design, scale, setbacks, and materials.

Sec. 906-D Front Porches

Where the majority of buildings along the same block face have front porches, the building subject to this subsection may also include a front porch that has a width and depth generally similar to the average width and depth of porches along the same block face.

Article 10: Landscaping Standards

Sec. 1001 PURPOSE

The purpose of this article is to:

- Sec. 1001-A** Promote and protect the interest of the public's convenience, comfort, prosperity, or general welfare in accordance with [Sec. 101: Purpose](#), of this resolution;
- Sec. 1001-B** Require buffering between non-compatible land uses to protect, preserve and promote the character and value of surrounding neighborhoods; and
- Sec. 1001-C** Require reasonable landscaping that is beneficial to the residents and businesses of the community.

Sec. 1002 APPLICABILITY

- Sec. 1002-A** The development standards of this article shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five spaces or smaller. Substantial expansion of existing structures shall be defined as when the expansion of the structure meets or exceeds 25 percent of the square footage of the existing building, exclusive of the alteration or expansion. Exceptions to this expansion include:
 - (1) [Sec. 1006: Buffering between Land Uses](#) shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.
 - (2) Where there is no expansion of a structure but the vehicular use area is expanded, then the standards of [Sec. 1007: Landscaping for Vehicular Use Areas](#) shall apply.
- Sec. 1002-B** The standards of this article shall not apply to development of residential dwelling units on existing lots of record.
- Sec. 1002-C** The standards of [Sec. 1007: Landscaping for Vehicular Use Areas](#) shall apply in all cases where an existing parking area or lot is reconstructed. If only a portion of the existing parking area or lot is reconstructed, the standards shall apply to the portion that is being reconstructed. Reconstruction shall not include general maintenance, resurfacing (with no change in space layout or circulation), or sealing.
- Sec. 1002-D** Any landscaping areas used to meet the requirements of this article, excluding paved areas, shall count as pervious surface when considering the maximum impervious surface ratio standards of [Sec. 504-B\(3\): Maximum Impervious Surface Coverage](#).
- Sec. 1002-E** A landscaping plan shall be submitted with any application for a site plan review or open space residential subdivision that demonstrates compliance with this section. Additionally, landscaping plans may be required for a variance or conditional use application to illustrate any proposed landscaping and/or buffering that demonstrates compliance with the review criteria of the application procedure.

Sec. 1003 GENERAL LANDSCAPING STANDARDS

Sec. 1003-A General Location Requirement

Landscaping shall be installed in locations such that when mature, it does not obscure traffic signs or lights nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines. Landscaping shall be subject to the sight clearance requirements of [Sec. 504-B\(6\): Visibility at Intersections](#).

Sec. 1003-B Existing Landscape Material

- (1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided that the existing landscape material meets the minimum standards of this section.
- (2) The Zoning Inspector shall determine satisfaction of this requirement.

Sec. 1003-C Planting Season

Weather permitting, all required grading and landscaping shall be completed within 30 days of all other construction. When construction is completed on or after the first of November in a given year, only mulch may be utilized in planting areas and complete landscaping improvements may be installed by the end of May in the following year.

Sec. 1003-D Landscaping Materials

- (1) In general, the proposed landscape materials should complement the form of the existing trees and plantings, as well as the general design and architecture. The type of shade or sun should be considered in selecting plant materials.
- (2) Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards.
- (3) In addition to any other requirements for walls or fences established in this resolution, walls and fences may be utilized to meet the requirements of this article if they comply with the following requirements:
 - (A) When walls or fences are used to fulfill any buffering or screening requirements, a detailed drawing shall be shown on the proposed plan.
 - (B) Where materials are not otherwise specified, walls and fences shall be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar, and using aluminum or galvanized hardware.
 - (C) Chain link fences with or without wooden or synthetic slat material is prohibited.
- (4) Plants used to comply with this article shall be subject to the following requirements:
 - (A) Deciduous trees shall have a minimum caliper of at least 2.5 inches Diameter at Breast Height (DBH) conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.
 - (B) Evergreen trees shall be a minimum of five feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer unless otherwise specified.
 - (C) Ornamental trees shall have a minimum height of five feet or a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.
 - (D) Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges used to meet the screening requirement in [Sec. 1008: Screening of Service Structures](#), shall be designed to provide an effective screen of at least five feet within a period of four years after planting.
 - (E) Grass shall be planted in species normally grown in permanent lawns in Summit County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases.
 - (F) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

(5) Miscellaneous Provisions

- (A) Artificial plants shall not be used to meet landscaping requirements.
- (B) The Zoning Inspector may maintain a list of prohibited trees and plants that shall not be used in any landscaping required as part of this resolution.
- (C) The prohibited trees and plants list only applies to landscaping required to meet the standards of this article and any trees or plants located in the right-of-way for all development in all districts.
- (D) To prevent extensive destruction of landscaping from invasive pests or disease, the township shall require a diversity in plant species in accordance with the following requirements:
 - i) When fewer than 40 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
 - ii) When 40 or more trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.
 - iii) Required shrubs shall utilize the same species diversity requirements.
 - iv) Nothing in this subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

Sec. 1003-E Meadows and Natural Stormwater Management Areas

- (1) The creation of meadows and natural stormwater management areas (e.g., rain gardens and bioswales) may be used as a method of complying with the requirements of this article.
- (2) Any meadow areas or natural stormwater management areas must be identified on the applicable landscaping plan.
- (3) Such areas shall not include disturbed lands that are reseeded with grass or turf alone. The landscaping plan shall illustrate how any disturbed areas will be vegetated to recreate a natural meadow or establish a natural stormwater management area.
- (4) The landscaping plan shall include a maintenance plan for any meadows or natural stormwater management areas.



Figure 1003-A: The above image illustrates the use of natural landscaping within a vehicular use area.

Sec. 1003-F Earth Mounds

- (1) Slopes on earth mounds shall be no greater than three to one (3:1) with a generally flat crest and shall not interfere with the natural flow of surface water.
- (2) Earth mounds shall not be designed in a straight line but shall be varied in height and horizontal location for a more natural appearance.
- (3) Trees and shrubs may be planted in a random pattern on earth mounds.
- (4) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (5) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

Sec. 1004 MINIMUM LANDSCAPING STANDARDS

Sec. 1004-A General Site Landscaping

In addition to any other specific landscaping requirements defined elsewhere in this resolution and article, general landscaped areas shall be provided on a lot where a principal building is constructed or enlarged. This general landscaped area shall contain ornamental trees, shrubs, decorative fences, hedges, earth mounds, or similar features designed as foundation plantings, or similar landscape features designed to complement the architecture of the building. The size of this general landscaped area(s) shall not be less than one square foot of general landscaped area for each 100 square feet of gross floor area of new principal building space.

Sec. 1004-B Minimum Tree Coverage

In addition to any other requirements for tree planting or preservation that may be described elsewhere in this resolution, a minimum amount of tree coverage must be provided on a lot where a principal building is constructed or enlarged. This minimum amount of tree coverage shall be provided by new tree plantings, preservation of existing trees or a combination thereof, at a ratio of not less than one tree for each 1,000 square feet of gross floor area of new principal building space. Such trees shall meet the minimum caliper standards established in this article.

Sec. 1004-C Preservation of Existing Trees and Wooded Areas

- (1) As part of the review of any site plan submitted pursuant to this resolution, the proposed location of buildings, off-street parking areas, and other disturbed surfaces shall be designed to minimize the removal of individual trees having a trunk diameter of six inches DBH or greater.
- (2) Proposed site plans shall also demonstrate consideration toward placing structures and off-street parking areas to avoid the destruction of heavily wooded areas or outstanding tree specimens.
- (3) Trees and vegetation within a riparian corridor shall be protected in accordance with [Sec. 602: RC-O Riparian Corridor Overlay District](#).

Sec. 1005 STREETScape-BUFFER

Sec. 1005-A A streetscape-buffer shall be required in all business districts and for all nonresidential development in residential districts.

Sec. 1005-B The streetscape-buffer shall be provided along the full width of the lot and shall be unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).

- Sec. 1005-C** The minimum width of the streetscape-buffer shall be 30 feet, measured from the right-of-way in to the property. Corner lots shall have a streetscape-buffer of the required width on both street frontages.
- Sec. 1005-D** Within this streetscape-buffer, there shall be a minimum of one deciduous or evergreen tree and five shrubs for every 50 feet of street frontage.
- Sec. 1005-E** Areas not devoted to trees and shrubs shall be planted with grass, ground cover, or other live landscape treatment, excluding paving or gravel, including land in the street right-of-way that is not occupied by street or sidewalk pavement, or mulch.
- Sec. 1005-F** Landscaping materials used next to sidewalks or paths shall be of a variety that is not prone to dropping fruit or nuts onto the sidewalk or path.
- Sec. 1005-G** Landscaping materials with briars or thorns should be avoided.
- Sec. 1005-H** Landscaping materials may be placed in any manner and do not have to be equally spaced. Applicants are strongly encouraged to locate trees and shrubs in a manner that will prevent damage from salt and other materials used to melt snow from the roads.

Sec. 1006 BUFFERING BETWEEN LAND USES

Sec. 1006-A Applicability

- (1) Any development in a business district that is located on a property adjacent to land in a residential zoning district shall be subject to the provisions of this section.
- (2) Any development of a nonresidential use in a residential zoning district shall also be subject to the provisions of this section.

Sec. 1006-B Buffer Location

- (1) Buffer areas shall be located along the full length of a side or rear yard, between the proposed use and the adjacent residentially zoned property.
- (2) The buffer areas shall be placed on the property being developed or constructed, regardless of ownership.

Sec. 1006-C Buffer Requirements

- (1) The minimum width of the buffer area shall be ten feet running the full length of the applicable side or rear yards. For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.
- (2) No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
- (3) The required buffer area shall consist of maintained living vegetative material such as evergreen trees, shrubs, earth mounding or fencing made of wood that results in 100 percent opacity, all year, to a height of six feet or more within one year of planting. Fences shall not exceed a maximum height of six feet.

Sec. 1007 LANDSCAPING FOR VEHICULAR USE AREAS

Sec. 1007-A Interior Landscaping

- (1) Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading, and storage areas) that contains more than 6,000 square feet of pavement area or 20 or more vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping (See [Sec. 1007-B: Perimeter Landscaping](#)).

- (2) Parking lots with more than six spaces in any zoning district shall provide landscaping within each vehicular use area at a minimum ratio of five percent of the gross area of the vehicular use area (including all drive and parking aisles).
- (3) Parking lots with 20 or more spaces in the business district shall provide landscaping within each vehicular use area at a minimum ratio of 10 percent of the gross area of the parking lot (including all drive and parking aisles).
- (4) The use of depressed landscaping island, bioswales, and rain gardens are encouraged as a method of complying with these standards.
- (5) Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows (See [Figure 1007-A.](#)).
- (6) No more than 15 spaces shall be located in a continuous row without being interrupted by a landscaped island, unless the island is used for storm water infiltration. Such landscape islands shall be of the minimum size established above (See [Figure 1007-A.](#)).
- (7) Landscape medians with a minimum width of ten feet shall be located as to separate every four parallel rows of cars and shall run the full length of the parking row (See [Figure 1007-A.](#)).

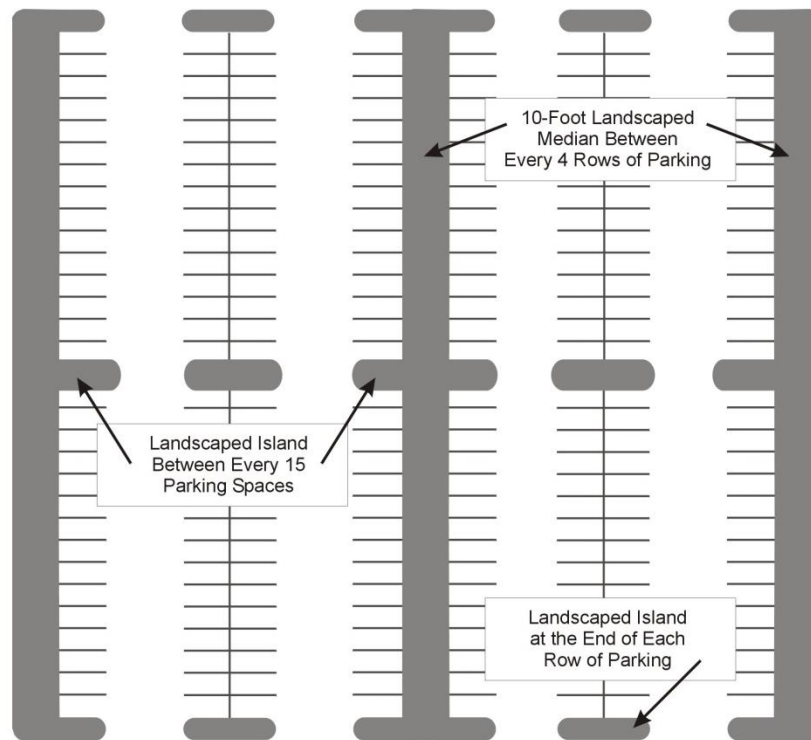


Figure 1007-A: Illustration of parking island location.

- (8) Landscaped islands or peninsulas shall be vegetated with grass or similar plant material not to exceed two feet in height. For each 3,000 square feet of open parking area, there shall be a minimum of one deciduous tree placed in landscaped islands or peninsulas. Trees shall have a clear trunk of at least five feet above the ground.
- (9) The landscaped medians required in paragraph (7) above shall be planted with one deciduous tree every 20 lineal feet.

- (10) Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extends into the parking area. See [Figure 1007-B](#).

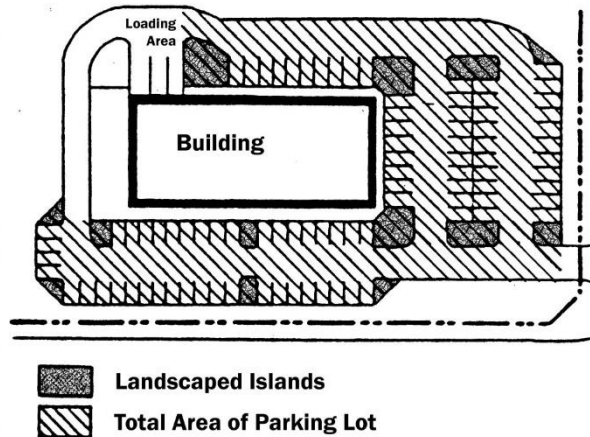


Figure 1007-B: Illustration of landscaped island calculations

Sec. 1007-B Perimeter Landscaping

- (1) When a vehicular use area is located within 20 feet of a side or rear lot line, perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, hedge, or fence material for visual separation from adjoining property.
- (2) A planting strip at least five feet in width shall be located along the perimeter of a parking area (along a side or rear lot line).
- (3) Landscape materials shall be installed to provide a minimum of 50 percent winter opacity and 70 percent summer opacity, to a height of four feet within four years after installation.

Sec. 1008 SCREENING OF SERVICE STRUCTURES

Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site.

Sec. 1008-A Required screening shall include a continuous planting, hedge, fence, or similar feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required.

Sec. 1008-B Screening established with plant materials shall provide 75 percent opacity within two years of planting. All other types of screening shall completely screen service structures. If the screening is accomplished through a structure, such structure shall be composed of materials similar to the principal building.

Sec. 1008-C The minimum height of the screening material shall be one foot taller than the height of the enclosed structure but shall not be required to exceed ten feet in height.

Sec. 1008-D Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area landscaping material such as walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.

Sec. 1008-E Whenever a dumpster or similar waste collection unit is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the unit is required.

Sec. 1009 MAINTENANCE AND INSTALLATION

- Sec. 1009-A** All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures.
- Sec. 1009-B** The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a relatively weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.
- Sec. 1009-C** All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months. Replacement plants shall conform to the standards that govern original installation.
- Sec. 1009-D** Pruning, trimming or other suitable methods shall control all plant growth in landscaped areas, so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

Article 11: Open Space Standards

Sec. 1101 PURPOSE

This article addresses the character and design of those portions of a development that are not occupied and do not have platted lots or streets and that are reserved for parks, trails, landscaping, and other common open space uses. The standards of this article apply regardless of whether or not the land involved will be owned or be dedicated to the township, county, homeowners' association, or other agency, and regardless of whether or not such open space will be open to the public or other residents of the development. This article also establishes ownership and minimum maintenance standards for homeowner associations, property owner associations, and nonresidential property owners related to open space.

Sec. 1102 APPLICABILITY AND DETERMINATION

The standards of this article shall apply in cases where open space is required to be set aside as part of the development requirement (e.g., open space residential subdivision) or in cases where an applicant voluntarily establishes open space as part of a development.

Sec. 1102-A Required Areas to be placed in Open Space

- (1) In general, required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site. Land that is to be designated as required open space 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 Guidelines.
- (2) Floodplains and floodways, as established by FEMA and administered by Summit County, shall remain as open space areas.
- (3) Retention or naturalized stormwater management areas that are designed to be an amenity, as determined by the Zoning Inspector and the ARC, can be considered as open space, however, only 50% of the surface area of any water body may be counted toward the open space requirements of this resolution.
- (4) In the case of phased developments, open space shall be provided in proportion with each developed phase.
- (5) The following shall be required to be part of the preserved open space when open space is required as part of a development:
 - (A) All steep slope areas as defined in [Sec. 802-B: Determination of Steep Slopes](#). If steep slope areas are not protected as part of the open space, then additional development standards may apply as established in [Sec. 802: Steep Slope Regulations](#); and
 - (B) Any natural resources, including riparian corridor areas and trees, which are required to be protected by the standards of this resolution.

Sec. 1102-B Areas Not Considered Required Open Space

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

- (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) Small, lineal strips of land generally located along lot lines that do not protect natural resources (e.g., slopes, existing vegetation, etc.) and are maintained in a similar fashion as the adjacent yards;
- (8) Land that is subject to preexisting conservation easements or similar limitations on development; and
- (9) Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

Sec. 1103 USE OF OPEN SPACE

Any area designated for required open space:

- Sec. 1103-A** Shall be preserved in its natural state with the exception that trails and walkways may be established within the open space;
- Sec. 1103-B** Shall be designed and intended for the use of residents and/or general public of the proposed development;
- Sec. 1103-C** May be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions;
- Sec. 1103-D** 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;
- Sec. 1103-E** 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; and
- Sec. 1103-F** 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 20 percent of the total acreage devoted to required open space.

Sec. 1104 DESIGN STANDARDS FOR OPEN SPACE

Land set-aside as open space shall comply with the following standards:

- Sec. 1104-A** All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public road, or in the case of a nonresidential development, 15 feet of frontage on an internal access drive.
- Sec. 1104-B** Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size.
- Sec. 1104-C** Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

Sec. 1104-D Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.

Sec. 1105 PROTECTION AND MAINTENANCE

Sec. 1105-A Reclamation of Disturbed Open Space

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

Sec. 1105-B 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 homeowners' 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 homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

Sec. 1105-C Conservation Easements

With the permission of Bath Township, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, 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 the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

Sec. 1105-D Homeowners' Associations

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

- (1) A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.
- (2) All homeowners' association agreements shall be submitted for approval as part of a zoning certificate or conditional use application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.
- (3) All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the township may do any of the following:

- (A) If the open space or common area is owned by the township, township approved land trust or other qualified organization, county, state or park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.
- (B) If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement as provided in [Sec. 1105-C: Conservation Easements](#).
- (C) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

Article 12: Parking, Loading, and Circulation Standards

Sec. 1201 PURPOSE

The purpose of these parking, loading, and circulation requirements is:

- Sec. 1201-A** To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the land use of each property unless the property is located in the B-5 zoning district where compact development may necessitate some on-street parking;
- Sec. 1201-B** To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility; and
- Sec. 1201-C** To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

Sec. 1202 APPLICABILITY

Unless otherwise specified, the requirements of this article shall apply to the following:

- Sec. 1202-A** A zoning certificate or business use certificate application for the construction of a new principal building in all zoning districts;
- Sec. 1202-B** The alteration, expansion, or enlargement of any use that would require a change in parking, loading, or vehicle stacking spaces as required in this article; or
- Sec. 1202-C** The alteration, expansion, or enlargement of any use that has an existing nonconforming parking lot.

Sec. 1203 BICYCLE PARKING AND STORAGE

Applicants are encouraged to provide bicycle racks and facilities on nonresidential properties including business and public uses.

Sec. 1204 OFF-STREET PARKING REQUIREMENTS

Sec. 1204-A Rules for Computing Parking Spaces

- (1) The following rules shall apply when computing parking spaces:

(A) **Multiple Uses**

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

(B) **Fractions**

When a measurement of the number of required spaces results in a fractional number, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number.

(C) Area Measurements

- i) Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.
- ii) Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

(D) On-Street Parking

On-street parking can count toward the number of off-street parking spaces required in [Table 1204-1](#) when the on-street spaces are located within 300 feet of the lot line of the applicable lot.

(E) Occupancy or Capacity Based Standards

- i) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum occupant load capacity as defined by the Ohio Building Code, whichever is applicable, and whichever results in a greater number of parking spaces.
- ii) In hospitals, bassinets shall not be counted as beds.
- iii) In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

(F) Unlisted Uses

- i) Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.
- ii) If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Inspector may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) in Trip Generation or the American Planning Association's (APA) Parking Manual.

Sec. 1204-B Maximum Number of Spaces

- (1) [Table 1204-1](#), defines the number of parking spaces required for each use within Bath Township.
- (2) For all uses except single-family and two-family dwellings, the total number of parking spaces required in [Table 1204-1](#) may be reduced by 10 percent.
- (3) The total number of spaces required in [Table 1204-1](#) may be reduced up to a maximum of 50% by utilizing the alternative parking options in [Sec. 1204-E: Special Parking Provisions](#).

Article 12: Parking, Loading, and Circulation Standards

Sec. 1204: Off-Street Parking Requirements

Subsection Sec. 1204-B: Maximum Number of Spaces

TABLE 1204-1: NUMBER OF PARKING SPACES REQUIRED

USE	NUMBER OF PARKING SPACES REQUIRED
RESIDENTIAL USES	
All dwelling unit types	2 spaces per unit
Skilled nursing or personal care facilities, adult group homes, small or large residential facilities, and all other residential uses	1 space per each 3 beds or 1 per 5 residents, whichever is greater
PUBLIC AND INSTITUTIONAL USES	
Athletic fields	30 spaces per field
Cemeteries w/ a chapel or place of assembly	1 space per four seats in a chapel or place of assembly
Churches and places of worship	1 space per each 4 seats in the sanctuary, based on maximum seating occupancy
Community centers	1 space per 250 square feet of floor area
Cultural institutions	1 space per 400 square feet of floor area
Educational institutions	1.5 spaces per classroom, library, lecture hall, and cafeteria plus 1 space per three fixed seats of public assembly areas. High schools shall have an additional 1 space per five students at maximum capacity
Institutions for higher education	6 spaces per each classroom and 1 space per 300 sq. ft. of administrative office space
Golf course	4 spaces per hole plus any additional spaces required for associated uses such as restaurants and/or taverns
Institutions for human medical care	1 space per each 2 beds
Parks	2 spaces per acre unless additional spaces are required based upon the facilities included, if listed separately (e.g., golf course or athletic field)
Tennis courts	4 spaces per tennis court
COMMERCIAL AND OFFICE USES	
Automotive service (minor)	1 space per 200 square feet of sales floor area plus 3 spaces per service bay
Banks and financial institutions	1 space per 300 square feet of floor area
Bed and breakfast establishments	1 space per guestroom plus two spaces for the permanent dwelling unit.
Commercial entertainment or recreation use (indoors)	1 space per 200 square feet or 1 space per four persons at maximum capacity, whichever is greater
Day care centers (adult or child)	1 space per 4 persons at maximum occupancy
Funeral homes	1 space per 50 square feet of floor area or 1 space per 4 seats at maximum occupancy, whichever is more
Hotels and motels	5 spaces total plus 1 space per sleeping room
Mixed use development	The cumulative parking based on the proposed uses
Offices – general, government, or other types	1 space per 300 square feet of floor area
Offices – medical or dental	1 space per 200 square feet of floor area
Personal service establishments	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Private recreational use (outdoors)	1 space per 5,000 square feet of land area or 1 space per three persons at maximum capacity, whichever is greater
Research and development facilities	1 space per employee (based on the largest number of employees on one shift) plus 1 space per each vehicle used in the business
Restaurants and taverns	1 space per 100 square feet of floor area or 1 space for every two seats at maximum capacity, whichever is greater
Retail and service commercial uses, sales offices, and showrooms	1 space per 300 square feet of floor area up to 20,000 square feet then 1 space per 400 square feet of floor area thereafter
Sexually oriented businesses	1 space per 300 square feet of floor area
Theaters and assembly halls	1 space per each 3 seats at maximum occupancy
Veterinarian offices (no boarding)	1 space per 250 square feet

Sec. 1204-C Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary markings, striping, and signage.

Sec. 1204-D Design Standards for Off-Street Parking

(1) Location of Parking Spaces

- (A) Off-street parking areas with five or more parking spaces shall be:
 - i) Set back a minimum of 30 feet from the road right-of-way; and
 - ii) Shall not be located in any required landscape areas as established in [Article 10: Landscaping Standards](#).
- (B) Parking spaces in the R-1, R-2, and R-3 districts may be located in a required front or side yard provided it is on a paved driveway or other parking surface. The driveway or parking surface shall be set back a minimum of five feet from all lot lines and shall not occupy more than 30 percent of the required front yard area.
- (C) Parking spaces in the R-4 district may be located in structures or outdoors on driveways or parking surfaces. Such spaces shall be located so that parked cars will not obstruct views from the dwelling units, will not obstruct pedestrian access to or from the units, and will not prevent vehicle drop-off and pick-up convenient to each dwelling. In this district, off-street parking may be located in side or rear yards provided that the parking surface is set back a minimum of ten feet from all lot lines adjoining single-family residential uses and five feet from all other lot lines. Parking spaces shall be within 100 feet of the associated dwelling unit.
- (D) In all business districts except the B-5 district, off-street parking may be located in any yard outside of any required landscaping or buffer areas. Such parking areas shall be set back a minimum of five feet from all lot lines.
- (E) In the B-5 district, all off-street parking should be oriented to the side and rear of the property to the maximum extent feasible. Parking may be located in the front yard with approval by the Zoning Inspector.

(2) Minimum Dimensions of Off-Street Parking Spaces

Parking spaces and driveway aisles shall have minimum rectangular dimensions of not less than the following:

- (A) Parking stalls shall conform to the minimum standards set forth in [Table 1204-2](#) and [Figure 1204-A](#).
- (B) Any parking space adjoining a landscaped area of the parking lot may include a two-foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well-maintained wheel stops are used to prevent damage to landscaped areas.

TABLE 1204-2: PARKING AREA DIMENSIONS				
ANGLE OF PARKING (DEGREES)	ONE-WAY MANEUVERING AISLE WIDTH (FEET) "A"	TWO-WAY MANEUVERING AISLE WIDTH (FEET) "A"	PARKING STALL WIDTH (FEET) "B"	PARKING STALL LENGTH (FEET) "C"
0 – Parallel	12	20	9	23
30 – 53	14	20	9	18
54 – 75	19	21	9	18
76 – 90	22	24	9	18

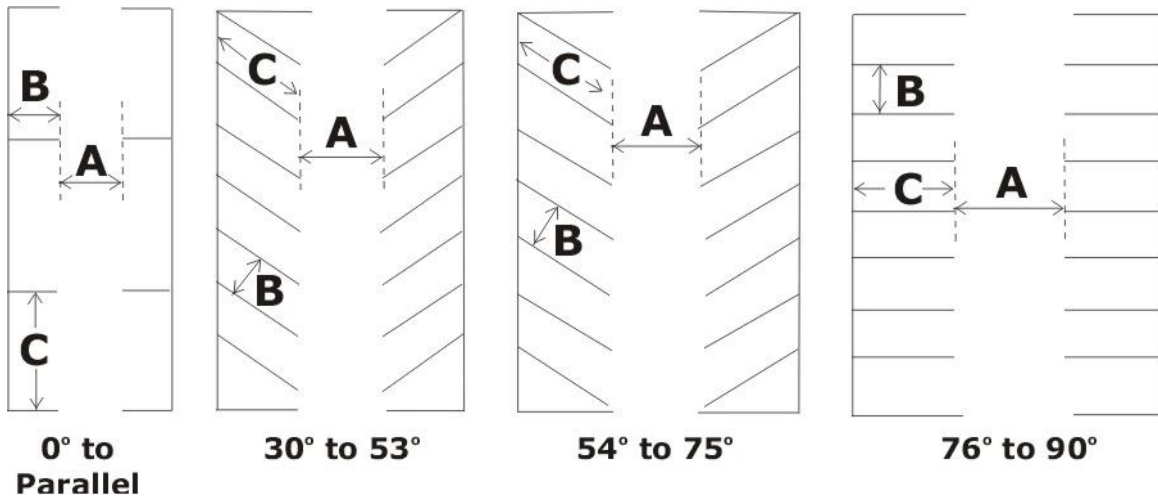


Figure 1204-A: Parking area dimensions

(3) Access to Off-Street Parking Spaces

- (A) Except in the case of single- and two-family dwellings, any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.
- (B) The entrances and exits of the parking area shall be clearly marked and parking areas having more than one aisle or driveway shall have appropriate arrows and striping on the pavement to indicate traffic direction.

(4) Wheels Stops

- (A) Curbs or wheel stops that are at least four inches high and four inches deep shall be provided for parking spaces located adjacent to walkways and sidewalks to protect pedestrians.
- (B) Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater.
- (C) Where provided, wheel stops or curbs shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. In cases where the overhang will be over a landscaped area, the parking stall length may be reduced by two feet.

- (D) Where provided, wheel stops and curbs should be designed to allow for snow removal and access to snow storage areas, including on landscaped islands and adjacent buffers.

Sec. 1204-E Special Parking Provisions

The following are optional methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot pursuant to this article. The use of either one of these alternatives shall require review and approval by the Zoning Inspector as part of a zoning certificate or business use certificate application.

(1) Land Bank Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavement provided that the parking and unpaved areas complies with the following standards. See [Figure 1204-B](#).

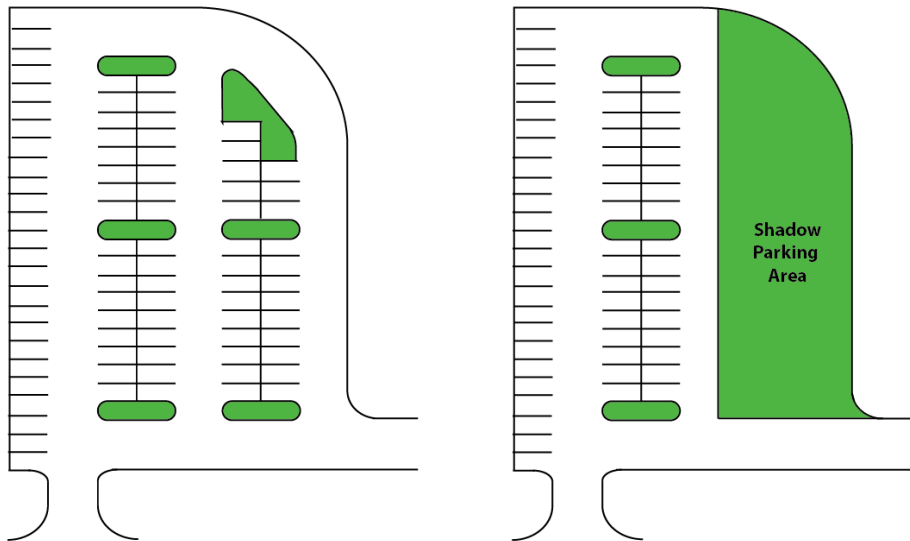


Figure 1204-B: Illustrative example of land bank parking (right side) where a portion of the designated parking area is not paved at the same time as the remainder of the parking area.

- (A) The parking plan submitted as part of the application shall denote the location and layout of that portion of the parking area that is not required at the time of application. The plan shall indicate that the land bank parking spaces will be constructed in the event that the Zoning Inspector makes a finding, at any time, that all or any portion of this parking is necessary.
- (B) Land bank parking shall not account for more than 50 percent of the required parking spaces as established in [Sec. 1204-B: Maximum Number of Spaces](#).
- (C) At no time shall any portion of the required parking area that is so designated for future parking be used for the construction of any structure. Pervious pavers may be used to provide parking provided that the pavers allow for grass and other vegetation to grow through the material.
- (D) At no time shall any portion of the required parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this resolution.

- (E) The owner shall initiate construction of the approved "future" parking area, as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is reasonably determined to be necessary.
- (F) Land bank parking areas shall be calculated into the storm water calculations as if the entire land bank parking area was paved.

(2) Shared or Off-Site Parking

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- (A) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (B) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- (C) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- (D) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a conditional use review.
- (E) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- (F) In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be required and must be approved by the township's legal counsel.
- (G) No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (H) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:
 - i) A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
 - ii) Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the use of the parking spaces.
 - iii) Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in [Sec. 1204-B: Maximum Number of Spaces](#).
 - iv) Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require BZA review and approval.
 - v) All shared or off-site parking plans and agreements shall be recorded in the office of the Summit County Recorder and a copy of the recorded document shall be provided to Bath Township prior to any zoning certificate or business use certificate being issued.

Sec. 1205 OFF-STREET LOADING REQUIREMENTS

Every building used for nonresidential purposes that customarily receives or distributes goods by motor vehicle shall provide space on the premises for loading purposes on the basis of the following regulations:

Sec. 1205-A For buildings, or parts thereof, that exceed 10,000 square feet of gross floor area, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional loading space for every additional 20,000 square feet.

Sec. 1205-B General Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth in this subsection.

(1) Location of Required Loading Spaces

- (A) Loading spaces shall be located on the same lot as the building or structure to which they serve. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- (B) Loading spaces shall be set back a minimum of 50 feet from any lot line in a residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six feet in height.
- (C) In all other cases, loading spaces shall be set back a minimum of ten feet from all lot lines.

(2) Dimensions

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

(3) Access

- (A) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- (B) A site plan review application shall include a turning movement diagram illustrating access to the loading spaces.
- (C) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (D) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

(4) Screening

- (A) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- (B) The screening material shall be at least 6 feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

Sec. 1206 VEHICLE STACKING REQUIREMENTS

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to this section.

Sec. 1206-A Minimum Number of Stacking Spaces

The number of required stacking spaces shall be provided as established in [Table 1206-1](#) and [Figure 1206-A](#).

TABLE 1206-1: MINIMUM VEHICLE STACKING SPACE REQUIREMENTS		
ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM (AND INCLUDING)
Financial Institutions or Automated Teller Machine (ATM)	4 per window or lane	Teller or Window
Restaurant	8	First Pick-Up Window
Fuel or Gasoline Pump Island	2 [1]	Pump Island
Other	As determined by the Zoning Inspector [2]	

NOTE:
 [1] For each pump, the space at the pump shall count as one space. One additional stacking space shall be required for each pump.
 [2] Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this section.

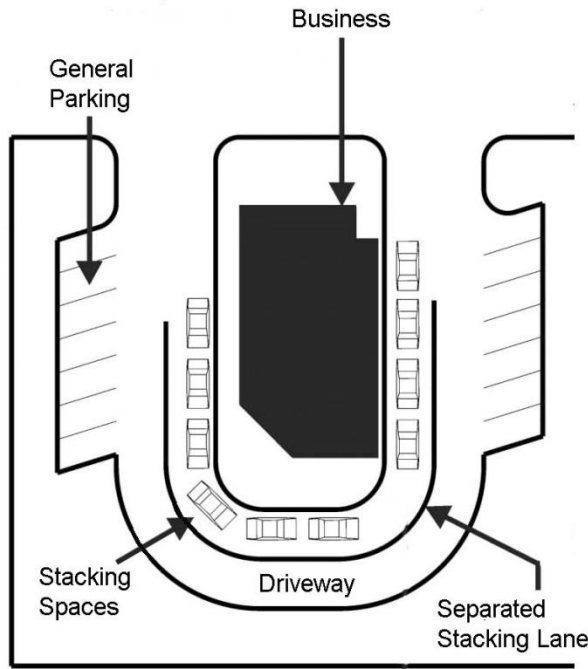


Figure 1206-A: Generalized example of vehicle stacking requirements.

Sec. 1206-B Design and Layout

- (1) Fuel pump spaces can count toward the stacking space requirement.
- (2) Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
- (3) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. See [Figure 1206-A](#). Such spaces shall be set back a minimum of 15 feet from any right-of-way.
- (4) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- (5) These stacking space requirements shall be in addition to the off-street parking space requirements.
- (6) When adjacent to a residential zoning district, any lot in a recorded residential subdivision, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.
- (7) All vehicular entrances or exits and all stacking spaces shall be set back a minimum of 200 feet from any intersections of a street under county or state authority.

Sec. 1207 GENERAL DESIGN STANDARDS FOR ALL VEHICULAR USE AREAS

All parking, loading, and vehicle stacking areas shall meet the requirements of this subsection.

Sec. 1207-A Maintenance

- (1) All vehicular use areas shall be maintained free from litter, junk, or rubbish.
- (2) All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians.
- (3) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
- (4) The owner shall maintain all paved surfaces in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place. Such maintenance shall be at the owner's own expense.

Sec. 1207-B Storage

The storage of a vehicle or utility trailer for more than 48 continuous hours in a vehicular use area for a nonresidential use is prohibited.

Sec. 1207-C Landscaping

Landscaping for vehicular use areas shall be as established in [Article 10: Landscaping Standards](#).

Sec. 1207-D Fire Code

All vehicular use areas shall conform to all requirements set forth in the fire code as adopted by Bath Township and as approved by the township's fire department.

Sec. 1207-E Drainage

All vehicular use areas shall be graded, drained, and provided with adequate drainage and storm water management facilities so that the adjacent properties and rights-of-way, including sidewalks, are not subject to flooding by water run-off from the proposed vehicular use areas.

Sec. 1207-F Other Uses within Required Vehicular Use Areas

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area are prohibited unless otherwise specifically permitted by this resolution.

Sec. 1207-G Surfacing for Areas Serving Nonresidential Uses

- (1) All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this article.
- (2) Vehicular use areas may be surfaced with up to 100 percent of porous pavement (excluding gravel) or up to 25 percent of structural lawn. Porous pavement and structural lawns are not considered impervious surfaces for the purpose of calculating the maximum impervious surface ratio standards established in [Sec. 504-B\(3\): Maximum Impervious Surface Coverage](#).

Sec. 1207-H Lighting

All lighting within a vehicular use area shall be subject to the standards in [Sec. 803: Exterior Lighting](#).

Sec. 1207-I Striping

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

Sec. 1207-J Bollards

Final bollard design shall be approved by the ARC.

Sec. 1208 SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY

The following shall apply to all nonresidential developments and expansions:

Sec. 1208-A Where a sidewalk exists in a public right-of-way adjacent to the property subject to the application, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.

Sec. 1208-B The pedestrian connection shall be a concrete path with a minimum width of four feet and shall be constructed and maintained in accordance with the Summit County Engineer's Office standards.

Sec. 1208-C The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.

Article 13: Signage Standards

Sec. 1301 PURPOSE

The purpose of this article is to:

- Sec. 1301-A** Permit the effective use of signs as a means of communication for businesses, organizations, and individuals in Bath Township;
- Sec. 1301-B** Maintain and enhance the aesthetic environment, including viewsheds, and the township's ability to attract sources of economic development and growth;
- Sec. 1301-C** Provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- Sec. 1301-D** Provide for adequate business identification, advertising, and communication;
- Sec. 1301-E** Prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the township;
- Sec. 1301-F** Protect the health, safety, and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- Sec. 1301-G** Differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
- Sec. 1301-H** Minimize the possible adverse effects of signs on nearby public and private property; and
- Sec. 1301-I** Prohibit signs with commercial messages in residential zoning districts, except when those commercial messages relate to lawful commercial activities conducted on properties within such districts.

Sec. 1302 APPLICABILITY

- Sec. 1302-A** Unless otherwise provided, this article shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located; signs located entirely within buildings or other structures and/or otherwise not visible from the public right-of-way or from property other than the property on which the sign is located are exempt from this article.
- Sec. 1302-B** Unless otherwise provided by this article, all signs and structural changes to existing signs shall require a sign permit and a payment of fees. A sign permit and payment of fees shall also be required for the changing of a sign panel even if there is no structure change, or the changing of copy when a sign is painted or otherwise printed on a structure. No sign permit is required for the general maintenance of a sign or changing the copy of a changeable copy sign.
- Sec. 1302-C** Unless otherwise provided, all signs, except temporary signs permitted under [Sec. 1310: Temporary Signs](#), that are to be erected, placed, established, moved, altered, or remodeled, and otherwise permitted anywhere in the township, shall be submitted to ARC for review and recommendation to the Zoning Inspector as part of the sign permit review process. Minor repairs that do not involve a panel change or structural change shall not be subject to review by the ARC.

Sec. 1303 COMPLIANCE REQUIRED

- Sec. 1303-A** It shall hereafter be unlawful for any person to erect, place, establish, move, alter, remodel, or maintain a sign in the township except in accordance with the provisions of this article.
- Sec. 1303-B** All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of Summit County Building Standards and the local electrical code in effect.
- Sec. 1303-C** No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of Summit County's or Ohio's building or fire codes.

Sec. 1304 COMPUTATIONS

The following principles shall control the computation of sign area and sign height.

Sec. 1304-A Ground Mounted Signs

- (1) The sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface on which or where the sign copy is distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy. See [Figure 1304-A](#).
- (2) The area of the supporting structure or framework shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the supporting structure or framework outside of the sign area as computed in accordance with Paragraph (1) above. See [Figure 1304-A](#).

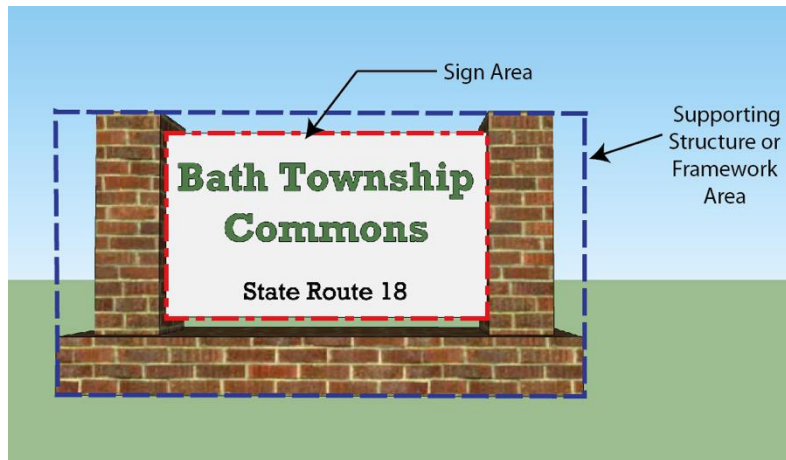


Figure 1304-A: Illustration of sign area versus supporting structure area on a ground mounted sign.

Sec. 1304-B All Other Signs

- (1) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface.



Figure 1304-B: Illustration of computing sign area for wall signs with a background panel or cabinet.

- (2) For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See [Figure 1304-C](#).

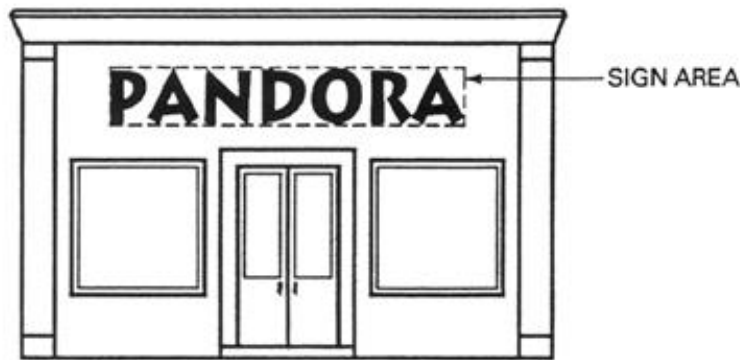


Figure 1304-C: Illustration of computing sign area for wall signs with individual letters.

- Sec. 1304-C** The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point. See [Figure 1304-C](#).
- Sec. 1304-D** When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.
- Sec. 1304-E** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- Sec. 1304-F** When calculating street frontage, only the street frontage that lies in the unincorporated area of Bath Township shall be used in the calculation.

Sec. 1305 GENERAL SIGN STANDARDS

- Sec. 1305-A** No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character, may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse, or disrupt traffic safety or flow.
- Sec. 1305-B** No portion of a sign shall obscure visibility within the visibility triangle established in [Sec. 504-B\(6\): Visibility at Intersections](#).
- Sec. 1305-C** Should any sign be or become unsafe or be in danger of falling, the property owner shall be responsible for putting the sign in a safe and secure position or removing the sign.
- Sec. 1305-D** Signs shall not be attached to trees, utility poles, rocks, fences, or streetlights nor shall signs be placed on any public property except in accordance with this article.
- Sec. 1305-E** No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by township regulations.
- Sec. 1305-F** The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.
- Sec. 1305-G** All buildings shall have a sign providing the numeric address for identification purposes to assist in fire and safety protection. Such signs shall not require a sign permit but shall otherwise conform to the standards of this article and shall be subject to the standards of [Sec. 1307: Signs or Changes Not Requiring a Sign Permit](#).
- Sec. 1305-H** **Signs on Awnings, Canopies, or Marquees**
- (1) Awnings, canopies, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.
 - (2) The maximum amount of signage permitted on any awnings, canopies, or marquees shall be equal to the maximum wall sign area permitted within the applicable zoning district.
 - (3) Wall signs shall not be permitted on buildings where signage is established on awnings, canopies, or marquees and vice versa.
 - (4) Such signs shall only be illuminated from an external lighting source. Internal illumination of awnings, canopies, or marquees is expressly prohibited.
 - (5) Such signs shall be permitted to extend into the public right-of-way over a sidewalk but shall be required to provide a clearance of eight feet between the sidewalk and the sign. Such sign shall not extend above the roof line.
- Sec. 1305-I** **Location**
- (1) Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections. No sign shall be constructed on or over any road right-of-way.
 - (2) No signs provided for in this article shall be erected on any private property unless the property owner's permission has been obtained.
 - (3) Unless otherwise specified in this article, all signs shall be set back a minimum of 10 feet from any adjacent street right-of-way line and at least 20 feet from any side lot line.

Sec. 1305-J Illumination

- (1) Any illuminated sign or lighting device shall employ only light emitting a constant intensity. Lights or lighting that flashes or otherwise portrays movement is specifically prohibited.
- (2) All wiring, fittings and materials used in the sign shall be in accordance with the provisions of the electrical code in effect at the time of installation, modification or repair of the sign.
- (3) Unless otherwise permitted or restricted in this resolution, signs that are illuminated shall use lighting in which the source of light shall not be visible from the road and shall not shine on adjoining properties. No flashing, revolving, or intermittent illumination shall be employed. In addition, the following illumination requirements shall apply:
 - (A) In the B-1 and B-5 Zoning Districts: Only external lighting to a level of 20 foot-candles on the surface of the sign.
 - (B) In the B-2, B-3, and B-4 Zoning Districts: Internal or external lighting with a maximum illumination of 50 foot-candles on the surface of the sign.

Sec. 1306 PROHIBITED SIGNS

The following types of signs are prohibited in all districts:

Sec. 1306-A Signs in any public right-of-way except:

- (1) Signs owned by the township, Summit County, State of Ohio, or the federal government and approved by the Ohio Manual of Uniform Traffic Control Devices;
- (2) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message that is necessary to identify the use; and
- (3) Signs installed by a transit company with a franchise or other right to operate in Summit County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

Sec. 1306-B Abandoned On-Premises Signs

- (1) Any on-premises sign now or hereafter existing that no longer identifies a bona fide business conducted on the premises or a product sold on the premises for a period of six-months shall be deemed abandoned.
- (2) Such a sign shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within 30 days after notification to the owner from the Zoning Inspector.
- (3) All signs shall be in conformance with [Sec. 1311: Maintenance](#), regarding the maintenance of signs.

Sec. 1306-C Signs that consist of lights that revolve, flash, or show any type of movement are prohibited in all districts with the exception of electronic message centers specifically permitted in the business districts.

Sec. 1306-D Signs emitting any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices);

Sec. 1306-E Signs that contain or consist of banners, strings of lights, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention.

Sec. 1306-F Off-premises signs;

Sec. 1306-G Feather signs;

Sec. 1306-H Pole signs and high rise signs;

- Sec. 1306-I Air activated graphics or balloons bearing a commercial message except where otherwise permitted in this article;
- Sec. 1306-J Any sign, which rotates, revolves, or otherwise moves unless otherwise expressly permitted under this article;
- Sec. 1306-K Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;
- Sec. 1306-L Signs imitating or resembling official traffic or governmental signs or signals;
- Sec. 1306-M Signs on outdoor vending machines;
- Sec. 1306-N Portable signs;
- Sec. 1306-O Snipe signs;
- Sec. 1306-P Graffiti; or
- Sec. 1306-Q Signs located above the roofline.

Sec. 1307 SIGNS OR CHANGES NOT REQUIRING A SIGN PERMIT

- Sec. 1307-A The following signs shall comply with the requirements of this article, wherever applicable, but shall be exempt from the sign permit and fee requirement of this article and [Sec. 306: Sign Permit](#):
- (1) Commemorative or memorial plaques placed by the township, county, state, or recognized historical agencies; such a sign shall bear no commercial message, shall not be directly illuminated, and shall have a maximum sign area of 16 square feet;
 - (2) One wall sign, not to exceed one square foot in area, for each dwelling unit. Such sign shall not contain any commercial message; such sign shall not be directly illuminated;
 - (3) One permanent freestanding sign on a lot that is used for an agricultural use that is exempt from township zoning regulations pursuant to the ORC. Such sign may bear a commercial message related to products or services available on the premises. It shall be set back a minimum of 15 feet from all rights-of-way, shall not exceed 20 square feet in sign area, and shall not exceed four feet in height;
 - (4) Routine maintenance of any sign, not involving structural changes to the sign;
 - (5) Changes of message, either manually or electronically, on an electronic message center or reader board (changeable copy sign), subject to limitations in this article on the frequency of changes of message. Changes of sign panels or other changes to signs may require a sign permit in accordance with [Sec. 1302: Applicability](#);
 - (6) Signs installed by the state, county, or officials of Bath Township in the course of their official duties; and
 - (7) Other signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
- Sec. 1307-B The following signs shall be exempt from the permit requirements of this article and shall not be considered in applying limitations on the number of signs permitted on a wall or a lot, but such signs shall be subject to the lighting, installation, height, setback, maintenance and other standards set forth in this section:
- (1) Detached signs smaller than two square feet in area and less than four feet in height, and containing no commercial message; and
 - (2) Wall signs smaller than two square feet in area and containing no commercial message.

Sec. 1308 PERMANENT SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following permanent signs may be permitted in any residential zoning district and shall require a sign permit and related fee:

- Sec. 1308-A** A permanent ground-mounted sign or wall signs may be permitted for any platted residential development provided that the signs comply with the following requirements:
- (1) **General Standards**
 - (A) The sign may be permitted at each primary development entrance as determined by the Zoning Inspector.
 - (B) The sign shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent side lot lines.
 - (C) The sign may have a maximum sign area of 20 square feet not including any fence or wall on which the sign is located.
 - (D) No sign or any portion of the structure shall exceed four feet in height.
 - (E) The sign may only be illuminated by an external light source.
 - (2) **Ground-Mounted Monument Signs**
 - (A) One permanent ground-mounted monument sign may be permitted for each entrance.
 - (B) If an applicant proposes to use a ground-mounted monument sign, no wall signs shall be permitted.
 - (3) **Wall Signs**
 - (A) A maximum of two wall signs may be permitted for each entrance.
 - (B) The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
 - (C) Where two signs are used, such signage shall be identical.
 - (D) If an applicant proposes to use wall signs, no ground-mounted monument sign shall be permitted.
- Sec. 1308-B** One permanent ground-mounted sign may be permitted for any public or institutional use in a residential zoning district provided that the sign meets the following requirements:
- (1) The sign shall be a ground-mounted sign.
 - (2) The sign shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent side lot lines.
 - (3) The maximum sign area shall be 20 square feet.
 - (4) No such sign or any portion of the structure shall exceed four feet in height.
 - (5) Up to 10 square feet of the sign may be a manual changeable copy sign.
 - (6) The sign may only be illuminated by an external light source.
 - (7) Such sign shall be subject to conditional use review as established in [Sec. 309: Variance or Conditional Use](#).

Sec. 1309 PERMANENT SIGNS PERMITTED IN BUSINESS DISTRICTS

The following signs may be permitted in any business district, provided that no such sign shall bear an off-premise commercial message, and each such sign shall require a sign permit:

Sec. 1309-A Permanent Ground-Mounted Signs

Each platted lot in a business district, as of the effective date of this resolution, or amendment thereto, shall be permitted to have one ground-mounted monument sign that complies with the following provisions:

- (1) One ground-mounted sign is permitted on each parcel or lot as follows:
 - (A) The maximum sign area shall be 20 square feet in the B-1, B-2, B-3, and B-4 districts.
 - (B) The maximum sign area for new signs in the B-5 district shall be 16 square feet with an additional four square feet allowed for a hanging sign attached to the ground-mounted sign (See [Figure 1309-A](#)).
 - (C) The maximum sign area for signs in the B-5 district that existed as of the effective date of this resolution shall be 20 square feet with an additional four square feet allowed for a hanging sign attached to each ground-mounted sign (See [Figure 1309-A](#)).

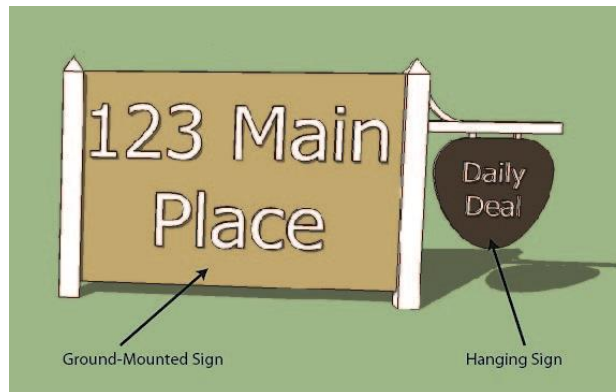


Figure 1309-A: Ground-mounted and hanging signs in the B-5 district.

- (D) The maximum sign height shall be four feet.
 - (E) The sign shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent lot lines.
 - (F) Landscaping shall be provided at the base of each monument sign in an amount equal to two times the sign area of one sign face.
 - (G) High-rise and off-premises signs are prohibited in Bath Township.
- (2) Where a lot is a corner lot, double frontage lot, or is of another configuration with multiple street frontages, each street frontage may have a ground-mounted monument sign that meets the above requirement. The sign area for each additional sign shall be calculated based on the street frontage where the sign is to be placed.
 - (3) No ground mounted signage shall be permitted along any lot line adjacent to any interstate highway but wall signage may be permitted in accordance with the provisions of this article.

Sec. 1309-B Permanent Wall Signs (Projecting)

Any business tenant within a business district shall be permitted one wall sign per building that faces a public street subject to the following:

- (1) The maximum sign area of the wall sign for any single business tenant in the B-1 or B-5 districts shall be equal to 0.5 square feet of sign area for every lineal foot of building frontage occupied by the individual tenant with a maximum of 20 square feet per individual tenant space.
- (2) The maximum sign area of the wall sign for any single business tenant in the B-2 district shall be equal to 1.5 square feet of sign area for every lineal foot of building frontage occupied by the individual tenant with a maximum of 40 square feet per individual tenant space.
- (3) The maximum sign area of the wall sign for any single building in the B-3 or B-4 district shall be equivalent to 50 square feet or ten percent of the area of the wall face of the building to which the sign is affixed, whichever is smaller.
- (4) The maximum sign area of the wall sign adjacent to the interstate for any single building in the B-3 or B-4 district shall be equivalent to 80 square feet or ten percent of the area of the wall face of the building to which the sign is affixed, whichever is smaller.
- (5) Wall signs shall not be mounted in such a way as to exceed the height of the structure.
- (6) Wall signs shall not project more than 18 inches as measured from the face of the building to the front of the sign.

(Amendment Effective July 1, 2015)

Sec. 1309-C Window Signs

- (1) Each business may have window signs provided they do not cover more than 20 percent of each window surface.
- (2) The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.
- (3) Window signs that are permanent in nature shall be subject to the sign permit review established in [Sec. 306: Sign Permit](#).

Sec. 1309-D Permanent Driveway Signs

Permanent ground-mounted signs (a.k.a. directional signs) shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1) The signs shall be set back five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives.
- (2) One sign may be permitted per individual driveway or internal intersection.
- (3) The sign may not exceed four square feet in area.
- (4) The sign height shall not exceed three feet in height.
- (5) No more than two square feet of the sign shall include a commercial message.

Sec. 1309-E Flags

Up to one flag with commercial speech may be flown on a flagpole in the B-2, B-3, and B-4 Districts in accordance with the following:

- (1) The maximum height of any flagpole shall be 35 feet.
- (2) All flagpoles shall be permanently installed into the ground with any required footings as may be necessary based on the individual pole.
- (3) The maximum flag size shall be 40 square feet.

Sec. 1309-F Permanent Signs Related to Gasoline Sales

- (1) In addition to other signs permitted by this section, one permanent double-faced sign shall be permitted per fueling station where gasoline or fuel is dispensed.
- (2) The permitted ground-mounted sign associated with gasoline sales may incorporate an electronic message center that shall not exceed ten square feet of the permitted sign area.
- (3) Any message change shall be a static, instant message change with no scrolling or other motion allowed.

Sec. 1309-G Electronic Message Centers

- (1) Electronic message centers shall be permitted in the B-2 district.
- (2) One electronic message center may be permitted on each lot and shall be reviewed as a conditional use (See [Sec. 309: Variance or Conditional Use](#)).
- (3) Electronic message centers shall only be permitted as part of signage for a multi-tenant building.
- (4) The maximum sign area for an electronic message center shall be 20 square feet, or 50% of the total sign area, whichever is less.
- (5) Any message change shall be a static, instant message change with no scrolling or other motion allowed.
- (6) Messages shall only change once every 24 hours or longer.
- (7) The maximum brightness levels for an electronic message center shall not exceed 12 foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

Sec. 1310 TEMPORARY SIGNS

Sec. 1310-A General Definitions Related to Temporary Signs

- (1) Temporary signs shall be as defined in this article and may include, but are not limited to political signs, real estate signs, and special event signs.
- (2) Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business related activities, or that include text classified as a commercial message.
- (3) Temporary signs that do not contain a commercial message include, but are not limited to, political signs, free speech signs, and any other sign with text or message that is not classified as a commercial message.

Sec. 1310-B Standards that Apply to All Temporary Signs

- (1) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.
- (3) No temporary sign shall be illuminated by anything other than non-reflected daylight.
- (4) Unless otherwise specified, temporary signs, regardless of the message, shall be set back a minimum of 10 feet from the edge of street pavement or the edge of a street right-of-way, whichever is greater, and shall have a maximum height of four feet.

Sec. 1310-C Permitted Temporary Signs

This section addresses permitted temporary signs, with a commercial message, in any zoning district.

(1) Temporary Commercial Signage on Lots

- (A) One temporary sign containing a commercial message may be permitted on any lot where the lot or the structure on the lot is for sale or for lease or where there is an auction of the lot, structure, or real property on the lot.
- (B) If the lot has more than one street frontage, one additional temporary sign shall be allowed. Each temporary sign allowed shall be located on separate street frontages.
- (C) The maximum sign area for each sign shall be six square feet.
- (D) The maximum sign for each sign shall be four feet unless attached temporarily to a wall or façade, in which case it shall not be attached or otherwise mounted above the roof line.
- (E) No sign permit or fee shall be required for these signs.

(2) Temporary Commercial Signage for Development

As an accessory use to the permitted temporary commercial activity of land development, one temporary sign, with a commercial message is permitted during the development of a subdivision or for the construction of a nonresidential use in accordance with the following:

- (A) The sign shall not be illuminated and shall have a maximum sign area of 20 square feet and a maximum height of four feet.
- (B) The sign shall be installed on the property to be developed.
- (C) The sign shall be set back a minimum of 25 feet from all street rights-of-way.
- (D) The sign shall require a sign permit and fee pursuant to [Sec. 306: Sign Permit](#).
- (E) The sign may be maintained for the following periods of time:
 - i) Until a permitted permanent sign identifying the subdivision or development is installed; or
 - ii) Until 30 days following the completion of construction of the development or of the last dwelling unit.
- (F) The Zoning Inspector shall have the authority to review and renew the temporary sign permit every six months if a finding is made that the sign and ground upon which it is located are maintained in a neat and orderly manner. If not, the Zoning Inspector may revoke the sign permit and order the sign removed.

(3) Temporary Commercial Signage for Temporary Special Events

As an accessory use to a permitted temporary special event lasting 48 hours or less, the owner or occupier of the lot where the event will take place may post one additional temporary sign with a commercial message in addition to the above temporary signs in accordance with the following:

- (A) The sign shall have a maximum sign area of 16 square feet and a maximum height of four feet.
- (B) The sign shall be set back a minimum of 25 feet from all street rights-of-way.
- (C) The sign may be displayed for a maximum period of 14 consecutive days for up to two separate times per calendar year. Each of the 14 day display periods must be at least 30 consecutive days from the prior 14 day period.

- (D) The sign shall not require a sign permit but shall require a \$50 deposit paid in advance to the Zoning Administrator. The fee shall be refundable to the applicant upon the removal of all signs and supporting materials. Upon failure to remove signs within the specified time period, without limitation of remedy, the cash deposit shall be forfeited to the township to defray the costs of removing the signs.
- (E) The sign shall not be illuminated.
- (F) The temporary sign can be an A-frame sign or a sign attached to the ground in a temporary manner.

(4) Temporary Signs for Public or Institutional Uses

Public or institutional uses shall be permitted to utilize temporary signs pursuant to this section provided the sign meets the following provisions:

- (A) The sign shall not exceed 16 square feet in area for any one side.
- (B) The sign shall not exceed four feet in height.
- (C) One sign shall be permitted for a period of 14 consecutive days for up to four separate times per calendar year.

Sec. 1311 MAINTENANCE

Sec. 1311-A All signs, including flags, shall be constructed, maintained, and illuminated in a safe manner, and shall comply with applicable codes and be kept in good repair.

- (1) Signs shall be free from rust, dust, dirt, and other such debris.
- (2) Exposed surfaces shall be clean and painted if paint is required.
- (3) Defective parts shall be replaced.
- (4) The Zoning Inspector shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the Zoning Inspector.

Sec. 1311-B Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or lessee shall, upon receipt of written notice from the Zoning Inspector, proceed at once to correct the unsafe condition and/or remove the sign in question.

Sec. 1311-C Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of this resolution.

Sec. 1312 NONCONFORMING SIGNS

Sec. 1312-A Determination of Legal Nonconformity

Existing signs that do not conform to the specific provisions of this article may be eligible for the designation of a “legal nonconforming sign” provided that the nonconforming sign:

- (1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and
- (2) The sign was erected pursuant to a valid permit or variance and complies with all other applicable laws on the effective date of this resolution.

Sec. 1312-B Loss of Legal Nonconforming Status

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;

- (2) The sign structure is replaced;
- (3) The establishment where the sign is located ceases to operate for a period of two years. This does not refer to general maintenance, changeable marquees, or to face and copy changes; or
- (4) The sign is removed or abandoned for a period of two years. This does not refer to general maintenance, changeable marquees, or face and copy changes.

Sec. 1312-C Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than 60% of the estimated replacement value, unless such damage was caused by vandalism, an act of God, or other causes outside the influence of the owner or user, such sign shall be reconstructed in compliance with this article.

Article 14: Nonconformities

Sec. 1401 PURPOSE

Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. While it is the intent of this resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this article or specifically addressed in this resolution.

Sec. 1402 GENERAL PROVISIONS

- Sec. 1402-A** Any nonconforming building, structure, lot, or use existing at the time of the effective date of this resolution may be continued, even though such building, structure, lot, or use does not conform to the provisions of this resolution. Such nonconforming building, structure, lot, or use, shall be subject to the provisions of this article.
- Sec. 1402-B** The lot on which there is located a nonconforming use shall not be reduced in area or width to a lot area or lot width smaller than that required within the applicable zoning district, nor shall any existing yard be reduced so as to be smaller than the minimum yard requirements thereof.
- Sec. 1402-C** Passage of this resolution in no way legalizes any illegal uses or structures existing at the time of the adoption of this resolution.
- Sec. 1402-D** If the legally nonconforming use of any dwelling, building, structure, or of any land or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the provisions of this resolution.

Sec. 1403 NONCONFORMITIES AND CHANGES IN USE OR VARIANCES

- Sec. 1403-A** Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use and the previously existing nonconforming use shall not be re-established unless otherwise authorized by this resolution.
- Sec. 1403-B** The granting of a variance for a use or structure that otherwise complies with this resolution shall not create a nonconforming use or structure when the variance is granted.
- Sec. 1403-C** When a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses the nonconformity, the use or structure shall no longer be considered nonconforming.
- Sec. 1403-D** If a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses some nonconformities but additional nonconformities continue, the use or structure shall still be considered legally nonconforming.

Sec. 1404 NONCONFORMING USES

If at the time of adoption of this resolution, lawful uses of land or structures exist that would not be permitted by the regulations of this resolution, the uses may be continued so long as they remain otherwise lawful and provided:

Sec. 1404-A No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this zoning resolution unless it complies with the provision of [Sec. 1404-F: Expansion of a Nonconforming Use](#).

Sec. 1404-B No structure containing a nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this zoning resolution.

Sec. 1404-C If any such nonconforming use is discontinued, abandoned, or vacated for more than two years, any subsequent use of such land or structure shall conform to the regulations specified by this zoning resolution for the applicable zoning district.

Sec. 1404-D No additional structures related to a nonconforming use shall be constructed unless such new structure complies with the requirements of this resolution and the applicable zoning district.

Sec. 1404-E **Change of Nonconforming Use**

A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with the character and use of the district than the existing nonconforming use, as determined by the BZA at a public hearing.

Sec. 1404-F **Expansion of a Nonconforming Use**

The expansion of a nonconforming use is prohibited.

Sec. 1404-G **Termination of Nonconforming Uses**

(1) Termination of Use through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two years, any new use shall not be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(2) Termination of Use by Damage or Destruction

(A) If a nonconforming residential use in a business district is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot within the same footprint of the original building. Such reestablishment of the use shall require the issuance of a zoning certificate or business use certificate.

(B) If any other type of nonconforming use is damaged or destroyed, the reestablishment of the nonconforming use may only be permitted if reviewed and approved by the BZA after a public hearing. The BZA shall take the following under consideration when making a determination about permitting the reestablishment of the nonconforming use:

- i)** The extent of damage and whether the damage is so significant as to be considered a complete structure loss (i.e., full rebuild);
- ii)** Whether the restoration or construction could potentially create new nonconformities and/or whether such restoration or construction can reasonably eliminate some nonconformities;

- iii) Whether the damage or destruction was done by act of the owner or tenant, by a natural force, or some other event that was out of owner's control;
 - iv) That such restoration or construction is commenced within one year of the date that such notice is given; and
 - v) That the owner of the property in question has filed a notice of intention with the Zoning Inspector to continue the nonconforming use within six months of such destruction or damage with the Zoning Inspector.
- (C) In the event that such notice is not filed, then the nonconforming use in question shall be deemed to be abandoned and subject to the two-year rule.

Sec. 1405 NONCONFORMING STRUCTURES

- Sec. 1405-A** Any nonconforming structure may be enlarged, maintained, repaired or altered provided that no such enlargement, maintenance, repair or alteration shall create either an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- Sec. 1405-B** No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district.
- Sec. 1405-C** Governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

Sec. 1406 NONCONFORMING LOTS OF RECORD IN RESIDENTIAL DISTRICTS

- Sec. 1406-A** If an existing lot of record in a residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:
- (1) The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this resolution, with the exception of the lot area and the lot width regulations.
 - (2) The number of dwelling units shall not be increased unless in conformance with this resolution.
 - (3) Dwelling units may be expanded without requiring any additional garage space or parking space, provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.
 - (4) The Zoning Inspector may authorize detached garages to be located not less than five feet from side and rear lot lines when the Zoning Inspector determines that compliance with the applicable setback requirements is not possible.
- Sec. 1406-B** Any construction proposed on an existing lot of record that is a flag lot which results in a proposed dwelling unit being constructed behind an existing dwelling shall be reviewed by the BZA. The BZA shall review the placement of the building on the lot and may require screening to protect the privacy of the existing dwelling unit.

Sec. 1407 NONCONFORMING SIGNS

See [Sec. 1312: Nonconforming Signs](#).

Sec. 1408 REPAIR AND MAINTENANCE

- Sec. 1408-A** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.
- Sec. 1408-B** Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

Sec. 1409 BURDEN OF PROOF

An applicant for any review procedure that deals with a nonconformity shall bear the burden of proof in demonstrating that the nonconformity was legal on the date the use, structure, or lot, became nonconforming.

Article 15: Enforcement and Penalties

Sec. 1501 ENFORCING OFFICER

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

Sec. 1502 VIOLATIONS

Sec. 1502-A Any of the following shall be a violation of this resolution and shall be subject to the enforcement remedies and penalties provided by this article and by the ORC:

- (1) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of Bath Township without all of the required certificates or reviews, or other forms of authorization as may be set forth in this resolution;
- (2) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature in any way inconsistent with any approved certificate or approval granted by the township in accordance with this resolution;
- (3) To violate, by act or omission, any term, condition or qualification placed by the township upon a required certificate or approval granted by the township;
- (4) To violate any other term, condition, standard, or requirement of this resolution; or
- (5) To continue any of the above-stated violations.

Sec. 1502-B Each day a violation continues shall be considered a separate offense.

Sec. 1502-C In all cases, the Board of Trustees, the Summit County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, in addition to other remedies provided by law, may, at their own expense, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

Sec. 1503 INSPECTION

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

Sec. 1504 REMEDIES

If any building or land is used, altered, constructed, enlarged or any other action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the Board of Trustees, the Summit County Prosecuting Attorney, the Zoning Inspector, or any person or any property owner damaged by or subject to damage by such violation, in addition to remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

Sec. 1505 PENALTIES

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

Sec. 1506 AFFECTED PARTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be penalized pursuant to [Sec. 1505: Penalties](#).

Sec. 1507 OTHER ACTIONS

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

Article 16: Definitions and References

Sec. 1601 PURPOSE

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

Sec. 1602 GENERAL RULES FOR INTERPRETATION

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

Sec. 1602-A Meanings and Intent

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

Sec. 1602-B Headings, Illustrations, and Text

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

Sec. 1602-C Lists and Examples

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

Sec. 1602-D References to Other Regulations or Publications

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

Sec. 1602-E Delegation of Authority

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

Sec. 1602-F Technical and Non-technical Terms

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

Sec. 1602-G Public Officials and Agencies

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

Sec. 1602-H Mandatory and Discretionary Terms

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

Sec. 1602-I Conjunctions

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

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

Sec. 1602-J Tenses and Plurals

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

Sec. 1602-K Terms Not Defined

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

Sec. 1603 DEFINITIONS AND REFERENCES

100-YEAR FLOODPLAIN

Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the current 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

ABOVE GROUND LIQUID HYDROCARBON STORAGE TANK

Any container used for the storage of liquid hydrocarbons including, but not limited to, oil, gasoline, kerosene and diesel fuel which is located in whole or in part above the surface of the ground surrounding the tank.

ABUTTING OR ADJACENT

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

ACCESSORY BUILDING, STRUCTURE, OR USE

See definitions under “building, accessory” “structure, accessory” or “use, accessory.”

ACCESSORY DWELLING UNITS

Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons that are related, a caregiver to the homeowner, or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings shall not be rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

ACCESSORY RECREATIONAL STRUCTURES

Accessory recreational structures are structures and surfaces with permanent improvements for outdoor use, such as tennis courts, paddle tennis, shuffleboard, basketball courts, and other similar facilities for use in conjunction with a residential dwelling unit.

ADULT ARCADE

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

ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade; derives a significant or substantial portion of its revenues from; devotes a significant or substantial portion of its interior business or advertising to; or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or
- Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in the ORC. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or

Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT FAMILY HOMES

A residence or facility, as defined and regulated in the ORC, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. See also definition of “residential facilities, small.”

ADULT GROUP HOMES

A residence or facility, as defined and regulated in the ORC, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. See also definition of “residential facilities, large.”

ADULT MOTION PICTURE THEATER

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

AGRICULTURAL USES AND AGRICULTURE

Agricultural uses and agriculture shall be as defined in the ORC.

ALTERATION

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

ANTENNA

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

APPEAL

An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with [Sec. 310: Appeals](#).

APPEARANCE REVIEW COMMISSION

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

APPLICANT

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

APPLICATION

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

ARC

The Appearance Review Commission

AUTHORIZED AGENT

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

AUTOMATED TELLER MACHINE (ATM)

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

AWNING

A roof like cover that is temporary or permanent in nature, and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

BANKS AND FINANCIAL INSTITUTIONS

Establishments engaged in deposit banking. Banks or financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

BANNER

Any sign of lightweight fabric or similar material that is mounted to a building or other structure at one or more edges.

BATH TOWNSHIP DESIGN GUIDELINES.

The most recently adopted version of the Bath Township Design Guidelines

BED AND BREAKFAST ESTABLISHMENT

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

BERM, LANDSCAPING

In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See also the definition of “mound.”

BOARD OF TRUSTEES

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

BOARD OF ZONING APPEALS

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

BOLLARD

Bollard means a vertical post or barrier device designed and used to obstruct the passage of motor vehicles and separate pedestrian from vehicular traffic.

BUILDING

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

BUILDING HEIGHT

The vertical distance of a building as measured pursuant to [Sec. 504-A\(5\): Height Measurement and Exceptions](#).

BUILDING, ACCESSORY

A building on the same lot with, and of a nature customarily incidental and subordinate to the principal building.

BUILDING, NONCONFORMING

A building that lawfully occupied a lot at the effective date of this resolution, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

BUILDING, PRINCIPAL

The building containing the main or principal uses on the lot.

BZA

The Board of Zoning Appeals

CANOPY

A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

CANOPY (TREE)

The portion of a tree, formed by the plant crowns (branches and leaves) that does not include the main trunk(s) of the tree or its roots.

CEMETERIES

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

CHURCHES AND PLACES OF WORSHIP

A building used principally for religious worship. The word “churches and places of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Such places shall exist as public buildings, and as such, shall meet state and local building codes.

COLLOCATION

Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower.

COMMERCIAL ENTERTAINMENT OR RECREATIONAL USE (INDOORS)

Any commercial activity that is related to the entertainment or sports industry, except adult entertainment establishments, that may include, but is not limited to indoor pools, bowling alleys, skating rinks, indoor tennis courts, and similar activities.

COMMERCIAL MESSAGE

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

COMMON AREAS

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

COMMUNITY ALTERNATIVE HOME

A residence or facility that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have immunodeficiency syndrome or a condition related to Acquired Immunodeficiency Syndrome (AIDS). A Community Alternative Home does not include nursing homes, rest homes, or homes for the aging, adult foster care facilities, hospice care facilities or assisted living facilities.

COMMUNITY GARDEN

A single piece of land that is gardened collectively, as an accessory use, by a group of persons, that may include individual garden plots designated for individual gardens.

COMPLETED APPLICATION

An application that has been determined to be complete in accordance with [Sec. 303-B\(3\): Complete Application Determination](#).

COMPREHENSIVE PLAN

The most recently adopted version of the Bath Township Comprehensive Plan, or as amended thereto, as on file at the Bath Township offices.

CONSTRUCTION DUMPSTERS AND PORTABLE TOILET FACILITIES

Temporary facilities used for the collection of trash and solid waste on a construction site.

CONSTRUCTION TRAILER

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

CONVENTIONAL RESIDENTIAL SUBDIVISION

A major subdivision, as defined by Section 303.2 of “General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio” (also known as the Summit County Subdivision Regulations), that is not classified as an “open space residential subdivision.”

COUNTY

Summit County, Ohio

CUL-DE-SAC

A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property. See [Figure 1603-A](#).

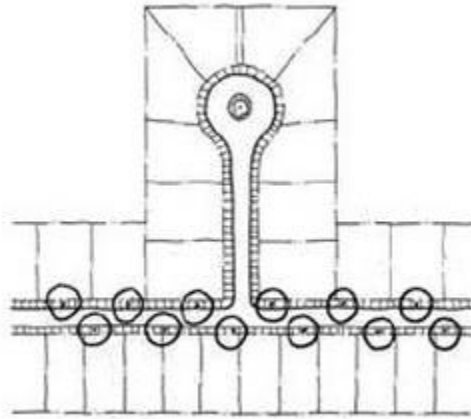


Figure 1603-A: Illustration of a cul-de-sac street.

CULTIVATOR

(as used in Chapter 3796. of the Revised Code), An entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana (as permitted under Chapter 3796. of the Revised Code).

CULTURAL INSTITUTIONS

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

DAY CARE CENTERS (ADULT OR CHILD)

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for “Type-B Family Day Care Home”

DBH

See “diameter-at-breast height”

DECIDE

When used in reference to a review procedure outlined in [Article 3: Review Procedures](#), the term decide shall mean that the zoning inspector or board with decision-making authority shall have made a final judgment or decision on the subject application.

DECKS

A flat surface attached to a building that does not have walls or a roof and that is elevated above the ground, at its highest point, by at least 18 inches. Decks are not used as habitable space.

DENSITY, GROSS

Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development.).

DENSITY, NET

The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

DETACHED ACCESSORY BUILDINGS OR STRUCTURES

Accessory buildings or structures that are detached from the principal building or structure including, but not limited to, garages, gazebos, permanent outdoor kitchens (if they require a water, sewer, or building permit), storage sheds, and other structures.

DEVELOPMENT

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

DEVELOPMENT REVIEW

The procedure for evaluating an application and making a recommendation or decision as outlined in [Article 3: Review Procedures](#).

DIAMETER-AT-BREAST HEIGHT (DBH)

DBH is used to measure the diameter of a tree trunk at the specific height of 4.5 feet above the ground.

DISPENSARY

(as used in Chapter 3796. of the Revised Code), An entity licensed (pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder) to sell medical marijuana to qualifying patients and caregivers.

DISTRICT

See definition of “zoning district.”

DOMESTIC ANIMALS

A domestic animal shall include, but not be limited to, horses, cows, llamas, goats, pigs, mink, and fowl. For the purpose of this resolution the term “domestic animal” shall not include “household pets.”

DRIVE-THROUGH FACILITIES

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

DRIVEWAY

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

DROP-OFF BOX

A small outdoor collection facility for use by the public who can deposit recyclable materials, clothing, or household goods.

DWELLING

A building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and other attached dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

DWELLING UNIT

A single unit of one or more rooms providing complete, permanent independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

DWELLING, ATTACHED

A building or portion thereof designed for or used exclusively for residential purposes by three or more families or housekeeping units. Attached dwellings shall include apartment buildings, condominiums, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.

DWELLING, SINGLE-FAMILY

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

EASEMENT

Written authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

EDUCATIONAL INSTITUTIONS (PUBLIC OR PRIVATE)

Buildings or structures in which students are taught. Educational institutions may include primary schools, elementary schools, middle schools, or high schools. Educational institutions shall not include colleges, vocational schools, and other similar uses.

ELECTRONIC MESSAGE CENTER

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

ENTRANCE MONUMENT

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

ESTATE SALE, TAG SALE, OR AUCTION (THIRD-PARTY SALE)

A temporary event for the sale of personal possessions or property that is organized or conducted by a third-party that includes, but is not limited to, any sale entitled estate sale, tag sale, auction, or third-party sale.

EXOTIC ANIMALS

Any cat, other than felis catus; any canine, other than canis familiaris, non-human primates; poisonous reptiles; alligators, crocodiles or lizards over two feet long; snakes over six feet long; bears; kangaroos; eagles; poisonous stinging insects; arachnids; and similar animals as defined by the ORC.

EXPANSION

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

EXTERIOR LIGHTING

Any source of light that is installed or mounted outside of a building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

EYEBROW (STREET OR ROAD)

An eyebrow is a rounded expansion of a street beyond the normal curb line. See [Figure 1603-B](#).

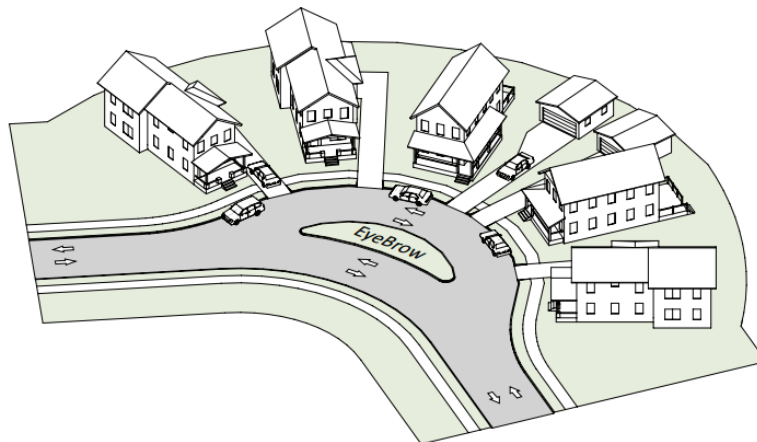


Figure 1603-B: Illustration of an eyebrow street configuration.

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

FARM MARKET

The use of any land or a structure for the sale of produce in accordance with the provisions of [Sec. 701: Accessory Use Regulations](#).

FEMA

Federal Emergency Management Agency; The agency with the overall responsibility for administering the National Flood Insurance Program.

FENCE

A structure that serves to screen an area, enclose an area, or separate two spaces that has a height and length greater than its thickness and that is constructed of a wood, metal, wire, vinyl, composite, or other similar material that may or may not be a solid material. See also the definition of “wall.”

FLAG

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

FLAGPOLE

A pole that can be permanently affixed in the ground or to a building that is used for the sole purpose of flying a flag.

FLOODPLAIN

The 100-year regulatory floodplain as currently defined by FEMA and illustrated on the applicable National Flood Insurance Program Flood Insurance Rate Map.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. The “floor area” of a building shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building; interior balconies and mezzanines; enclosed porches and floor area devoted to accessory uses. Garages shall not be included in the floor area of a structure.

FLOOR AREA, MINIMUM LIVING

The living floor area consists of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, basements, terraces, and garages.

FOOT-CANDLE

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FOOTPRINT

The area of a building measured from the exterior surface of the exterior walls at grade level.

FRONTAGE, BUILDING

The length of the facade of an enclosed building facing a public or private street. See [Figure 1603-C](#).

FRONTAGE, STREET

The distance for which the front boundary line of the lot and the street line are coincident. See [Figure 1603-C](#).

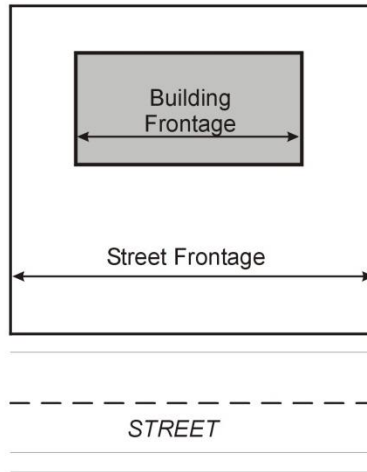


Figure 1603-C: An illustration of street frontage versus building frontage

FUNERAL HOMES

A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

GARAGE

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

GARAGE SALES

A temporary event for the sale of used or surplus personal possessions that is organized and conducted by residents of the dwelling unit where the sale occurs. The garage sale may include, but is not limited to, all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving sale.

GARDEN

A piece of ground where ornamental trees, shrubs, herbs, fruits, vegetables, and similar vegetation is cultivated for use by the occupants of the premises.

GAS AND OIL WELLS

A hole bored into the earth that produces natural gases and oils that are brought to the surface for further refining and distribution.

GASOLINE STATIONS

A gasoline station is a building or part of a building or structure or space for the retail sale of motor vehicle fuels, lubricants, and other automobile accessories and for minor services and repairs of automobiles not accompanied by objectionable noises, fumes, dusts or odors.

GENERAL OFFICES (ADMINISTRATIVE, PROFESSIONAL, BUSINESS)

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

GLARE

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

GOVERNMENT OFFICES AND BUILDINGS

Buildings or office space utilized for the provision of services by Bath Township, an Ohio municipality, Summit County, the State of Ohio, or the Federal Government.

GRADE

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

GROUND COVER

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

HEDGE

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

HOME OCCUPATION

An occupation or profession which is incidental to and carried on entirely within a dwelling unit excluding an attached garage or patio area, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

HOTEL AND MOTELS

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels and motels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

HOUSEHOLD PETS

A household pet shall include any animal commonly kept inside a residence such as a dog or cat.

HOUSEKEEPING UNIT

One or more related or non-related persons lawfully occupying a dwelling unit and living together as a single group on a permanent basis, and doing their own cooking and sleeping on the premises as distinguished from a group temporarily occupying a bed and breakfast establishment, hotel, motel, or group home.

IMPERVIOUS SURFACE

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas, driveways, sidewalks, and pavement.

INSTITUTIONS FOR HIGHER EDUCATION

Buildings or structures in which students are taught at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational institutions shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

INSTITUTIONS FOR HUMAN MEDICAL CARE

A facility providing physical or mental health services, outpatient care, inpatient accommodations, and medical or surgical care of the sick or injured.

INTERMITTENT STREAM

A natural waterway that contains water throughout the year except during periods of low precipitation.

KEEPING OF DOMESTIC ANIMALS

The keeping, raising, and caring of domestic animals on a lot as an accessory to a principal use.

KNUCKLE (STREET OR ROAD)

A knuckle street configuration is when a turnaround (typically seen at the termination of a cul-de-sac) is located at the intersection of two streets, allowing large street frontage for a limited number of lots. A knuckle differs from a cul-de-sac in that there is no straight portion of a street connecting the turnaround to the adjacent intersection. See [Figure 1603-D](#).

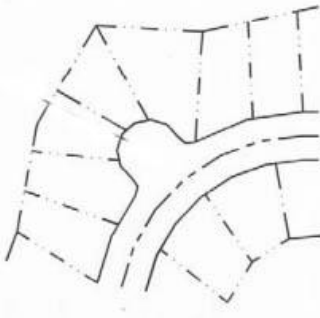


Figure 1603-D: Illustration of a knuckle street configuration.

LANDSCAPE MATERIAL

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

LANDSCAPING

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

LATTICE AND ANTENNA TOWER

A framework or structure of crossed metal strips typically resting on three or more members constructed vertically to which antennas are affixed.

LIGHT TRESPASS

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

LIGHT, CUTOFF

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in [Sec. 803: Exterior Lighting](#).

LIGHT, NON-CUTOFF

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in [Sec. 803: Exterior Lighting](#).

LOADING SPACE

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

LOT

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

LOT AREA

The total area within the lot lines of a lot as measured in accordance with [Sec. 504: District Development Standards](#).

LOT COVERAGE

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

LOT LINE, FRONT

The front lot line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in [Sec. 504-A: Measurements, Computations, and Exceptions](#). See [Figure 1603-E](#).

LOT LINE, REAR

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See [Figure 1603-E](#) and [Sec. 504-A: Measurements, Computations, and Exceptions](#).

LOT LINE, SIDE

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See [Figure 1603-E](#) and [Sec. 504-A: Measurements, Computations, and Exceptions](#).

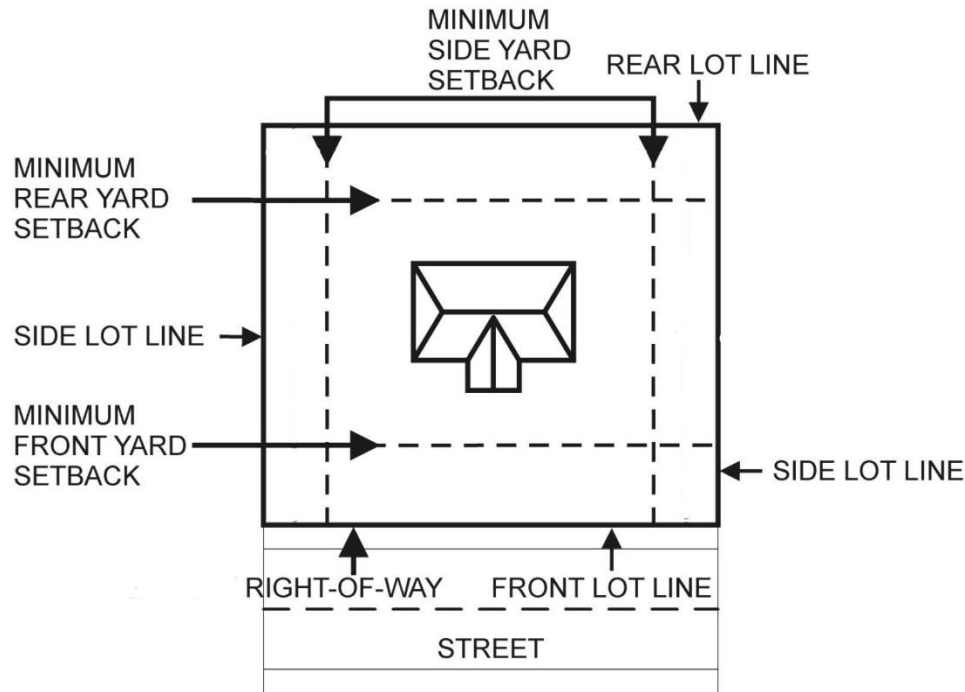


Figure 1603-E: Image of typical lot lines on an interior lot

LOT LINES

The property lines bounding the lot.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map filed with the Summit County Recorder of Deeds, and which actually exists as so shown.

LOT WIDTH AT THE BUILDING SETBACK LINE

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines. See [Sec. 504-A\(4\): Lot Width Measurements](#)

LOT WIDTH AT THE STREET RIGHT-OF-WAY

The horizontal distance between the side lot lines measured along the street right-of-way. See [Sec. 504-A\(4\): Lot Width Measurements](#).

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See [Figure 1603-F](#).

LOT, CUL-DE-SAC OR CURVED STREET

A lot with frontage along a curved street or cul-de-sac. See [Figure 504-F](#).

LOT, DOUBLE FRONTAGE

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure 1603-F](#).

LOT, FLAG

A lot that has limited frontage on a public street and where access to the public street is through a narrow strip of land. See [Figure 1603-F](#).

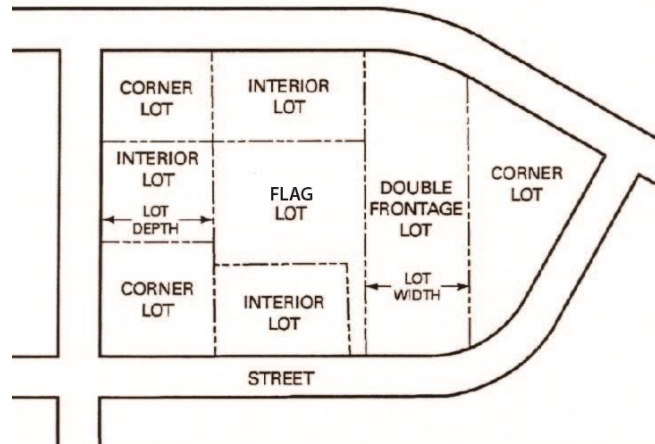


Figure 1603-F: Illustration of lot configurations and types

LOT, INTERIOR

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Figure 1603-F](#).

LOT, NONCONFORMING

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

MAIN USE

See definition of “use, principal” under the broader definition of “use.”

MAXIMUM EXTENT FEASIBLE

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

MEDICAL AND DENTAL OFFICES

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities

MIXED USE BUILDING

A building that contains a commercial or office use and an attached residential use within a single building as provided for in this resolution.

MONOPOLE

A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

MOUND

A mound or landscaping berm formed as a result of man-made grading and/or excavation.

NAMEPLATE

A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

NONCONFORMITY

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

NUDE OR SEMINUDE MODEL STUDIO

Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- By a college or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

NUDITY, NUDE, OR STATE OF NUDITY

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

- Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

OAC

The Ohio Administrative Code, as amended

OFFICIAL ZONING MAP

The Official Zoning Map of Bath Township, Summit County, Ohio, as amended

OPEN SPACE RESIDENTIAL SUBDIVISION

A major subdivision, as defined and regulated by the Summit County Subdivision Regulations (as amended thereto) and that meets all requirements of [Sec. 503-E: Open Space Residential Subdivisions](#).

ORC

The Ohio Revised Code, as amended

ORDINARY HIGH WATER MARK

The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

OUTDOOR DINING

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

OUTDOOR RETAIL SALES OF PLANT MATERIALS AND GARDEN OR LAWN SUPPLIES

The outdoor display and sales of landscaping materials, garden supplies, lawn supplies, or equipment.

OUTDOOR STORAGE AND DISPLAY

The seasonal storage and display of products or materials for sale outside of a retail or wholesale sales establishment.

OWNER

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

PARAPET OR PARAPET WALL

That portion of a building wall that rises above the roof level.

PARCEL

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

PARKING AISLE

The driveway or access drive by which a car enters and departs a parking space.

PARKING LOT

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

PARKING SPACE

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

PARKS, PLAYGROUNDS, AND GOLF COURSES (EXCEPT MINIATURE)

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, golf courses, swimming pools, skate parks, disc golf, and other similar outdoor facilities but not including miniature golf courses.

PASSIVE PARKS AND OPEN SPACE

Any park or recreational facility where there is no material disturbance of the existing topographic contours of the land for any purpose, including but not limited to, the construction of facilities, lighting, or developing of ball fields except that passive parks, recreational facilities, and open space may include the construction and use of trails and sidewalks.

PERMANENTLY SITED MANUFACTURED HOUSING

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with applicable laws subject to the following:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The structure was manufactured after January 1, 1995; and
- The structure is not located in a manufactured home park as defined in the ORC.

PERSON

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

PERSONAL CARE

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

PERSONAL CARE FACILITY

A long-term or short-term residential facility that provides personal care. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

PERSONAL SERVICE ESTABLISHMENTS

Establishments that are primarily engaged in providing services generally involving the care of the person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by Federal Law.

PLANNING COMMISSION

The Summit County, Ohio, Planning Commission

PLATTED RESIDENTIAL DEVELOPMENT

A residential subdivision that has been subdivided and a plat has been formally recorded in the offices of the Summit County Recorder.

PLAYSETS OR TRAMPOLINES

Recreational equipment for children that may include, but is not limited to, small structures in trees, swings, slides, monkey bars, trampolines, and play enclosures.

PORCHES

A structure attached to a building, that may or may not have a roof, and is elevated above the ground, at its highest point, by at least 18 inches. Porches are not used as habitable space.

PORTABLE STORAGE UNITS

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation and that is related to the construction, renovation, or rehabilitation of the building on which the site is located.

PRIVATE RECREATIONAL USES(OUTDOORS)

Any outdoor commercial activity that is related to the entertainment or sports industry such as outdoor commercial swimming pools (subject to the community pool provisions), driving ranges, and similar activities. See also the definitions for “parks, playgrounds, and golf courses (except miniature),” “commercial entertainment or recreation (indoors),” and “passive parks and open space.”

PROCESSOR

(as used in Chapter 3796. of the Revised Code), An entity that has been issued a certificate of operation by the department to manufacture medical marijuana products.

PRODUCE

Fresh fruits, vegetables, and grain, grown for sale to the public.

PUBLIC HEARING

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

QUASI-PUBLIC, FRATERNAL, OR SERVICE FACILITIES

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

QUORUM

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

RECESSED CEILING FIXTURE

An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

REINFORCED TURF

Grass grown on a special membrane that is laid over a prepared bedding layer that includes a sub-base designed specifically to support the temporary parking of motor vehicles while having the appearance of a turf lawn.

RESEARCH AND DEVELOPMENT FACILITIES

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

RESIDENTIAL FACILITY

A home or facility, as defined and regulated in the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under the ORC, a county home or district home operated pursuant to the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also “Adult Family Home” and “Adult Group Home.”

RESIDENTIAL FACILITY, LARGE

A residential facility where there is supervision in a family setting of nine to 16 unrelated persons.

RESIDENTIAL FACILITY, SMALL

A residential facility where there is supervision in a family setting of six to eight unrelated persons.

RESTAURANTS AND TAVERNS

- A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted. For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

RETAIL COMMERCIAL USES

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

RIGHT-OF-WAY

An area or strip of land, either public or private, on which a right-of-passage has been recorded for the use of vehicles or pedestrians or both.

RIPARIAN AREA

A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

SALES OFFICES AND SHOWROOMS

Office or retail space designed to provide an area to demonstrate or show certain goods and materials that are large-scale or not necessarily a component of typical retail commercial uses including, but not limited to, kitchen showrooms, plumbing supply sales, appliance showrooms, office furniture supplies, etc. Such term shall not include buildings, structures, or lots used for the sale of vehicles.

SATELLITE DISH

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

SCREEN OR SCREENING

A visual shield between uses accomplished by the use of berms, landscaping, walls or other aesthetic means.

SEASONAL AGRICULTURAL SALES

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to [Sec. 702: Temporary Uses and Structures](#).

SEASONAL COVER

A temporary shelter for items including, but not limited to, firewood, equipment, motor vehicles, recreational vehicles, and similar items, where such items are stored or parked for a temporary period of time or season.

SEMINUDE OR STATE OF SEMI-NUDITY

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SERVICE COMMERCIAL USES

Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

SETBACK

The minimum distance a building or structure must be built from a lot line or road right-of-way as defined further in [Sec. 504-A: Measurements, Computations, and Exceptions](#).

SETBACK LINE

The line created when applying the required setback distance to a lot.

SETBACK, FRONT

The minimum distance required between a building, structure, or improvement and the front lot line.

SETBACK, REAR

The minimum distance required between a building, structure, or improvement and the rear lot line.

SETBACK, RIPARIAN

The area set back from the ordinary high water mark of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within Bath Township that fall within the area defined by the criteria set forth in these regulations.

SETBACK, SIDE

The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

SEXUAL ENCOUNTER ESTABLISHMENT

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not a “sexual encounter establishment.”

SEXUALLY ORIENTED BUSINESSES

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not an “sexually oriented business.” A “sexually oriented business” does not include a nude or seminude model studio.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

SIGN

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN AREA

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to [Sec. 1304: Computations](#).

SIGN FACE

The area or display surface used for the message. See [Sec. 1304: Computations](#).

SIGN HEIGHT

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure. See [Sec. 1304: Computations](#).

SIGN PERMIT

A certificate where the Zoning Inspector has the authority to make a decision on the application in accordance with [Sec. 306: Sign Permit](#).

SIGN, ABANDONED

A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

SIGN, A-FRAME

A sign consisting of two hinged boards that hang front and back, with the hinge at the top or along the side.

SIGN, ANIMATED OR MOVING

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

SIGN, AWNING OR CANOPY

Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry, or any activity conducted within the premises.

SIGN, CHANGEABLE COPY

A sign such as a bulletin board, announcement board, or electronic message center, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices or other means.

SIGN, FEATHER

A long sign generally made of fabric and supported by a single pole with the shape of a feather. See [Figure 1603-G](#).



Figure 1603-G: Feather signs

SIGN, FLASHING

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

SIGN, GROUND-MOUNTED MONUMENT

Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

SIGN, HANGING

A sign attached to a building and extending perpendicular from the building wall.

SIGN, HIGH-RISE

A sign that is supported from the ground by poles or other types of supports that exceed four feet in height.

SIGN, ILLEGAL

Any sign which is contrary to the requirements of this resolution.

SIGN, NONCONFORMING

Any sign lawfully existing on the effective date of a resolution, which does not conform to all the standards and regulations of the resolution, as amended.

SIGN, OFF-PREMISES

Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same parcel where the sign is located.

SIGN, ON-PREMISES

A sign, which advertises or otherwise directs attention to an activity on the same parcel where the sign is located.

SIGN, PERMANENT

A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

SIGN, PORTABLE (DAISY SIGNS)

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

SIGN, ROOF

Any sign erected, constructed, mounted, or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or parapet walls of the building.

SIGN, SNIPE

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SIGN, TEMPORARY

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure or installed in the ground.

SIGN, WALL

A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure. On a wall sign, the exposed face of the sign is in a plane parallel to the plane of said wall or structure.

SIGN, WINDOW

A sign that is applied or attached to the glass of a window or door, or located inside a building within three feet of a window so that the sign is visible and capable of being read from the outside of the building.

SITE PLAN REVIEW

A review of certain developments, buildings, or structures, for compliance with this zoning resolution and other applicable standards that is approved, approved with conditions, or denied by the ARC in accordance with [Sec. 307: Site Plan Review](#).

SKILLED NURSING

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

SKILLED NURSING FACILITY

A residential facility that provides skilled nursing. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the applicable utility company. The following are the definitions for the three types of systems permitted in Bath Township:

- Horizontal Axis Wind Turbines (HAWT) – A wind turbine system that is typically mounted to a pole where the rotating shaft of the turbine (e.g., motor shaft) is parallel to the ground and the blades are perpendicular to the ground.
- Vertical Axis Wind Turbines (VAWT) – A wind turbine system where the rotating shaft of the turbine is perpendicular to the group and the cups or blades rotate parallel to the ground.
- Blade Tip Power System Turbines (BTPS) – A wind turbine system that is somewhat similar in appearance to the HAWT system but where there is no gear or turbine shaft at the center of the system. The energy is generated from the blade tips rather than the traditional central gear box of a HAWT.

SNOW FENCE

A temporary fence designed to prevent or minimize the drifting of snow across certain areas of a lot.

SOLAR PANELS

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

SPECIFIED ANATOMICAL AREAS

Human genitals

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

STACKING SPACE OR LANE

A lane or area that is specifically designated for cars to queue while utilizing drive-up or drive-through services at uses that may include, but are not limited to, restaurants, and financial institutions.

STAND-ALONE BASKETBALL HOOP

Basketball hoop and backboard that are not attached to a structure.

STATE

The State of Ohio

STATIC SIGN CHANGE

A change of messages that does not involve any movement or animation other than an almost instantaneous change from one message to another message. A static sign change does not include any transition or animation in the change of the message that may have the appearance of fading in or out, sliding in from the side, rotating, etc.

STORY

The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

STORY, HALF

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

STREAM

A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water, as defined by the ORC, in such a way that terrestrial vegetation cannot establish roots within the channel.

STREAM CENTERLINE

For the purposes of this resolution, the stream centerline is the point or series of points along a stream located exactly halfway between the ordinary high water marks on either side of the stream. The “ordinary high water mark” is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

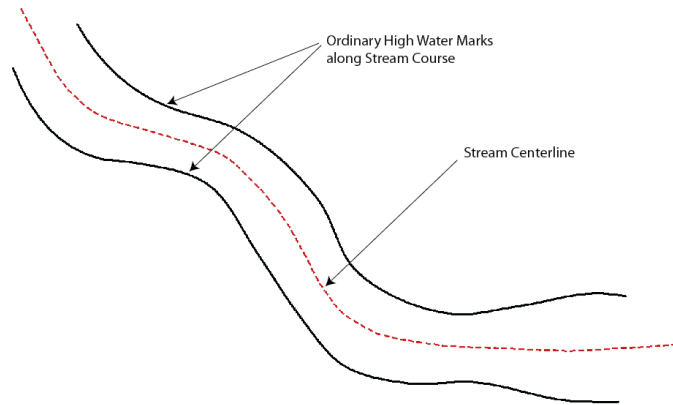


Figure 1603-H: Illustration of a stream centerline

STREAMBANK

The ordinary high water mark of the stream or river, otherwise known as the bank-full stage of the stream or river channel. Indicators used in determining the bank-full stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

STREET FRONTAGE

See definition of “frontage, street.”

STREET, PRIVATE

A street or roadway that has not been dedicated for public use, or accepted by the Bath Township Board of Trustees and is not maintained by the township. Additionally, a private street must meet the specifications for public streets as established by and approved under the Summit County Subdivision Regulations.

STREET, PUBLIC

A publicly dedicated or owned right-of-way constructed to Summit County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

STREETSCAPE-BUFFER

A strip of landscaped area located on private property that runs parallel and adjacent to the applicable street.

STRUCTURAL ALTERATION

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

STRUCTURAL LAWN

An area of land intended to be used for temporary or seasonal parking with structural plastic or concrete pavement materials under the surface, allowing for the growth of grass through the pavement material, having the appearance of a vegetated lawn.

STRUCTURE

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

STRUCTURE, ACCESSORY

A structure (including buildings but not fences) that is accessory and incidental to the principal building.

STRUCTURE, NONCONFORMING

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

SWCD

The Summit County Soil and Water Conservation District

SWIMMING POOL

A structure, whether above or below grade level, designed to hold water more than 18 inches deep with a total surface area exceeding 100 square feet, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool).

TECHNICALLY SUITABLE

The location of a wireless telecommunication antenna(s) that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (“FCC”) to operate without a significant loss of communication capacity within the developed areas of the Township.

TELECOMMUNICATIONS

The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

TEMPORARY SPECIAL EVENTS

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

TEMPORARY STRUCTURE FOR PUBLIC OR INSTITUTIONAL USES

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

TEMPORARY TENT

Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials.

TESTING LABORATORY

A laboratory that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis of medical marijuana.

THEATER AND ASSEMBLY HALLS

A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other assemblies of people.

TOWER

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWNSHIP

Bath Township, Summit County, Ohio

TREE, CANOPY

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

TREE, DECIDUOUS

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

TREE, ORNAMENTAL

A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE, UNDERSTORY

A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

TYPE-B DAY CARE HOMES (1-6 CHILDREN)

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in the ORC.

UNENCLOSED PATIOS

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground.

URGENT CARE CLINIC

A medical facility, other than an “institution for human medical care” or “medical or dental office,” where medical, mental health, and other personal health services are provided on an outpatient basis from on-site staff on an as-needed, basis. Such clinics differ from “medical or dental offices” in that doctors do not treat patients on a long-term, repeat basis but instead, treat short-term illnesses or medical issues.

USE

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

USE, ACCESSORY

A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

USE, CONDITIONAL

A use permitted within a district only with a conditional use permit approval from the BZA. See [Sec. 309: Variance or Conditional Use](#).

USE, NONCONFORMING

A use that lawfully occupied a building or land until the effective date of this resolution, or amendments thereto, and that does not conform to the use regulations of the applicable zoning district.

USE, PRINCIPAL

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

USE, TEMPORARY

A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

VARIANCE

A deviation from the requirements of this resolution that is approved, approved with condition, or denied by the BZA in accordance with [Sec. 309: Variance or Conditional Use](#).

VEHICLE

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle is considered a vehicle.

VEHICULAR USE AREA

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

VIEW SHED

The area that is visible from a specific view point.

WALL

A structure that serves to screen an area, enclose an area, or separate two spaces that has a height and length greater than its thickness and that is constructed of stone, a masonry material, or similarly solid material. See also the definition of “fence” or “wall, retaining.”

WALL, RETAINING

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

WATERCOURSE

A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

WATERSHED

An area of land that drains into a particular watercourse, usually divided by topography.

WETLAND

An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

WING WALL

A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

WIRELESS TELECOMMUNICATION ANTENNA

An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (“FCC”), excluding amateur radio operator antennas.

WIRELESS TELECOMMUNICATION FACILITY

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

WIRELESS TELECOMMUNICATION TOWER

A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

YARD

An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT

A yard extending across the full width of a lot and being the distance between the street right-of-way and the nearest wall of the principal building. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty feet (60’). Where a major or collector thoroughfare is designated on the Bath Township Comprehensive Plan the front yard depth shall be measured from the proposed street right-of-way.

YARD, REAR

A yard extending across the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest wall of the principal building. On corner lots the rear yard shall be considered parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be, in all cases, at the opposite end of the lot from the front yard.

YARD, REQUIRED

The minimum yard required between a lot line and the building line in order to comply with the regulations of the district in which the zoning lot is located.

YARD, SIDE

A yard between the principal building and the side lot line, extending from the front yard to the rear yard.

ZONING COMMISSION

The Bath Township, Summit County, Ohio, Zoning Commission

ZONING CERTIFICATE

A certificate where the Zoning Inspector has the authority to make a decision on the application in accordance with [Sec. 304: Zoning Certificate](#).

ZONING DEPARTMENT

For the purposes of this resolution, any reference to the zoning department shall be interpreted to mean the office of the Bath Township Zoning Inspector.

ZONING DISTRICT

A section or sections of the unincorporated territory of Bath Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform. This may also be called a base zoning district.

ZONING DISTRICT, BUSINESS

The B-1, B-2, B-3, B-4, or B-5 are considered business zoning districts for the purposes of this resolution.

ZONING DISTRICT, OVERLAY

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

ZONING DISTRICT, RESIDENTIAL

The R-1, R-2, R-3, R-4 are considered residential zoning districts for the purposes of this resolution.

ZONING INSPECTOR

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

ZONING MAP

The “Zoning Districts Map of Bath Township, Summit County, Ohio”, as amended

ZONING MAP AMENDMENT

An amendment or change to the Official Zoning Map of Bath Township, reviewed and approved by the Board of Trustees in accordance with [Sec. 308: Zoning Text or Map Amendment](#).

ZONING TEXT AMENDMENT

An amendment or change to the text of the Bath Township Zoning Resolution reviewed and approved by the Board of Trustees in accordance with [Sec. 308: Zoning Text or Map Amendment](#).