



# Plain Township Zoning Resolution

April 14, 2006

Updates through 3-1-2024

Stark County, Ohio

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## INTRODUCTION

# ZONING RESOLUTION FOR PLAIN TOWNSHIP STARK COUNTY, OHIO

WHEREAS, in accordance with the Ohio Revised Code Section 519.01 et. seq. and for the purposes set forth therein a zoning resolution was adopted for the unincorporated territory of Plain Township in 1960, and amendments have been made in accordance with law including a complete revision of the zoning resolution and map which was effective January 5, 1995; and,

WHEREAS, a Zoning Commission has been appointed for Plain Township in accordance with law; and,

WHEREAS, the Plain Township Trustees have again recommended a complete revision of the Plain Township Zoning Resolution and Official Zoning Map, which has been reviewed and recommended for approval by the Township Zoning Commission under the authority and in accordance with the provisions of Section 519.02 of the Ohio Revised Code on March 14, 2006.

THEREFORE, the Board of Trustees of Plain Township have adopted this Resolution effective April 14, 2006.

**PURPOSE AND CONFORMANCE**

**SECTION 100 PURPOSE**

This Resolution is enacted in accordance with the Ohio Revised Code to provide for the regulation of land use for those purposes as set forth in O.R.C. Section 519.02.

**SECTION 110 CONFORMANCE**

Section 519.23 of the Ohio Revised Code prohibits buildings or land uses from being located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of a zoning resolution, amendment, or supplement, which has been adopted by the board of township trustees under sections 519.02 to 519.25, inclusive of the Ohio Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

## ARTICLE II

### TITLE

The title of this Resolution shall be the “Plain Township, Stark County, Ohio, Zoning Resolution,” hereafter cited and referred to as “this Resolution”.

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**INTERPRETATION OF STANDARDS,  
EXEMPTIONS & LIMITATIONS**

**SECTION 300 INTERPRETATION OF STANDARDS**

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

**SECTION 310 USES EXEMPT OR LIMITED FROM TOWNSHIP ZONING REGULATIONS**

**SECTION 310.1 AGRICULTURAL USES**

The use of land or buildings for agricultural purposes are exempt from township zoning authority except for that authority granted under Section 519.21 of the Ohio Revised Code. Therefore, consistent with the O.R.C., this Resolution provides some limitations for the agricultural use of lots within any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. See Article VI, Section 602.14 for specific restrictions.

**SECTION 310.2 PUBLIC UTILITIES AND RAILROADS**

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

**SECTION 310.3 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES**

Section 519.21 O.R.C. confers no power for a township to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

**SECTION 310.4 OIL AND GAS DRILLING**

Oil and Gas Drilling will be governed in accordance with the Ohio Revised Code, Section 1509.39 and Section 519.21.

**SECTION 310.5 OUTDOOR ADVERTISING**

In accordance with the Ohio Revised Code, outdoor advertising has been classified as a business use and shall be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. However, zoning certificates are required in accordance with regulations of Article VIII, Sec. 801.9 of this Resolution.

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

Section 5511.01 Ohio Revised Code provides for a township to notify the Director of Transportation before issuing any zoning permit within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway. No zoning permit may be issued for one hundred twenty (120) days from the date that notice is received; however, if notified that the state is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this resolution.

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

Such facilities are limited from zoning control under Section 5123.19, Ohio Revised Code. However, zoning permits shall be required, and such facilities will be regulated by this Resolution in addition to other laws of the State of Ohio. No township zoning regulations shall require a conditional use permit or other special exception. (amendment #553, effective 6-28-13)

## **SECTION 310.8 FAMILY/CHILD DAYCARE HOMES AND CENTERS**

Such facilities are limited from zoning control under Section 5104.054, Ohio Revised Codes. Any Type "B" family daycare home, whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of property for purposes of municipal, county and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such Type "B" family daycare home.

Evidence of licensing by the County Director of Human Services must be provided for operation of child daycare center or Type "A" family daycare home.

The provider of child daycare in a Type "B" family home that is not certified by the County Director of Human Services shall request an inspection of the Type "B" home by the fire marshal who shall inspect the Type "B" home pursuant to Section 3737.22, Ohio Revised Code, to determine that it is in compliance with rules established pursuant to Section 5104.052, Ohio Revised Code.

## ARTICLE IV

# DEFINITIONS

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted," or "intended to be used"; and a "person" shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings. All definitions shall be construed to incorporate and conform with definitions in the Ohio Revised Code.

- **ACCESSORY SOLAR ENERGY SYSTEM:** A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or related storage volume of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal) and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. (amendment #551, effective 4-11-13)
- **ACCESSORY USE OR STRUCTURE:** A use or structure subordinate to the principal use or structure on the lot or tract and serving a purpose customarily incidental to the use of the principal building.
- **ADMINISTRATIVE (EXECUTIVE) OFFICE:** A building or portion of a building designed for or used to provide services which are predominantly clerical in nature provided no goods, or merchandise shall be prepared, manufactured, assembled or sold from the premises.
- **ADULT BOOK STORE:** An establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section and which excludes minors by reason of age.
- **ADULT ENTERTAINMENT USE:** Any premises, enterprise, business, or place open to some or all members of the public at or in which there is an emphasis on adult materials as defined in this section and excludes any minor by reason of age. Adult uses include but are not limited to: adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, and adult cabarets.

- **ADULT CABARET:** An establishment that provides dancing or other live entertainment in which persons appear in a state of nudity to perform their duties and the establishment features entertainment or services which constitute adult material as defined in this section and excludes any minor by reason of age.
- **ADULT HEALTH CLUB:** An establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity to perform their duties and excludes any minor by reason of age.
- **ADULT MASSAGE PARLOR:** An establishment that administers therapeutic manipulation for payment and excludes any minor by reason of age.
- **ADULT MATERIAL:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:
  - a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
  - b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

**"Bottomless"** means less than full opaque covering of male or female genitals, pubic area or buttocks.

**"Nude or Nudity"** means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

**"Topless"** means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

**"Sexual Activity"** means sexual conduct or sexual contact, or both.

**"Sexual Contact"** means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**"Sexual Excitement"** means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- **ADULT MINI-MOTION PICTURE THEATER:** An establishment with a capacity for less than fifty (50) persons which utilizes ten (10) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials as defined in this section and excludes any minor by reason of age.
- **ADULT MOTION PICTURE THEATER:** An establishment with a capacity for fifty (50) or more persons which utilizes ten (10) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials as defined in this section and excludes any minor by reason of age.

- **ADULT DAY CARE CENTER:** A facility that provides a program of nonresidential care assistance and supervision of functionally impaired adults that includes such services as personal care, nursing, social, nutrition, emergency, transportation, and planned activities. (amendment #552, effective 6-28-13)
- **AGRICULTURE:** Agriculture includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- **ALLEY:** A public or private right-of-way affording secondary means of access to abutting property.
- **ASSISTED LIVING FACILITY:** A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a long term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but not including court adjudicated felons or misdemeanants. (amendment #553, effective 6-28-13)
- **AUTOMOBILE SERVICE STATION:** A place where gasoline, kerosene, or any other motor vehicle fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles including greasing and oiling on the premises.
- **BASEMENT:** A story having more than one half (1/2) its height below the average grade. A basement shall not be counted as a story for the purpose of height regulations.
- **BED & BREAKFAST HOMESTAY:** A private, owner occupied residence for overnight accommodations with no more than three (3) guest rooms, and with a non-commercial kitchen, where compensation is paid by the guests for overnight stay.
- **BED & BREAKFAST INN:** A facility that provides overnight accommodations and is operated primarily for a business even though the owner may live on the premises. Bed and Breakfast Inns must obtain all required commercial license, may have a commercial kitchen and a minimum of four (4) and a maximum of twelve (12) guest rooms where compensation is paid for by guests for overnight stay.
- **BOARD:** The Board of Zoning Appeals, Plain Township, Stark County, Ohio.
- **BOARDING OR LODGING HOUSE:** A building other than a hotel or motel, where for compensation by the week, or month, meals and/or lodging are provided for at least three (3) but not more than twenty (20) persons.
- **BUFFERYARD:** A strip of ground running along the property line between adjacent districts consisting of one or more physical barriers such as fencing, walls, plant materials or earth mound and is designed to improve the quality of the district and to protect any adjacent neighbor from offensive, unsafe, or unhealthy conditions. (amendment #552, effective 6-28-13)
- **BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

- **BUILDING, HEIGHT OF:** The vertical distance from the average established curb grade, or from the average finished grade along the front of the building if higher, measured to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height between the eaves and ridge for a gable, hip, and gambrel roof.
- **CARPORT:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for a private garage or accessory building.
- **CEMETERY:** Land used for or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.
- **CENTRAL SEWER SYSTEM:** A system where individual lots are connected to a common sewer system whether publicly or privately owned and operated.
- **CERTIFICATE OF CONFORMANCE:** Permit required to be obtained from the Zoning Director for a change of occupancy or use in all business, office, and industrial districts.
- **CHILD DAYCARE CENTER:** Any place in which child daycare is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child daycare is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.
- **CHURCH (PLACE OF WORSHIP):** Any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. (amendment #552, effective 6-28-13)
- **CIVIC ORGANIZATION:** Any organization operating as a nonprofit activity and serving a public purpose or service, and which shall include such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities, and schools.
- **CLINIC:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.
- **COMMERCIAL DUMPSTER & ROLL-OFF CONTAINERS:** A commercial dumpster/roll-off container is any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees or limbs and designed to be delivered and picked up by a truck. This does not include a garbage can, which can be moved by a person. (amendment #571, effective 2-21-2019)
- **COMMISSION:** The Zoning Commission of Plain Township, Stark County, Ohio.
- **CONDITIONAL USE:** A use permitted within a district other than the principally permitted uses, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.
- **CONGREGATE LIVING FACILITY:** A residential facility to provide for the needs of individuals who are elderly and/or handicapped. The facility shall consist of residential dwelling units along with common social, recreational, dining and food preparation areas.



- **CONVALESCENT HOME:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care, and for which a license has been issued by the State of Ohio.
- **DENSITY:** The number of families residing on, or dwelling units developed on a gross acre of land.
- **DEVELOPMENTAL DISABILITY:** A disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society and is attributable to mental illness and/or disability, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental illness and/or disability because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. (amendment #553, effective 6-28-13)
- **DISCARDED MOTOR VEHICLE:** Any motor propelled vehicle, motor home, trailer, or accessory use to the same, which is being or is in the process of being wrecked, dismantled, or stored and which does not have a valid license plate on it and is being continuously left outside.
- **DISTRICT:** A section or sections of the unincorporated territory of Plain Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
- **DONATION COLLECTION BINS:** A Donation Collection Bin is defined as an unattended and enclosed container, receptacle or similar device that is used for soliciting and collection donations of clothing or other salvageable personal property and the temporary storage of those items. (amendment #572, effective 2-21-2019)
- **DRIVE-THRU, DRIVE-IN, DRIVE-UP:** A place of business where patrons or customers are served or accommodated while remaining in their auto or other motor vehicle.
- **DWELLING:** Any building or structure (except a house trailer or mobile home as defined by ORC 4501.01) which is designed, used or intended to be used for living or sleeping by one or more human occupants. This includes one (1) and two (2) family and multifamily units, manufactured, modular, and factory-built homes, but does not include house trailer or mobile home.
- **DWELLING, SINGLE-FAMILY:** A separate building occupied or constructed to be occupied exclusively for residence purposes by one (1) family or housekeeping unit.
- **DWELLING, TWO-FAMILY:** A separate building occupied or constructed to be occupied exclusively for residence purposes by two (2) families or housekeeping units.
- **DWELLING, MULTI-FAMILY:** A building or portion thereof occupied or constructed to be occupied by more than two (2) families or housekeeping units.
- **DWELLING, UNIT:** One (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.
- **DWELLINGS, GROUP:** More than one (1) dwelling, whether single-family, two-family, or multi-family or a combination, located on one (1) lot and around a common court or courts.

- **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, or sites, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection there with, but not including buildings, structures, and towers, reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety, or general welfare.
- **FACTORY-BUILT HOUSING:** A factory built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purpose of this Resolution, "factory-built housing" shall include manufactured homes and modular homes.
- **FAMILY:** One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, provided that unless all members are related to each other by blood, legal adoption, or marriage, no such family will contain more than five (5) persons.
- **FAMILY HOME:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities.
- **FENCE:** An artificially constructed barrier usually made of post, wire, wood or bricks used to enclose or screen areas of land. (amendment #552, effective 6-28-13)
- **FLOOR AREA:** The sum of the gross horizontal areas of the one (1) or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.
- **FRONTAGE:** The address side of a building and/or the portion of a lot nearest the street. For the purposes of these regulations, corner lots and double frontage lots, all sides of the lot adjacent to streets shall be considered frontage for the determining of yard requirements only.
- **FUNERAL HOME:** An establishment for viewing of the body and for funerals with facilities for the preparation of human dead for burial or cremation at a place other than the subject premises. (amendment #552, effective 6-28-13)
- **GARAGE, PRIVATE:** An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory. Garages shall conform to the square footage requirements for all accessory buildings and structures.
- **GARAGE, PUBLIC:** A building or portion of a building in which more than two (2) motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.



- **GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- **GROUND MOUNTED SOLAR ENERGY SYSTEMS:** a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- **GROUP HOME:** A residential facility that provides room and board, personal care, and habilitation services in a family setting for at least nine (9) but not more than sixteen (16) persons with developmental disabilities. (amendment #553, effective 6-28-13)
- **HEDGE:** A row or line of closely spaced shrubs, planted and trained in such a way as to form a barrier, screen or fence, or to mark the boundary of an area. (Amendment #571, effective 10-12-2017)
- **HOME OCCUPATION:** An accessory use to a residential dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- **HOSPITAL:** An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities.
- **HOSTING PLATFORM:** Means a person or entity that provides a means through which short-term rentals are offered, listed, advertised, solicited, or otherwise held out for rent. (amendment #580, effective 6-10-2022)
- **HOTEL:** A building in which lodging is provided and offered to the public for compensation and which is designed primarily for use by transient guests, as distinguished from a boarding house or a lodging house.
- **INTERNET SWEEPSTAKES CAFÉ:** A business or activity utilizing a sweepstakes terminal device.  
 \*The above definition includes but is not limited by all pertinent sections of Chapter 2915: Gambling of the current edition of the Ohio Revised Code. (amendment #549, effective 2-8-13)
- **INTEGRATED SOLAR ENERGY SYSTEMS:** solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- **INTERNET SWEEPSTAKES CAFÉ USE:** A use in which a sweepstakes terminal device is utilized for the purpose of recreation.  
 \*The above definition includes but is not limited by all pertinent sections of Chapter 2915: Gambling of the current edition of the Ohio Revised Code. (amendment #549, effective 2-8-13)
- **JUNKYARD:** The use of more than twenty-five (25) square feet of any land, building, or structure, whether private or commercial, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials, are sold, stored, both, exchanged, baled, packed, sorted, disassembled, or handled for more than ten (10) days.

- **KENNEL:** Mean an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration received through a sale, exchange or lease and that is not a high volume breeder licensed under Chapter 956 of the Revised Code. (amendment #553, effective 6-28-13)
- **KENNEL – BOARDING:** Boarding kennel means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care and feeding of the dogs in return for a fee or other consideration. (amendment #553, effective 6-28-13)
- **KENNEL – OWNER:** A kennel owner is a person, partnership, firm, company or corporation professionally engaged in the business of breeding dogs for hunting or for sale. A kennel owner must have a vendor’s license. (amendment #553, effective 6-28-13)
- **LANDSCAPE:** Sodded, seeded, shrubbed and/or treed areas on a lot or tract of land.
- **LANDSCAPE STRIP:** The area of ground required between nonresidential properties consisting of grass, flowers, shrubs, trees or other vegetation. (amendment #552, effective 6-28-13)
- **LOADING SPACE:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
- **LOCAL CONTACT PERSON:** A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this regulation. (amendment #580, effective 6-10-2022)
- **LOT:** A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory uses, including such open space and frontage on a public street as required by these regulations.
- **LOT AREA:** The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall not be included as part of the lot area for the purpose of these regulations.
- **LOT, CORNER:** A lot at the junction of and abutting upon two (2) intersecting streets.
- **LOT COVERAGE:** The portion of the lot area that is covered by any buildings.
- **LOT DEPTH:** The mean horizontal distance between the right-of-way line of the street and the rear lot line.
- **LOT, DOUBLE FRONTAGE:** A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
- **LOT, INTERIOR:** A lot other than a corner lot.
- **LOT LINES:** The property lines defining the limits of a lot.
- **LOT LINE, FRONT:** The line separating a lot from the street on which it fronts and/or to which it is addressed.
- **LOT LINE, REAR:** The line opposite and most distant from the front lot line.

- **LOT LINE, SIDE:** Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.
- **LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Stark County Recorder; or a parcel of land, the deed to which has been on record on or prior to the effective date of this Resolution.
- **MANAGING AGENCY OR AGENT:** A person, firm, or agency representing the owner of the property (or portion thereof) used for a short-term rental, or a person, firm or agency owning the property (or portion thereof) used for a short-term rental. (amendment #580, effective 6-10-2022)
- **MANSARD:** A sloped roof or roof-like facade.
- **MANUFACTURE:** The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.
- **MANUFACTURED HOME:** Any non-self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is eight hundred twenty (820) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
- **MINI-WAREHOUSE OR STORAGE FACILITY:** A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customers' goods or wares.
- **MINIMUM BUILDING SETBACK LINE:** A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot.
- **MOBILE HOME:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.
- **MODEL HOME:** A residential dwelling which has been constructed in compliance with the Stark County Building Code for residential dwellings, is not presently for sale and is temporary used for the purpose of displaying and promoting the sale of other homes within a subdivision or other residential development in which the model home is located and does not promote other activities of the property owner. (amendment #552, effective 6-28-13)
- **MODULAR HOME:** Factory-built housing certified as meeting the local or State building code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.
- **MOTEL:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

- **NONCONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.
- **NURSING HOME:** An extended or intermediate care facility that cares for individuals who by reason of illness or physical or mental impairment requires skilled nursing care and of individuals who require personal care services by non-skilled nursing care, and for which a license has been issued by the State of Ohio. (amendment #552, effective 6-28-13)
- **OCCUPANT:** Any person over the age of twelve (12) who is an overnight guest in the short-term rental. (amendment #580, effective 6-10-2022)
- **OPEN SPACE:** The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. This space shall not be devoted to service driveways or off-street parking or loading spaces, and shall be twenty (20) feet in the least dimension on the ground.
- **OPERATOR:** The person who is proprietor of a property (or portion thereof) used for a short-term rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this regulation by either the principal or the managing agent or the rental agent is considered to be compliance by both. (amendment #580, effective 6-10-2022)
- **OWNER:** The person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental. "Owner" includes any person who is listed as an owner by a trust or other corporate or legal entity, a trustee or principal of that trust or entity. (amendment #580, effective 6-10-2022)
- **PARKING LOT:** An off-street parking area where the principal use of the tract or lot is for vehicular parking.
- **PARKING SPACE:** An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods. (amendment #580, effective 6-10-2022)
- **PERSON:** Shall mean any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit. (amendment #580, effective 6-10-2022)
- **PERSONAL SERVICES:** Any enterprise conducted for gain in which the services are offered to the general public. Said enterprises include but are not limited to shoe repair, watch repair, barber, or beauty shops.
- **PLANNED COMMERCIAL COMPLEX:** A planned, coordinated development of a tract of land with two (2) or more separate buildings or structures planned, designed and/or constructed for one (1) or more permitted uses in a business district.
- **PLANNED OFFICE COMPLEX:** A planned, coordinated development of a tract of land with two (2) or more separate buildings or structures planned, designed and/or constructed for one (1) or more permitted office type uses.
- **PLANNED INDUSTRIAL COMPLEX:** A planned, coordinated development of a tract of land with two (2) or more separate buildings or structures planned, designed and/or constructed for one (1) or more permitted uses in an industrial district.

- **PLANNED UNIT DEVELOPMENT (PUD):** A planned, integrated development, which may include a mix of residential dwelling types and/or other uses and allows lot requirements to be modified somewhat to achieve particular design objectives and the preservation of open space.
- **PRINCIPAL BUILDING:** The building on a lot used to accommodate the primary use of which the premises are devoted.
- **PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consists of one or more free-standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than tow hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal). (amendment #551, effective 4-11-13)
- **PRINT SHOP:** Any enterprise conducted for gain in which the services provided are photocopying, lithographing, and printing.
- **PROFESSIONAL OFFICE:** A building or portion of a building designed for or used to provide services by certified, licensed or registered individuals in fields which require considerable training and specialized study. Professional offices include but are not limited to the following: doctor, dentist, optometrist, chiropractor, attorney, architect, engineer, insurance agent, real estate agent, advertising agent, counselor, or financial consultant.
- **PROPERTY CARETAKER:** An individual, other than the short-term rental permit holder, who is responsible for the oversight and care of the short-term rental. (amendment #580, effective 6-10-2022)
- **PUBLIC BUILDINGS:** Any structure owned and operated by a governmental agency or public school which is certified and/or licensed by the State of Ohio.
- **PUBLIC UTILITY:** Any entity deemed a “public utility” for purposes of Ohio Revised Code Section 519.211.
- **RATED NAMEPLATE CAPACITY:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
- **RECREATIONAL FACILITY:** A building, premises or piece of land used primarily by the public for activities that refresh one's mind or body through active participation that amuses or stimulates. This shall not include facilities accessory to a private residence used only by the owner and/or guests. Recreational facilities are classified as either extensive or intensive by use.
  - Extensive:** Generally, require and utilize considerable areas of land and include but are not limited to the following: golf courses, campgrounds, picnic areas, playgrounds, tennis courts, ball fields, hunting clubs, riding academies, or swimming pools.
  - Intensive:** Generally require and utilize small areas of land (less than 3 acres) and include but are not limited to the following: miniature golf, golf driving range, firearm shooting range, video arcade, race track, or indoor health club.
- **RENT:** Shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever. (amendment #580, effective 6-10-2022)



- **RECYCLING TRANSFER FACILITY:** A facility for the collection of waste products, such as paper, glass, and metals.
- **RESIDENTIAL FACILITY:** A home or facility in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides.
- **ROADSIDE STAND (FARM MARKET):** A temporary vehicle or temporary stand without a foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, as amended June 29, 1982.
- **SATELLITE DISH:** A round, spherical, or parabolic device used to transmit and/or receive radio or electromagnetic waves from/to earth-orbiting satellites or similar sources as part of a basic service system, direct broadcast satellite system or multi-point distribution service system.
- **SETBACK LINE:** A line established by this Zoning Resolution generally parallel to and measured from the lot lines, defining the limits of the required front, side and rear yards in which no building or structure may be located, except as otherwise provided in this Zoning Resolution. (amendment #552, effective 6-28-13)
- **SHORT-TERM RENTAL:** The commercial use of a residential dwelling unit for dwelling, lodging, or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit or one or more individual rooms within the dwelling unit for a period of less than thirty (30) consecutive calendar days. Short-term rental does not include a bed and breakfast permitted and operated in accordance with the Plain Township Zoning Ordinance. (amendment #580, effective 6-10-2022)
- **SHORT-TERM RENTER:** An occupant or renter of a short-term rental pursuant to a rental agreement. (amendment #580, effective 6-10-2022)
- **SHRUB:** A bushy, woody plant generally with several permanent stems instead of a single trunk, thereby distinguishing it from a tree, planted and trained to serve as a landscape feature. (Amendment #571, effective 10-12-2017)
- **SIGN:** Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, project, place, activity, person, institution, organization, or business or which shall display or include any letter, work, banner, flag, pennant, insignia, device, or representation used as, or which is the nature of an announcement, direction, or advertisement. For the purpose of these regulations, the word sign does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, education, or similar organization.
  - **Awning or Canopy Sign:** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
  - **Banner Sign:** A sign made of fabric or any non-rigid material with no enclosing framework.
  - **Billboard:** Same as "Outdoor Advertising Sign".
  - **Directional Sign:** An on-premises sign giving directions, which may contain the name or logo of an establishment but no advertising copy.
  - **Electronic Message Center:** A sign or portion thereof on which the copy changes automatically and is displayed through electrical or electronic means.
  - **Festoons:** A piece of fabric with a distinctive design or advertisement used to attract attention

to a business or permitted use.

- **Freestanding Sign (also Pylon Sign, Ground Sign, Monument Sign, Pole Sign):** A sign supported by one (1) or more columns, uprights, or braces in or upon the ground, not attached to or forming part of a building.
- **Government Sign:** Any temporary or permanent sign erected and maintained by the township, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, public service, property or facility.
- **Ground Sign (See Freestanding):** Any sign supported wholly by upright braces, or poles in or upon the ground. No guy wires, braces, or secondary supports are used. Any angle iron or main support may be enclosed in a wood, plastic, or metal form, such that the angle iron or main supports are not visible.
- **Incidental/Instructional Sign:** A small sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific hours of business, parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered, or method of payment accepted. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered an incidental/instructional sign.
- **Marquee:** A permanent canopy of rigid materials supported by and extending from the facade of a building.
- **Monument Sign (See Freestanding):** A mounted ground sign sometimes affixed to a base or pedestal. A freestanding sign that is a low rise with a base or pole (structured) cover.
- **Nameplate:** A non-electric, on-premise identification sign giving only the name, address and/or occupation.
- **Off-Premise Sign:** A sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., billboards.
- **Outdoor Advertising Sign (Billboard):** A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is or is to be erected upon the ground, wall, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term placed shall include as used in this definition, erecting, constructing, posting, painting, fixing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
- **Political Sign:** A temporary sign used in connection with a local, state, or national election or referendum.
- **Pole Sign (See Freestanding):** Any sign supported wholly by uprights, braces, or poles in or on the ground, including poster panels and painted bulletins. Strictly speaking no guy wires, braces, or secondary supports are used; any angle iron or main support is enclosed in a wood, plastic, or metal form, such that the angle iron or main support is not visible.

- **Portable Sign:** A temporary sign designed to be moved easily.
- **Public Purpose/Safety Sign:** A sign erected by a public authority, utility or public service organization on public property or, when required by law, a private enterprise on private property which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy – i.e. “No Parking Fire Lane”.
- **Pylon Sign (See Freestanding):** A freestanding sign, other than a pole or ground sign not attached to a building.
- **Real Estate Sign:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- **Roof Sign:** Any sign erected over or on the roof of a building.
- **Temporary Sign:** A sign not designed for long-term use.
- **Wall Sign:** A sign attached to the wall of a building. For the purpose of this definition, wall signs shall refer to awning signs, under-canopy signs, projecting signs, painted, individual letter, cabinet signs and signs on a mansard roof.
- **Yard Sign:** A sign erected in the yard area of a property for the purpose of advertising a business or product on that property.
- **SKILL-BASED AMUSEMENT MACHINE:** A Skill-Based Amusement Machine is as defined in the current version of the Ohio Administrative Code 3772-50. (amendment #587, effective 1-9-2020)
- **SKILLED GAME USE:** A use in which Skill Based Amusement Machines Type A, B, C approved and/or licensed, as applicable, by the Ohio Casino Commission are utilized as a principal or secondary use to a business. (amendment #587, effective 1-9-2020)
  - **SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE A:**  
A Skill-Based Amusement Machine Type A is as defined in the current version of the Ohio Administrative Code 3772-50
  - **SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE B:**  
A Skill-Based Amusement Machine Type B is as defined in the current version of the Ohio Administrative Code 3772-50
  - **SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE C:**  
A Skill-Based Amusement Machine Type C is as defined in the current version of the Ohio Administrative Code 3772-50. (amendment 587, effective 1-9-2020)
- **SMALL SOLAR FACILITY:**
- **SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to reduce on-site consumption of utility power. (amendment #545, effective 3-26-09)
  - **NACELLE:** The enclosure located at the top of a wind turbine tower that houses the gearbox, generator, and other equipment.
  - **POWER CENTER:** Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.
  - **ROTOR:** The rotating part of a turbine, including the blades.



- **TOWER:** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
- **TOWER HEIGHT:** The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.
- **WIND TURBINE:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades.
- **SOLAR ACCESS:** The access of a solar energy system to direct sunlight.
- **SOLAR COLLECTOR:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- **SOLAR ENERGY:** radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- **SOLAR ENERGY EQUIPMENT:** Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy. (amendment #551, effective 4-11-13)
- **SOLAR ENERGY SYSTEM:** a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.
- **SOLAR ENERGY SYSTEM, GRID-INTERTIE:** A photovoltaic system that is connected to an electric circuit served by an electric utility.
- **SOLAR ENERGY SYSTEM, LARGE-SCALE:** An solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
- **SOLAR ENERGY SYSTEM, MEDIUM-SCALE:** An solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area. (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- **SOLAR ENERGY SYSTEM, OFF-GRIDD:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- **SOLAR ENERGY SYSTEM, PASSIVE:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- **SOLAR ENERGY SYSTEM, ROOF-MOUNTED:** A solar energy system that is structurally mounted to the roof of a building or structure, and may be of any size.
- **SOLAR PHOTOVOLTAIC (PV):** The technology that uses a semiconductor to convert light directly into electricity. (amendment #551, effective 4-11-13)

- **SOLAR THERMAL:** Systems that use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air. (amendment #551, effective 4-11-13)
- **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- **STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- **STREET, COLLECTOR:** A street providing traffic movement between the major arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.
- **STREET, MAJOR OR ARTERIAL:** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic.
- **STREET, PRIVATE:** A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements thereof.
- **STREET, PUBLIC:** A public or private dedicated thoroughfare or thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property.
- **STREET RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes, or if no right-of-way line is established, the right-of-way shall be assumed to be sixty (60) feet, except for lots along the following streets which shall be assumed to have an eighty (80) foot right-of-way: Applegrove Road, Cleveland Avenue, Columbus Avenue, Easton Street, Fulton Road, Harrisburg Road, Louisville Street, Market Avenue, Middlebranch Road, Schneider Street, and Whipple Avenue.
- **STRIP MINING:** Removal of overburden for extraction of soils and/or minerals.
- **STRUCTURE:** Anything constructed or erected, the use of which requires a permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including advertising signs, billboards, or farmer's roadside stands.
- **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.
- **SWEEPSTAKES:** "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion in which consideration is not required for a person to enter to win or to become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo, or games or lotteries conducted by the State Lottery Commission.  
 \*The above definition includes but is not limited by all pertinent sections of Chapter 2915: Gambling of the current edition of the Ohio Revised Code. (amendment #549, effective 2-8-13)
- **SWEEPSTAKES TERMINAL DEVICE:** "Sweepstakes terminal device" means a mechanical, video, digital or electronic machine or device that is owned, leased or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes participant who purchases a tangible product to enter a

sweepstakes, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device whether or not any of the following apply:

- a. The device is server-based.
- b. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
- c. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
- d. The device selects prizes from a predetermined finite pool of entries.
- e. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
- f. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
- g. The device utilizes software to create a game result.
- h. The device requires deposit of any money, coin, token, credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device for use.
- i. The device requires direct payment into the device or remote activation of the device.
- j. The device reveals the prize incrementally, even though the device does not influence the awarding of a prize or the value of any prize awarded.
- k. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
- l. The device is a slot machine or other form of electrical, mechanical or computer game.

\*The above definition includes but is not limited by all pertinent sections of Chapter 2915: Gambling of the current edition of the Ohio Revised Code. (amendment #549, effective 2-8-13)

- **SWIMMING POOL, COMMERCIAL:** A body of water in an artificial or natural receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children, whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, apparatuses, equipment, appliances, and other facilities, appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, or community associations.
- **SWIMMING POOL, FAMILY:** A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.
- **TELECOMMUNICATION:** Technology permitting the passage of information from the sender to one or more receivers in a usable for by means of any electromagnetic or other electronic system or technology. (amendment #552, effective 6-28-13)
- **TEMPORARY BUILDINGS OR STRUCTURES:** A building or structure intended for a limited duration for uses at special events, including but not limited to, fairs and festivals, which does not have a permanent foundation. (amendment #552, effective 6-28-13)
- **TEMPORARY CONSTRUCTION TRAILERS:** A trailer for uses incidental to construction work intended for a limited duration that does not have a permanent foundation; however, such temporary trailer shall be removed within 30 days of the completion or abandonment of the construction work. (amendment #552, effective 6-28-13)
- **TEMPORARY SALES/OFFICE TRAILER:** A trailer for sales/office use for a limited duration that does not have a permanent foundation incidental to the proposed principal use of the property; however, such temporary trailer shall be removed within 30 days upon completion of principal use. (amendment #552, effective 6-28-13)

- **TEMPORARY STORAGE POD:** A storage pod (unit) that has no permanent foundation in which a permit is issued for the temporary location not to exceed six (6) months in a commercial district or two (2) months in a residential district. (amendment #552, effective 6-28-13)
- **THOROUGHFARE:** Street or alley.
- **TRACTOR-TRAILER (SEMI):** A trucking rig made up of a truck with a short chassis and no bed and a semi-trailer used for hauling of freight.
- **TRAILER OR MOBILE HOME:** Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conducting of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- **TRANSIENT GUEST:** Shall mean a person or persons who enters a contractual arrangement with the operator of a short-term rental whereby the person or persons pays rent to the operator, or to a person designated by the operator to receive rent, in exchange for occupancy of the short-term rental (amendment #580, effective 6-10-2022)
- **TRUSTEES:** The Board of Trustees of Plain Township, Stark County, Ohio.
- **TYPE "A" FAMILY DAYCARE HOME:** A permanent residence of the administrator in which child daycare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child daycare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type "A" homes shall be counted.
- **TYPE "B" FAMILY DAYCARE HOME:** A permanent residence of the provider in which child daycare is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type "B" home shall be counted.
- **USE:** The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place, or thing which name indicates the use or intended use.
- **VARIANCE:** A modification of the strict terms of the Resolution, where such modification will not be contrary to the public interest and owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship or a practical difficulty in accordance with law.
- **VETERINARY HOSPITAL:** A place used for care, grooming, diagnosis, or treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.
- **WALL:** A side of a building or room, typically forming part of a building's structure. Also, an architectural or landscape partition ordinarily with a height and length greater than its thickness, used to divide, define, partition, screen or enclose an area, or to support another structure. (Amendment #571, effective 10-12-2017)

- **WIRELESS TELECOMMUNICATION ANTENNA:** Any antenna designed to transmit or receive communications as authorized by the Federal Communications Commission excluding amateur radio operators antenna. (amendment #552, effective 6-28-13)
- **YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
- **YARD, FRONT:** A yard extending across the full width of a lot and being the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.
- **YARD, REAR:** A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.
- **YARD, SIDE:** A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.
- **ZONING MAP:** The "Zoning Districts" map of Plain Township, Stark County, Ohio.
- **ZONING CERTIFICATE:** Document issued by the Township Zoning Director authorizing the use of lots or structures in accordance with the Plain Township Zoning Resolution.

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**ARTICLE V**

**ZONING DISTRICTS AND BOUNDARIES**

**SECTION 501 ESTABLISHMENT OF DISTRICTS**

The unincorporated territory of Plain Township, Stark County, Ohio, is hereby divided into zoning districts. As required by law, regulations are uniform for each building, structure, or use within each district but may vary from district to district.

**SECTION 501.1 DISTRICTS**

- R-R Rural Residential District
- R-1 Single Family Residential District
- R-1A Single Family Residential District
- R-2 One- and Two-Family Residential District
- R-3 Low Density Multi-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Residential Condominium Planned Unit Development (PUD) District
- R-6 Planned Unit Development (PUD) District
- R-7 Planned Mixed-Use Development (PMUD) District
- S-1 Suburban Office District
- B-1 Neighborhood Business District
- B-2 General Business District
- I-1 Light Industrial District
- I-2 General Industrial District

**SECTION 501.2 ZONING DISTRICTS MAP**

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

**SECTION 501.3 INTERPRETATION OF DISTRICT BOUNDARIES**

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

**A. Where the Boundaries Approximately Follow Streets, Alleys, or Highways:**

Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

**B. Where Boundaries are Parallel to Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines:**

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

**C. Vacation of Public Ways:**

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



**GENERAL STANDARDS AND SPECIAL PROVISIONS**

**SECTION 601 CONFORMANCE REQUIRED**

**SECTION 601.1 PERMITTED USE**

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until by amendment, such uses are written into these regulations.

**SECTION 601.2 COMPLIANCE WITH HEALTH, SAFETY, AND DEVELOPMENT REGULATIONS**

- A. **Sewage Disposal** - No zoning certificate shall be issued without evidence that the responsible health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the permit has been requested.
- B. **Highway & Street Access** - No zoning certificate shall be issued to erect any building or structure within the confines of the unincorporated area of the township which has ingress or egress to a highway or street until the owner of such property has secured applicable permits for access and/or drainage as required from the Ohio Department of Transportation, Stark County Engineer, or Plain Township Road Department (whichever authority has jurisdiction).
- C. **Building and Subdivision Regulations** - All structures shall comply with the standards and requirements of the building regulations, adopted and administered by Stark County or other certified authority having jurisdiction. When applicable, development plans shall be filed and approved in accordance with the Stark County Subdivision Regulations, as adopted and administered by the Stark County Commissioners and Regional Planning Commission, before zoning certificates are issued.
- D. **Stormwater, Erosion and Sediment Control** - Soil disturbing activities are subject to all applicable requirements of the Stark County Erosion and Sediment Control Regulations, adopted by the Stark County Commissioners and administered by the Stark Soil and Water Conservation District (SWCD). When applicable, a National Pollution Discharge Elimination System (NPDES) permit shall be obtained prior to commencing soil disturbing activity.
- E. **Flood Hazard Prevention Regulations** - Prior to any development in the 100 year flood plain, as delineated and regulated in accordance with Federal Emergency Management Agency (FEMA) requirements and the Stark County Flood Hazard Prevention Regulations, permits must be obtained from the Stark County Building Department.

## **SECTION 601.3 ZONING CERTIFICATE REQUIRED**

A zoning certificate shall be required for the use of all buildings, structures, and land in accordance with these regulations. Before any "structural changes" are made to any building or structure, or before any land use or building use is changed, a new zoning certificate shall be required in order to assure compliance with these regulations.

## **SECTION 601.4 CERTIFICATE OF CONFORMANCE REQUIRED**

A Certificate of Conformance Permit shall be required to be obtained from the Zoning Director before occupancy of any permitted or conditionally permitted use in any S-1, B-1, B-2, I-1 and I-2 Business and Industrial Districts. Any change in use from one use to another or from one owner/tenant to another will require a new Certificate of Conformance Permit to be issued. No certificate will be issued until it has been determined that all buildings, structures, and land uses are in accordance with these regulations, all necessary building and occupancy permits have been acquired, and the Fire Safety Inspector has made inspection and approved the premises for occupancy.

## **SECTION 602 EXCEPTIONS AND MODIFICATIONS**

### **SECTION 602.1 PURPOSE**

The purpose of Section 602 is to provide for the modification and clarification of some requirements and standards otherwise listed in this Resolution.

### **SECTION 602.2 SUBSTANDARD LOTS – Residential Districts**

Any lot or parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations, which is less than the minimum lot size required, but not less than seven thousand five hundred (7,500) square feet in area, may be issued a permit for a single family dwelling by the Zoning Director, provided all other district requirements are met. Variances of yard and setback requirements will require approval of the Board of Zoning Appeals in accordance with Article XII.

#### **SUBSTANDARD LOTS - Business and Industrial Districts**

Any lot or parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations, which is less than the minimum lot size required, but not less than fifteen thousand (15,000) square feet in area, may be issued a permit by the Zoning Director, provided the proposed use and other setback and parking requirements of the district are met. Variances of yard and setback requirements will require approval of the Board of Appeals in accordance with Article XII.

### **SECTION 602.3 PERMITTED HEIGHT EXCEPTIONS**

No structure shall exceed height limitations as specified in each district with the exception of the following accessory and incidental parts of such structure, which may be erected no more than fifteen (15) feet above the height limits of a district:

- structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building
- fire or parapet walls
- skylights, towers, or steeples
- stage lofts and screens
- flagpoles, chimneys, or smokestacks
- radio and television aerials, or wireless masts
- water tanks or similar structures

Churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.

**SECTION 602.4 PROJECTIONS INTO YARD AREA**

Every part of a required yard shall be free from structures except as permitted in Section 602.5 and except for the ordinary projections of skylights, sills, cornices, or ornamental features projecting not to exceed twenty-four (24) inches. This requirement shall not prevent the construction of fences, walls or hedges (as regulated by Section 602.10), except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

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

**SECTION 602.5 ACCESSORY USES, BUILDINGS AND STRUCTURES**

An accessory structure or building, which is attached to the principal building on a lot in any district, shall be made structurally a part thereof and shall comply in all respects with requirements of these regulations applicable to the principal building or structure. The size and location of all unattached accessory uses, buildings and structures shall meet the following requirements:

**A. Unattached accessory garages and other structures in Residential Districts:**

1. The total square foot area of all unattached accessory buildings and structures in the R-R Rural, R-1 & R-1A Single Family Residential Districts shall not exceed the following:

LOT SIZE	PERCENT OF LOT AREA	MAXIMUM SIZE (SQ. FT.)
Less than one (1) acre	Three percent (3%)	One Thousand (1,000) sq. ft.
One (1) acre or more	Three percent (3%)	Two Thousand Five Hundred (2,500) sq. ft.

Examples:

- Lot with dimensions of 100' x 200' = 20,000 sq. ft.  
Maximum unattached buildings & structures: 600 sq. ft.
- Lot of one and a half (1½) acres = 65,340 sq. ft.  
Maximum unattached buildings & structures: 1,960 sq. ft.
- Lot of two (2) acres = 87,120 sq. ft.  
Maximum unattached buildings & structures: 2,500 sq. ft.

2. The total square foot area for all accessory buildings and structures in the R-2, R-3 and R-4 districts, whether attached or unattached, shall not exceed five hundred (500) square feet per dwelling unit. If home is used for single family purposes, please see Section 602.5A#1 for restrictions. (amendment #556, effective 8-8-14)
3. An unattached accessory building, structure or use two hundred one (201) square feet or more in size shall be located only in the side or rear yard area and shall be located a minimum of ten (10) feet from the side and rear yard property lines. However, one (1) building or structure of two hundred (200) square feet or less and a maximum height of fifteen (15) feet may be located in the side or rear yard area provided it is set back at least five (5) feet from the lot lines, except when this would place it within a platted easement. (amendment #545, effective 3-26-09 & amendment #553, effective 6-28-13)

4. An unattached accessory building, structure or use may not be placed within a platted easement. (amendment #553, effective 6-28-13)
5. An unattached accessory building or structure shall be located at least ten (10) feet from the principal building on a lot.
6. The maximum height of all unattached buildings and structures in Residential Districts shall be eighteen (18) feet.

## **B. Accessory Uses, Buildings and Structures in Business and Industrial Districts**

All accessory buildings, structures and uses in an S-1, B-1, B-2, I-1 and I-2 district shall comply with all yard and height requirements applicable to the principal building. When unattached, an accessory building or structure shall be located a minimum of ten (10) feet from any adjacent structure or building on the premises and shall only be located in the side or rear yard area. The accessory building or structure shall not reduce the required amount of parking spaces. (amendment #556, effective 8-8-14)

## **C. Satellite Dishes**

Any satellite dish forty (40) inches in diameter or less located in a residentially zoned district shall be considered an exempt incidental accessory structure to the principal building and does not require issuance of a zoning certificate. Any satellite dish seventy-nine (79) inches in diameter or less located in a business or industrially zoned district shall be considered an exempt incidental accessory structure to the principal building and does not require a zoning certificate.

Any satellite dish over forty (40) inches in diameter in a residentially zoned district or over seventy-nine (79) inches in diameter in a business or industrially zoned district shall be considered an accessory structure, classified as either ground-mounted or structure mounted. Only one (1) ground-mounted or structure-mounted accessory satellite dish shall be permitted per principal structure in any residentially zoned district. Accessory satellite dishes require the issuance of a zoning certificate and are subject to the following provisions:

### **Ground-Mounted Satellite Dishes**

The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet;

1. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade level;
2. The satellite dish apparatus shall employ (to the extent possible) materials and colors that blend with the surroundings, and shall bear no advertising, lettering, picture, or visual image, except for the manufacturers name and/or logo not to exceed four (4) inches in height;
3. The satellite dish apparatus shall only be located in the rear yard area and shall comply with the required side and rear setbacks for an accessory structure in the zoning district in which the satellite dish shall be located.
4. All wiring between the satellite dish apparatus and any other structures shall be located underground in conduit;
5. The use of any guy wires attached to the satellite dish apparatus shall not be permitted unless the entire apparatus and guy wires are completely enclosed by a minimum four (4) foot fence.

## **Structure-Mounted Satellite Dishes**

1. The maximum diameter of any structure-mounted satellite dish in a residentially zoned district shall not exceed seventy-two (72) inches; the maximum diameter of any structure-mounted satellite dish in a business or industrially zoned district shall not exceed one hundred twenty (120) inches;
2. The height of any structure-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet;
3. The satellite dish apparatus shall employ (to the extent possible) materials and colors that blend with the surroundings, and shall bear no advertising, lettering, picture, or visual image, except for the manufacturers name and/or logo not to exceed four (4) inches in height;
4. The satellite dish apparatus, its mounting, and all supporting devices shall be constructed and erected directly to the main or principal building;
5. The use of any guy wires attached to the satellite apparatus shall be permitted only if the guy wires are anchored to the same structure on which the satellite dish apparatus is mounted and do not extend below the roof line of the structure.

## **SECTION 602.6 FRONT YARD DEPTHS OR SETBACKS**

Where front yard depths or setbacks have been established at less than required by district regulations by permanent structures on adjoining properties, or on properties on the opposite side of the street, road, or highway, and where such required setback would cause a definite appearance or functional hardship, the required front yard depth or setback may be reduced but shall not be less than twenty-five (25) feet.

## **SECTION 602.7 CORNER LOTS**

For corner lots, either street may be designated as the front-yard street. A minimum setback of twenty (20) feet will be required on the other street for all structures.

## **SECTION 602.8 CONSTRUCTION OF USE WHEN PERMIT ISSUED PREVIOUSLY**

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

## **SECTION 602.9 TEMPORARY BUILDINGS**

Temporary buildings, including construction trailers, temporary sales/office trailers and temporary storage pods, may be located on a site provided any required building and health permits are obtained. Such temporary building, construction trailer, temporary sales/office trailer or temporary storage pod shall be located on a site in accordance with the district setback lines, or as approved by the Zoning Director. The temporary building or trailer shall be removed from the site within 30 days of the completion or abandonment of the related activity. Temporary storage pods may remain as permitted. (amendment #552, 6-28-13)

## **SECTION 602.10 FENCES, WALLS, AND HEDGES**

Fences, walls, and hedges shall be permitted in any required yard or along the edge of any yard in any R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District, except that a fence, wall or hedge located in or along the sides or front edge of a front yard shall not exceed three (3) feet in height. The maximum height of a fence, wall or hedge in any Residential District shall be eight (8) feet.

Fences, walls, and hedges shall be permitted in any required yard, or along the edge of any yard in any S-1, B-1 or B-2 Business or I-1 or I-2 Industrial District. The maximum height of a fence, wall, or hedge in any Business or Industrial District shall be eight (8) feet with an additional two (2) feet of barb wire permitted if applicable.

Any fence, wall, or hedge located in or along the edge of any yard abutting a public or private dedicated thoroughfare in any Zoning District shall be located a minimum of five (5) feet from any street right-of-way line. (amendment #545, effective 3-26-09)

Fences, walls or hedges on any lot shall be located so they do not impair vision of traffic in any way. See Section 603.4 regarding visibility at corner lots. (amendment #553, effective 6-28-13)

Zoning permits are not required for fences, walls or hedges.

## **SECTION 602.11 ESSENTIAL SERVICES**

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

## **SECTION 602.12 HOME OCCUPATIONS**

### **A. Home Occupations: As a Permitted Use by Right Requiring No Zoning Certificate**

A home occupation shall be a permitted accessory use of a single family residence and does not require a zoning certificate provided all of the following requirements are met:

1. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
2. No sign shall be permitted.
3. There shall be no outside storage of any kind related to the use.
4. Service activities such as teaching, tutoring, tax consulting, computer consulting and the like shall involve not more than two (2) receivers of such services at any one time.
5. There shall be no sale of commodities or products from the premises.
6. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
7. No equipment, process, materials or chemicals shall be used which create or emit offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
8. No additional parking area shall be created.
9. No person who is not a resident of the dwelling may participate in the home occupation as an employee or volunteer.



10. No display of products may be visible from the street.
11. No deliveries by commercial transportation shall be permitted.
12. No use of accessory buildings or structures shall be permitted.

**B. Home Occupation: As A Conditionally Permitted Use Requiring Board of Appeals Approval**

1. A person may apply for a conditional use certificate for a home occupation which does not fully comply with the requirements of paragraph A above.
2. Application shall be filed with the Zoning Director and submitted to the Board of Zoning Appeals for consideration in accordance with Article XI - Conditional Zoning Certificates.

**SECTION 602.13 MANUFACTURED OR FACTORY-BUILT HOMES**

Any manufactured or factory-built housing proposed to be located in any district shall comply with the following requirements:

1. The structure shall be installed upon and properly attached to a permanent foundation system approved by the Stark County Building Department.
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The sitting of the structure shall comply with all yard and setback requirements for the district for which it is proposed.
4. The sitting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
5. Evidence of an approved means of sanitary sewage disposal must be submitted.
6. The site shall be serviced by adequate essential utilities.
7. A hip, gable or gambrel style roof must be installed.
8. The structure shall be located on the site so that its long axes is parallel with the street.

**SECTION 602.14 AGRICULTURAL USES**

As provided in the Ohio Revised Code, Section 519.21, the following restrictions are established to regulate agricultural uses on applicable lots:

- A. Lots of one (1) acre or less: All agricultural uses shall be prohibited on lots of one (1) acre or less.
- B. Lots greater than one (1) acre but less than five (5) acres:
  1. Accessory uses and structures for an agriculturally related use involving trees or plants, including farm markets, shall be permitted, provided such buildings and structures comply with setback and height regulations as set forth in the District in which they are located and/or the accessory use provisions of Section 602.5.
  2. Any agriculturally related use or structure which involves animal and poultry husbandry shall be located a minimum of one hundred (100) feet from all property lines.

- C. Lots five (5) acres or more: In accordance with the Ohio Revised Code, the township has no power to regulate agriculture, buildings or structures, and dairying, animal or poultry husbandry on lots five (5) acres or more. However, farm markets (roadside stands) shall meet minimum yard setbacks as listed in the districts in which they are located and provide parking spaces in accordance with Article IX of these regulations.

## **SECTION 602.15 COMMERCIAL DUMPSTERS & ROLL=OFF CONTAINERS**

No commercial trash container or dumpster shall be permitted in any R-1, Single Family Residential District, R-1A, Single Family Residential District, or R-2, One and Two Family Residential District, except for a temporary period of time not to exceed 90 days, during the rehabilitation/construction of a dwelling, accessory building or the property, and only when the work is actively taking place. (amendment #569-19, effective 2-21-2019)

## **SECTION 602.16 DONATION COLLECTION BIN**

Donation Collection Bins shall be permitted only in accordance with the following standards and procedures:

1. Donation Collection Bins shall not be allowed in any agricultural, residential, S-1 Suburban Office Zoning District or B-1, Neighborhood Business District except on properties where a conditional use permit exists for a church.
2. Donation Collection Bins are permitted only on properties that contain a primary permitted use.
3. Donation Collection Bins are subject to the issuance of a Zoning Permit and upon receipt of written authorization by the property owner or legal representative. A scaled site plan depicting placement of the Donation Collection Bin will be required for the permit review process.
4. Donation Collection Bins shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, landscape areas, drive aisles, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses. Donation Collection Bins shall be in compliance with the setback requirements for accessory structures as determined by the zone district in which such structure is placed.
5. Each Donation Collection Bin shall have a firmly closing lid and shall have a capacity no greater than six cubic yards. No Donation Collection Bin shall exceed seven feet in height.
6. Donation Collection Bins may be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
7. Donation Collection Bins shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the Donation Collection Bin, the entity responsible for maintenance of the Donation Collection Bin and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
8. The Donation Collection Bin shall display a notice stating that no items or materials shall be left outside of the Donation Collection Bin, as well as a notice that shall read” Not for refuse disposal. Liquids are prohibited. Do not use for garbage, candy wrappers, soft drink bottles, etc.”
9. No commercial advertising will be permitted on Donation Collection Bins except for its specific use as stated in Paragraph #7.



10. Occupation of parking spaces by Donation Collection Bins shall not reduce the number of available parking spaces below the minimum number required for the site.
11. All donated items must be collected and stored in the Donation Collection Bins, donated items or materials shall not be left outside of Donation Collection Bins and the area around each box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials, and the property owner shall be responsible for the cost to abate any violations.
12. The Township may require that the Donation Collection Bin be secured to the ground to prevent unauthorized movement.
13. If the Donation Collection Bin is located under a building awning or within ten (10) feet of a wall of a building, it may be required to have an approved fire protection system.
14. Unattended Donation Collection Bins shall be serviced and emptied as needed.
15. Donation Collection Bins shall not include trailers where personnel are present to accept donations. (amendment #570, effective 2-21-2019)

## **SECTION 603            SUPPLEMENTARY REGULATIONS**

### **SECTION 603.1        PURPOSE**

It is the purpose of Section 603 is to provide requirements which shall be met in addition to district regulations.

### **SECTION 603.2        PRINCIPAL BUILDING**

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

### **SECTION 603.3        REDUCTION OF LOT REQUIREMENTS**

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

### **SECTION 603.4        VISIBILITY AT CORNER LOTS**

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

### **SECTION 603.5        INCONSISTENCIES**

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

### **SECTION 603.6        BUSINESS DISPLAYS**

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

**SECTION 603.7 RESTRICTIONS ON THE PARKING AND STORAGE OF VEHICLES**

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

In any residential district, the parking or storage of commercial construction equipment, semi-tractors and/or tractor-trailers shall be prohibited. The parking and storage of other commercial vehicles shall only be permitted if said commercial vehicle is used by an occupant of the dwelling as transportation to and from work.

No more than two (2) recreational vehicles, such as a trailer, motor home, or boat may be stored outside in a residential district. Such vehicle shall have a current license and shall only be stored on a driveway or in the side or rear yard area. (amendment #545, effective 3-26-09)

**SECTION 603.8 MINIMUM FLOOR AREA FOR RESIDENTIAL DWELLINGS**

A single-family, one (1) floor dwelling shall contain not less than eight hundred twenty (820) square feet of useable ground floor area, exclusive of open porches, garages, or steps; a single-family, story and one-half (1½) or two (2) story dwelling shall contain not less than seven hundred fifty (750) square feet of ground floor area, exclusive of open porches, garages, or steps.

Two-family and multi-family dwellings shall contain not less than five hundred (500) square feet for each one (1) bedroom unit, six hundred twenty (620) square feet for each two (2) bedroom unit, and eight hundred fifty (850) square feet for each three (3) bedroom unit.

**SECTION 603.9 SWIMMING POOLS, PONDS, AND OTHER WATER BASINS**

Public or private in-ground or above-ground swimming pools, wading pools or other bodies of water containing over three (3) feet of water depth shall be considered as structures for the purpose of permits and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements and inspection of same shall meet applicable county or state codes. (amendment #545, effective 3-26-09)

For an in-ground pool or other body of water, the pool, water area or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.

For an above-ground pool, one of the following options shall be chosen to prevent uncontrolled access from the street or from adjacent properties:

- A. The pool area or the entire property on which it is located shall be walled or fenced. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.
- B. The pool shall have steps that swing-up and lock in place off the ground when the pool is unattended.
- C. A platform or deck around the rim of the pool with steps that have a gate and lock. Said gate shall be closed and locked when the pool is unattended.
- D. No pool or other body of water shall be filled with water until the appropriate means of preventing uncontrolled access from the street or from adjacent properties has been completed and inspected by the Zoning Director.

## SECTION 603.10 LANDSCAPING, BUFFER YARD, AND SCREENING REQUIREMENTS

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

A. **Buffer yard and/or Screening Requirements:** The width of required buffer yards shall be as listed in each district. A landscape plan shall be submitted as part of the zoning certificate application when required and shall consist of one (1) or a combination of two (2) or more of the following:

1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer and that will form a six (6) foot high screen within three (3) years of planting.
2. A non-living opaque structure such as a solid masonry wall or a solid fence that is compatible with the principal structure.
3. A maintained, landscaped earthen mound at least five (5) feet wide that is not less than four (4) feet or more than six (6) feet in height.
4. Maintenance of the existing natural vegetation that, in its natural state, forms a sufficient screen with a height not less than six (6) feet.

B. **Completion time, maintenance, and replacement of buffer yards:** All required landscaping and buffer yards shall be completed within six (6) months of the completion of each building, phase of development, or parking area. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Any changes to the approved landscape or buffer yard plan shall be approved by the Zoning Director prior to completion. Landscaping shall be maintained by the property owner or agent to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water and shall not obstruct the view of traffic exiting the property. Any landscaping material that is a required element of an approved landscape plan that dies or is destroyed shall be replaced within six (6) months.

## SECTION 603.11 SMALL WIND ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system may be permitted in an R-R, S-1, B-1, B-2, I-1 and I-2 District as a conditionally permitted use.

No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article XI, Conditional Zoning Certificates.

(amendment #545, effective 3-26-09)

## SECTION 603.12 ACCESSORY SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow, or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the Plain Township Zoning Department.

### A. Permitted Uses

1. Integrated Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in all zoning districts.
2. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in all zoning districts.

### B. Conditionally Permitted Uses

1. Ground Mounted/Wall Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted/Wall Mounted Solar Energy System shall be a conditionally permitted use in the following zoning districts: R-R Rural Residential District, I-1 Light Industrial District, I-2 General Industrial District.

### C. All accessory solar energy systems shall meet the following requirements:

1. A roof mounted solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. A roof/structure mounted solar energy system:
  - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
  - b. Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located.
  - c. May be mounted to a principal or accessory structure.

- d. Combined height of the solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
  - e. All exposed conduits, plumbing lines, and related appurtenances shall be painted a color that closely matches the roof materials.
5. Ground or wall mounted solar energy systems shall be a conditionally permitted use and will require approval of the Plain Township Board of Zoning Appeals.
  6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any adjacent properties as well as adjacent street right-of-way.
  7. Solar energy systems shall not be constructed until all applicable zoning and building permits have been approved and issued.
  8. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within ninety (90) days from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
  9. Exemptions. Systems used exclusively for public traffic control signals or devices located in road right-of-way are exempt.
  10. A site plan shall be submitted at the time of application and shall include:
    - a. Property lines and physical dimensions of the site and location of structures on property.
    - b. Location of solar energy system(s) on the structure on which it is located, all related equipment, above and underground utility lines, sewage treatment systems, easements, and any structures on the property.
    - c. Elevation of the proposed solar energy system(s) at its maximum tilt.
    - d. Manufacturer's specification, including make, model and picture.
    - e. Scaled drawing, no smaller than 1"-100' if commercial.
    - f. Location of any required signage.
  11. Systems shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting all applicable industry safety standards.
  12. No signs, other than a warning sign or installer, owner, participating landowner, or manufacture identification sign, may be placed on any component of a solar energy system. Maximum allowable signage shall not exceed six (6) square feet collectively.
- D. Ground and Wall Mounted Solar Energy Systems as a Conditionally Permitted Use:
1. Ground mounted solar energy systems: shall be located in the rear yard only and shall be located a minimum of ten (10) feet from the side and rear yard property lines. In no instance shall the system be placed in the front or side yard of the lot.

- a. Any portion of the structure shall not exceed a maximum of six (6) feet in height.
- b. Ground mounted solar energy systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located.
- c. Visual Buffer: A ground mounted solar energy system shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the small solar facilities on adjacent lots and from any public right-of-way. Ground mounted solar energy systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.
- d. Wall mounted solar energy system: Shall be installed on the plane of the wall (flush mounted) or made part of the wall design. In no instance shall the system extend greater than 18-inches from the wall's surface.
- e. Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

#### E. Design

##### 1. Ground Mounted

- a. All conduits, plumbing lines, and related appurtenances shall be located underground.
- b. Systems shall not exceed ten (10) percent of the rear yard area.

##### 2. Wall Mounted

- a. All exposed conduits, plumbing lines, and related appurtenances shall be painted to a color that closely matches the wall material/color.
- b. May be placed on the principal building and/or accessory structures.
- c. Shall not be visible from any street right-of-way.

##### 3. Systems shall comply with all applicable building, plumbing, electrical, and fire codes.

#### F. Permit Requirements.

1. A zoning certificate shall be required before construction can commence on any solar energy project. (amendment #583, effective 11-9-23)

## SECTION 603.13 PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY

It is the purpose of this regulation to promote the safe, effective, and efficient use of the utility-scale solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses or designed primarily to produce energy to be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a conditionally permitted use in the R-R Rural Residential District, I-1 Light Industrial District, and I-2 General Industrial District, provided all requirements and regulations as set forth below are met.

No person shall cause, allow, or maintain the use of a principal solar energy production facility without first having obtained a zoning permit from the Zoning Department.

- A. All principal solar energy production facilities shall meet the following requirements:
1. The proposed solar energy project must be located on at least five (5) acres of land.
  2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified with the underlying zoning district.
  3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  4. All solar energy systems shall be designed and located in order to prevent reflective glare towards any adjacent properties as well as adjacent street right-of-way.
  5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
  7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provide screening in accordance with Section 603.10 of the zoning resolution.
  8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
  9. Solar energy facilities must be maintained in good working order at all times. The owner of the property and owner of the solar energy facilities shall, within thirty (30) days of permanently ceasing operation of a solar energy facilities provide written notice of abandonment to the Zoning Inspector. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within ninety (90) days from the date they are not producing electricity, become damaged, discontinued, or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days.
  10. All costs associated with the dismantling/demolition of the solar energy facilities and associated equipment shall be borne by the property owner. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing solar energy



facilities and, in the case of ground mounted solar energy systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

11. Solar energy facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
12. A solar energy facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
13. Permit Requirements:

A zoning certificate shall be required before construction can commence on any solar energy project.
14. Exemptions:

Systems used exclusively for public traffic control signals or devices located in road rights-of-way are exempt.
15. A site plan shall be submitted at the time of application and shall include:
  - a. Property lines and physical dimensions of the site and location of structures on property.
  - b. Location of solar energy system(s) and all related equipment, setbacks from property lines and any structures on the property.
  - c. Letter from the Stark County Health Department or Stark County Sanitary Engineer stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
  - d. Location of any required signage.
  - e. Elevation of proposed solar energy system(s) at its maximum tilt.
  - f. Manufacturer's specifications, including make, model and picture.
  - g. Scaled drawing no smaller than 1"=100'.
16. A solar energy facility to be located in a zoning district in which it is identified as a Conditionally permitted use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
17. Any solar energy facility shall comply with the following specific requirements:
  - a. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, right-of-way, and easements) to be used in connection with the Small Solar Energy Facility as detailed further in a road use and maintenance agreement with the Township. Any



damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.

- b. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the small solar energy facility is located.
- c. Location:
  - 1. Any solar energy facility other than an integrated or rooftop solar energy system (except components located entirely underground) shall be located entirely in the rear yard.
  - 2. No solar energy facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
  - 3. No solar energy facility shall be located in front of a principal building or structure. In the case of corner lots, no small solar facility shall be located between a principal building or structure and a public right-of-way.
  - 4. No solar energy facility (other than components located entirely underground) shall be located within forty five (45) feet of a public right-of-way or shared-use driveway.
- d. Visual Buffer: A solar energy facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
  - 1. Enhances the view from any existing residential dwelling and from any public right-of-way.
  - 2. Is in harmony with the existing vegetation and viewshed in the area; and
  - 3. Provides reasonable visual screening to minimize view of and noise from the solar energy facilities to adjacent lots and from any public right-of-way.
- e. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect glare onto adjacent properties, or any right-of-way.
- f. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
- g. Fencing: Any fencing and/or screening installed in connection with the solar energy facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.

- h. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

18. Certificate of Zoning Compliance:

- a. A certificate of zoning compliance shall be required before any construction is commenced on a solar energy facility.
- b. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
  - 1. An engineering report that shows:
    - i The total size and height of the proposed solar energy facility.
    - ii Data specifying the megawatt size and generating capacity in megawatts of the particular solar energy facility.
    - iii Hazardous materials containment and disposal plan.
  - 2. A site drawing showing the location of the solar energy facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
  - 3. Evidence of compliance with applicable setback and all other applicable zoning restrictions.
  - 4. A maintenance schedule as well as a dismantling plan that outlines how the small solar energy facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
  - 5. Any other information or materials reasonably requested by the Zoning Inspector. (amendment #583, effective 11-9-23)

## **SECTION 603.14 RIPERIAN CORRIDOR**

Riparian setbacks control land use activities and new development within certain distances of streams, rivers and creeks. Setting development back maintains the ability of riparian areas to control flooding, limit stream bank erosion, protect habitat, purify ground water, and reduce water pollution.

Riparian setbacks protect structures and reduce property damage and threats to watershed residents while contributing to the scenic beauty and semi-rural character of Plain Township.

### **A. GENERAL REQUIREMENTS**

1. These regulations shall apply to all zoning districts.
2. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated water course, except as otherwise provided herein.
3. A designated water course shall be considered as the Nimishillen Creek, City of Canton Middle Branch Nimishillen Creek, East Branch Nimishillen Creek and West Branch Nimishillen Creek.
4. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

### **B. ESTABLISHMENT OF RIPARIAN SETBACKS**

1. Riparian setbacks shall be measured from the ordinary high water mark of the stream or riverbank of a designated watercourse.
2. Except as otherwise provided in this resolution, land area within riparian setbacks shall be preserved in its natural state.
3. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the attached area provided by Federal Emergency Management Agency (FEMA).
4. Riparian setbacks for designated watercourses shall be established as follows:
5. A minimum of 50 feet on each side of the Nimishillen Creek.
6. A minimum of 25 feet on each side of the City of Canton Middlebranch Nimishillen Creek, East Branch Nimishillen Creek and the West Branch Nimishillen Creek.

### **C. PERMITTED USES WITHIN RIPARIAN SETBACKS**

Buildings, structures, and uses may be authorized within a riparian setback, subject to approval of an application for a zoning certificate by the Zoning Inspector, if applicable, or conditional zoning certificate by the Board of Zoning Appeals, if applicable, in accordance with the following regulations and such other applicable regulations contained in this Zoning Resolution.

1. Recreational activity: Passive recreational uses, as permitted such as hiking, fishing, hunting, picnicking, and similar uses.
2. Removal of Damaged or Diseased Trees: Damaged or diseased trees may be removed.
3. Re-vegetation and/or Reforestation: Riparian setbacks may be re-vegetated with non-Invasive plant species.
4. Maintenance of lawns, gardens and landscaping: Lawns, gardens and landscaping that existed at the time the ordinance became effective, may be maintained as long as they are not increased in size.
5. Streambank Stabilization and Erosion Control Measures may be allowed provided such measures are ecologically compatible and substantially utilize natural materials and native plant species where practical. The streambank stabilization and erosion control measures shall only be undertaken upon approval of a Soil Erosion and Sediment Control Plan approved by Stark County Soil and Water Conservation District.
6. Crossing of designated watercourses and through riparian setback areas by publicly and privately owned roads, drives, sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of the US Army Corps of Engineer and/or Ohio EPA. Soil erosive materials shall not be used in making stream crossings.
7. Construction of fencing shall be allowed with the condition that reasonable efforts be taken to minimize the destruction of existing vegetation, provided that the fence does not impede stream or flood flow, and the disturbed area is replanted to the natural or preexisting conditions before the addition of the fence.
8. Storm Water Retention and Detention Facilities are permitted subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Stark County Soil and Water Conservation District and the Ohio EPA. Storm water retention and detention facilities shall be located a minimum of fifty (50) feet from the current stream or riverbank of the designated watercourse.
9. Signs are permitted in accordance with Article VIII.

#### D. PROHIBITED USES WITHIN RIPARIAN SETBACKS

The following buildings, structures, and uses are prohibited within a riparian setback:

1. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
2. Dredging and Dumping: Unless there is prior authorization, there shall be no drilling, filling, dredging, or dumping of soils, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials as permitted under these regulations.
3. Parking Spaces or Lots and Loading/Unloading Spaces for vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
4. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

#### E. NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

1. A non-conforming use within a riparian setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under this section, may be

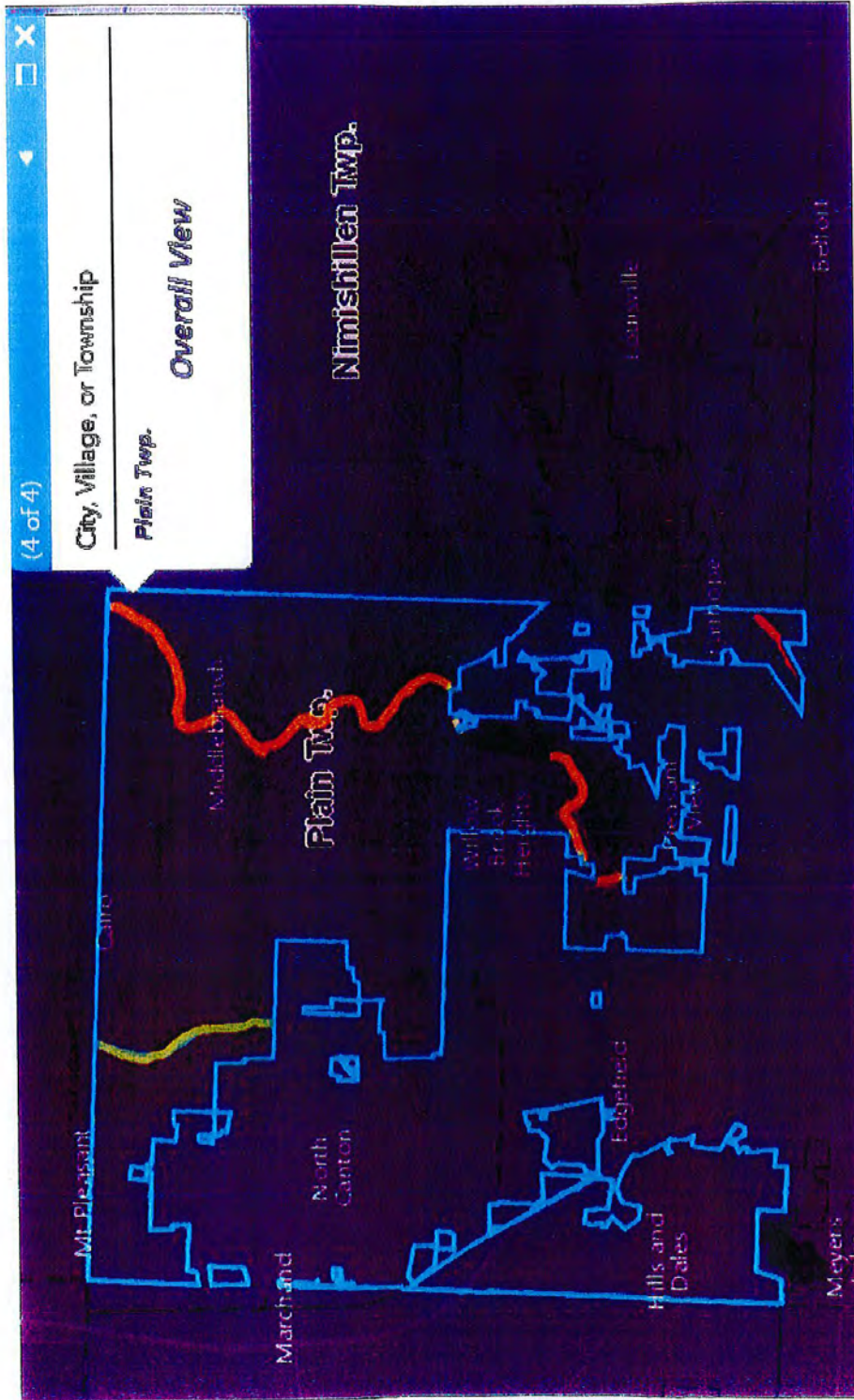
- continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.
2. A non-conforming accessory structure with a riparian setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the existing building footprint or roofline may not be expanded or enlarged in such a way that would move the structure closer to the stream, river or creek.
  3. A non-conforming structure or use or deteriorated structure within a riparian setback which is in existence at the time of passage of this regulation, and which is discontinued, terminated, or abandoned for a period of two (2) years or more, may not be revived, restored or re-established. This section does not apply to a residence that is vacant and which is not subject to condemnation order by the Stark County Building Department. This section shall also not prohibit ordinary repairs to a residence or residential accessory building that are not in conflict with other provisions in this section.
  4. In the case of a non-conforming residential structure, minor upgrades to the structure that extend further into the riparian setback may be allowed, such as awnings, and pervious decks/patios, provided the modifications do not extend more than ten (10) feet further into the riparian setback than the original foundation of the structure existing at the time of passage of this regulation, and provided that the modification will not impair the function of the riparian area nor destabilize any slope or stream bank.

## DEFINITIONS

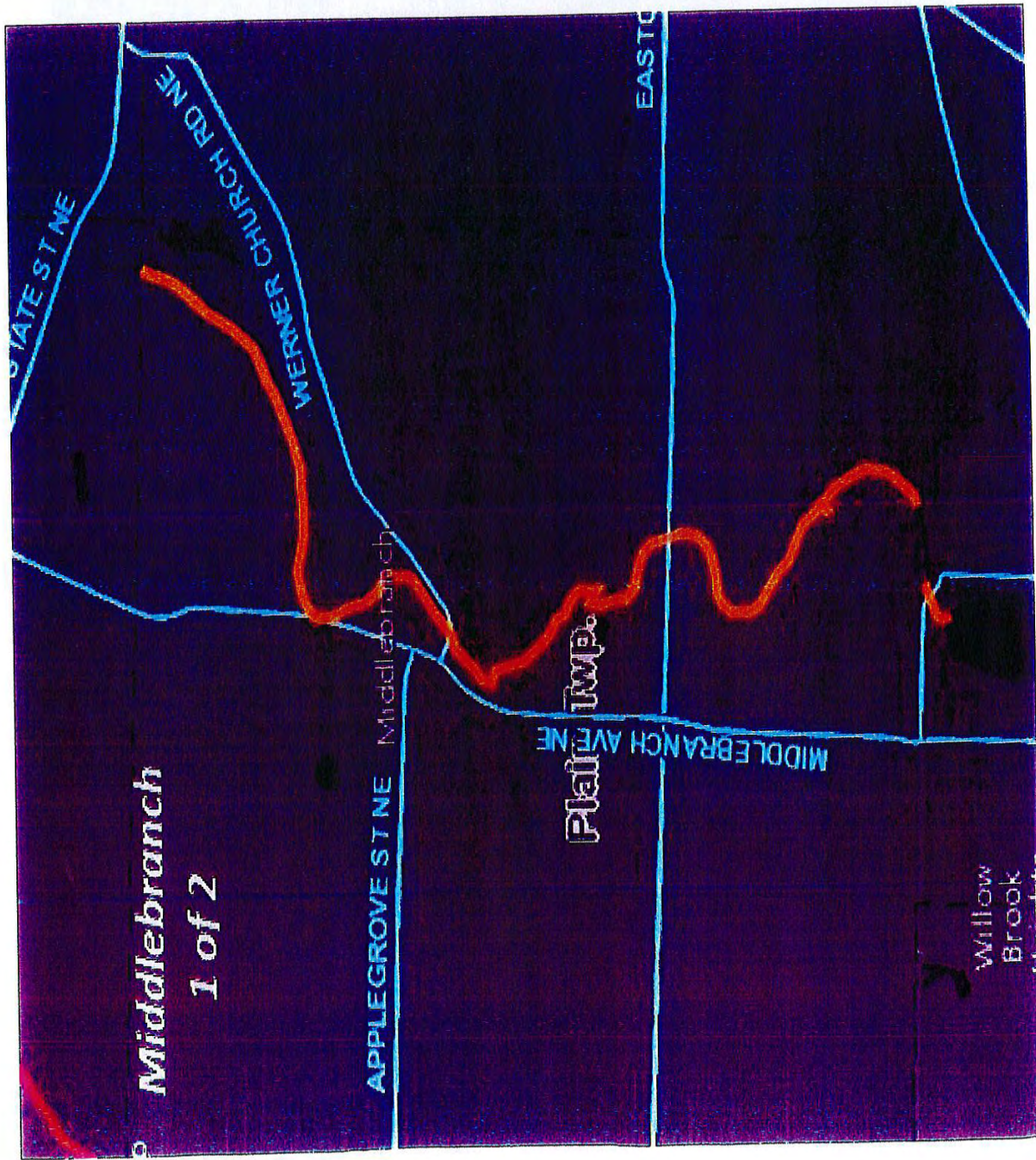
1. **DAMAGED OR DISEASED TREES:** Trees that have split trunks, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root system that puts the tree in imminent danger of falling, leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling.
2. **DESIGNATED WATERCOURSE:** Nimishillen Creek, City of Canton Middlebranch Nimishillen Creek, East Branch Nimishillen Creek, and the West Branch Nimishillen Creek.
3. **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is being performed.
4. **DUMPING:** The grading, pushing, piling, throwing, unloading or placing of soil or other material.
5. **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 characteristics.
6. **RIPARIAN AREA SETBACK:** This shall mean land adjacent to designated watercourses that if naturally vegetated and/or appropriately vegetated and appropriately sized, limits erosion, reduces flood flows, and/or filters and settles out runoff pollutants, or which performs other functions consistent with the purpose of these regulations.
7. **RIPARIAN AREA:** A naturally vegetated area located adjacent to streams and rivers, that are intended to stabilize banks and limit erosion.

8. **STREAM BANK OR RIVER BANK:** 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.
9. **WATERSHED:** A watershed is a basin-like landform defined by highpoints and ridgelines that descend into lower elevations and stream valleys. A watershed carries water "shed" from the land after rain falls and snow melts.
10. **WETLAND:** Those areas that are 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, including swamps, marshes, bogs, and similar areas.
11. **WETLAND SETBACK:** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

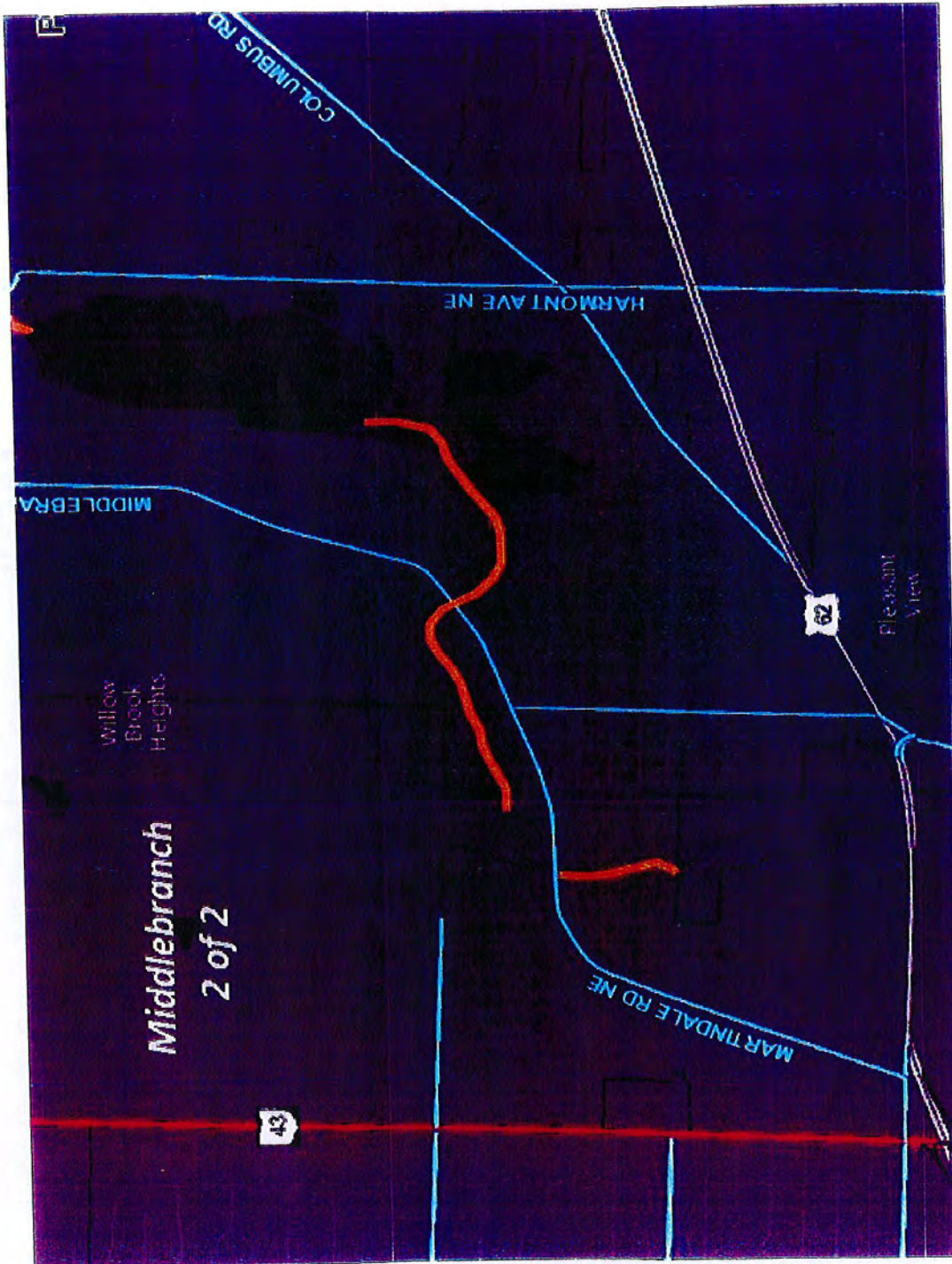




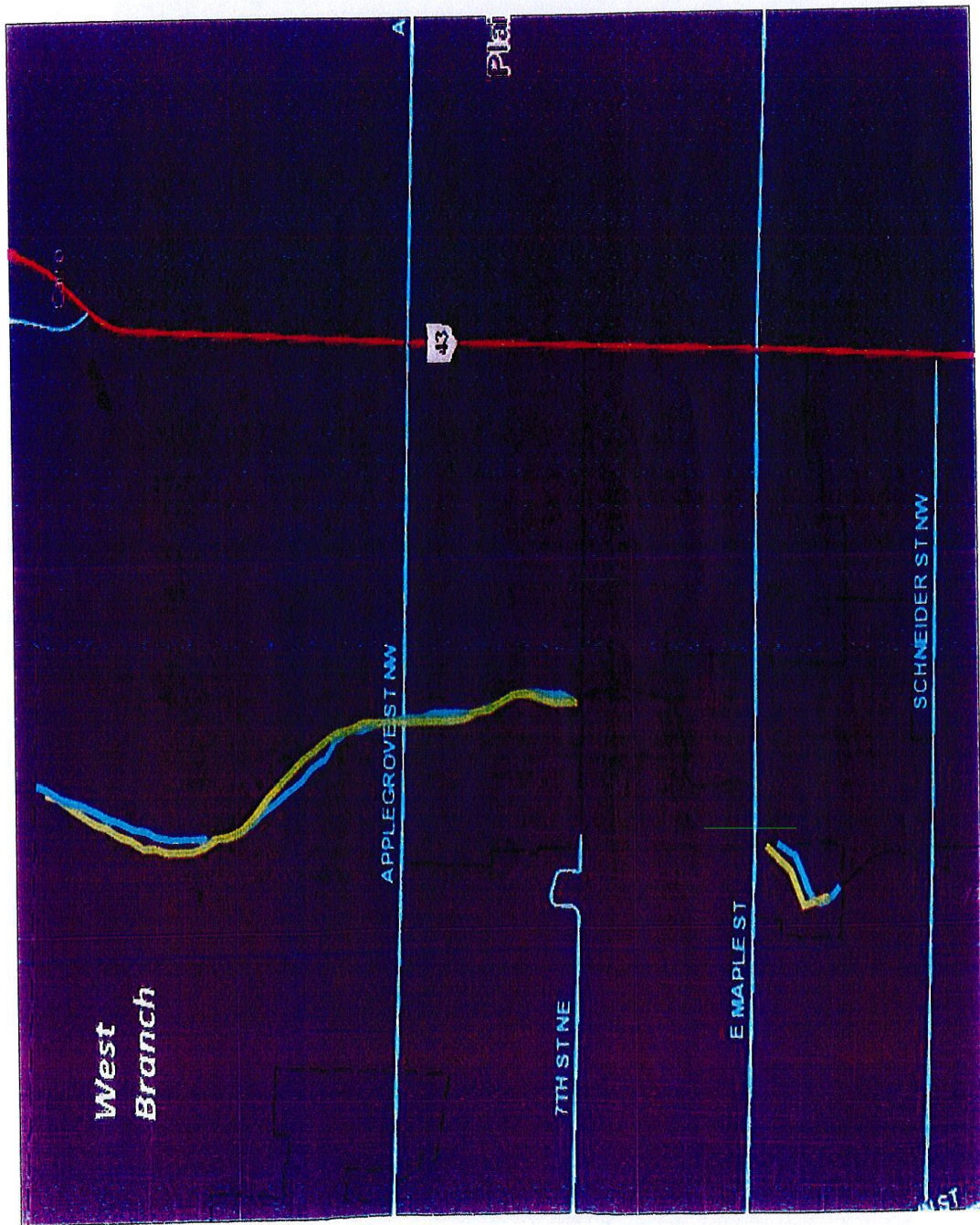












## **SECTION 603.15      SHORT-TERM RENTAL**

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

No person shall as provided for herein cause, allow, or maintain the use of a short-term rental without first having obtained both a conditional use permit and a zoning permit.

### **A. Short-Term Rental Standards**

All short-term rentals must meet the following requirements:

1. Zoning District
  - a. Short-term rentals may only be located in certain commercial districts.
    - i. Short-term rentals shall be conditionally permitted in B-2 General Business district, I-1 Light Industrial Districts, or in I-2 General Industrial Districts, and only with approval of the Plain Township Board of Zoning Appeals.
    - ii. A short-term rental may be allowed to operate as a conditional use provided it meets the following standards:
      1. Have no more than three bedrooms. The number of bedrooms is that shown on the Stark County Auditors records.
      2. Be at least 500 feet from any other short-term rental.
      3. Be in a zoning district that allows short-term residential rentals.
    - iii. If the residence does not meet the standards for a conditional use, the standards cannot be waived.
  - b. As part of the Conditional Use Permit approval process, an inspection of the property will be required.
    - i. The inspector will verify the number of bedrooms in the dwelling unit.
    - ii. The inspector will check for building permits for all changes and additions that have been made to the original structure.
    - iii. The inspector will check for properly mounted fire extinguishers, with a current service tag from a contractor certified by the State of Ohio Fire Marshal.
    - iv. Interconnected smoke detectors in each sleeping room and at other locations in the dwelling.
    - v. Carbon monoxide detectors are required on each floor.

## 2. Permit Required

- a. A permit is required prior to the rental of any residential dwelling to be rented for a period of thirty (30) days or less.
  - i. Only the property owner may hold a short-term rental license.
  - ii. A permit issued by the Township shall be valid until December 31<sup>st</sup> of the year that it was issued and shall not be transferable.
  - iii. The permit shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in Section A(6).
  - iv. A permit and permit holder shall be subject to all the standards and penalties of the zoning resolution.

## 3. Application

- a. An application for a short-term rental permit shall include the following at a minimum:
  - i. Address of property
  - ii. Property owner name(s)
  - iii. Signature of property owner(s) and property caretaker(s).
  - iv. Contact information including name, address and 24-hour contact phone number for the owner of the property and property caretaker.
    1. This information must be kept up to date in the Township's records.
    2. It is the permit holder's responsibility to inform the Township of any change in property caretaker or contact information for the permit holder of property caretaker.
  - v. Number of bedrooms in the dwelling unit.
  - vi. Sleeping Capacity.
  - vii. Number of off street parking spaces.

## 4. Supplemental Documents

- a. Site Plan:
  - i. An up-to-date physical survey of the short-term rental property including location of the dwelling, location and number of smoke and carbon monoxide detectors, driveway, or other point of access to the property, designated parking, and points of entry into the dwelling.
- b. Parking Plan:
  - i. Provide a parking plan illustrating an adequate number of improved parking spaces and notating compliance with the minimum number of required off street parking areas. The short-term rental is required to have one 9 feet by

18 feet off-street parking area per bedroom, (the bedroom count is determined by the Stark County Assessor's records.)

c. Limit on Permits Per Parcel:

- i. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit.

d. Limit on Permits:

- i. Only one permit for one short-term rental operation may be granted per applicant/person/property owner.
- ii. Plain Township will limit the number of short-term rental permits issued to fifty (50) per calendar year.

5. Local Contact Person:

- a. Each owner of a short-term rental must designate a local contact person who has access and authority to assume management of the dwelling unit and take remedial measures.
- b. The local contact person must be available twenty-four (24) hours a day during the rental period and be within sixty (60) minutes travel time of the property used for a short-term rental.
- c. An owner meeting the requirements of a subsections (1) through (2) above may designate themselves as the local contact person.
- d. The owner or contact person shall be available by telephone on a 24-hour basis to respond to calls regarding the short-term rental.
  - i. Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a short-term rental.
  - ii. Responding in a timely and appropriate manner means that an initial call shall be responded to within sixty (60) minutes of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if action is required, to address any violation of this Section.
  - iii. The owner or the contact person is required to immediately notify the Plain Township Zoning Department with any changes to their or the local contact's information

6. Occupancy Limit:

- a. The maximum occupancy of a short-term rental dwelling unit shall not exceed either of the following:
  - i. Two (2) occupants per bedroom (excluding children under the age of twelve).
  - ii. A total of ten (10) occupants. (This regulation is consistent with the Township's goal that the commercial aspect of the short-term rental of single-family homes be limited and restricted).

7. Parking:
  - a. All parking associated with a short-term rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved parking area.
8. Special Events:
  - a. No short-term rental dwelling may be rented for the purpose of holding wedding, parties, receptions, or similar events that typically are held a banquet facility or other facility that is made available for the holding of events on a commercial basis. Any use of the short-term rental dwelling is limited to activities that are incidental to its use for dwelling, lodging, or sleeping purposes.
9. Trash:
  - a. The owner of the dwelling unit shall be responsible for notifying occupants of trash disposal procedures and for maintaining compliance with the requirements.
  - b. Adequate provisions for recycling and trash disposal must be provided trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin. If necessary, arrangements for additional trash pickups shall be made.
10. Health and Safety:
  - a. The owner shall maintain a property functioning septic system or sewer connection per the Stark County Health Department and/or the Stark County Sanitary Engineering Department standards.
11. Noise:
  - a. Noise must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00pm to 8:00am. Quiet hours relates to any noise that would prevent sleep within neighboring properties.

## **B. Owner Responsibilities**

1. Display of Standards:
  - a. The owner shall provide timely notice of the standards, as set for in section “A”, to each of the short-term renters.
2. The owner must ensure the required standards are met.
3. The owner must use best efforts to assure that the occupants or quests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this regulation or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and taking appropriate action to abate the violative conduct when notified that occupant are violating laws regarding their occupancy.
4. The owner or local contact person must, upon notification that occupants or quests of his or her short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or violated provisions of this resolution or state law pertaining to noise



or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

### **C. Short-Term Rental Permit**

All short-term rentals shall meet the following requirements for a permit:

1. A fully completed and signed short-term rental permit application form provided by the Township including all the required supplemental documents.
2. A local contact per the requirements of Section A (8) of this ordinance.
3. A site plan of the property including location of the dwelling unit, location and number of smoke and carbon monoxide detectors, driveway, or other point of access to the property, designated parking, and points of entry into the dwelling.
4. Maximum number of occupants to be accommodated while in use as a short-term rental, which shall in no circumstances, be greater than ten (10) persons.
5. A short-term rental permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed at the beginning of the following year.
6. The short-term rental permit number issued by the township shall be included in any advertisement for the short-term rental.
7. All information associated with the registration must be updated within seven days of a change in status, including any changes in the contact information for the operator and the responsible person, and further must be verified no less often than yearly when the registration is renewed.
8. The operator shall prominently display the short-term rental registration at the entrance inside the short-term rental dwelling.
9. The operator shall prominently display an advisory adjacent to the short-term rental registration, and shall indicate the contact information for the responsible person, the contact information for the sheriff's department and fire department that serve's the area in which the short-term rental is located, the location of all means of egress from the short-term rental, and a list of activities and behaviors prohibited by Plain Township that tend to be associated with the operation of short-term rentals.
10. The short-term rental shall be maintained and operated in accordance with applicable building codes, zoning codes, health department codes, fire codes, and the provisions of this chapter.

### **D. Denial of Application for New or Renewal Registration**

The zoning director or his/her designee may deny any application for a new or renewal registration if any of the following are true of the application, applicant, owner, operator, or property.

1. The applicant failed to provide all required application materials or to pay the application fee.

2. Any registration associated with the operator making the application or for the short-term rental that is the subject of the application is currently revoked or suspended as of the date of the application.
3. The applicant, operator or owner of the short-term rental is delinquent in the payment of existing property tax and/or payment of the short-term rental excise tax.
4. The applicant has made a material misrepresentation of fact on the application.
5. The applicant, operator, or owner of the short-term rental is shown to have been engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio Revised Code Chapters 2925 or 3719, on the premises of the short-term rental in question, or any short-term rental in which that individual has any interest in, including but not limited to ownership or operation.
6. The applicant, operator, or owner of the short-term rental has failed to make a good faith effort to correct violations of this chapter or has obstructed or interfered with correction of the violations.
7. The short-term rental premises is subject to outstanding orders from a township department that have not been corrected.
8. The township zoning director or his or her designee may deny any application for a new or renewal registration if any of the following are shown to have occurred at the short-term rental:
  - a. A pattern of felony drug related activity, as defined in Ohio Revised Code Section 2923.31, exists at the short-term rental.
  - b. A pattern of prostitution related activity or evidence of human trafficking, as defined in Ohio Revised Code Section 2923.31, exists at the short-term rental.
  - c. A pattern of criminal gang activity, as defined in Ohio Revised Code Section 2923.41, exists at the short-term rental.
  - d. A documented history of repeated offenses of violence as defined in Ohio Revised Code Section 2901.01, exists at the short-term rental.,
9. Evidence of criminal conduct under subsections (a) and (b) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

## **E. Violations and Administrative Penalties**

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

1. Violations
  - a. Any advertising or leasing of a short-term rental without first having obtained a short-term rental permit.
  - b. Failure to update information with the township such as the caretaker's or owner's contact information in a timely manner.

- c. Advertising a short-term rental for a capacity in excess of that allowed under the permit issued by the township.
  - d. Failure of the permit holder or his/her designated property caretaker to be available at any time during the tenure of an active short-term rental.
  - e. Providing false or misleading information on the application for a short-term rental permit.
  - f. Failure to comply with any of the standards under Section 603.16 (A) Short-Term Rental Standards.
2. Administrative Penalties:
- a. For a first violation within any calendar year, the penalty shall be a written warning notice of violation.
  - b. A second violation within the same calendar year shall be subject to a fine of not less than five hundred (\$500) dollars. All owners, regardless of their interest in the property, may be jointly and severally responsible for such fine. Each calendar day the violation remains shall be a separate offense.
  - c. The third violation within the same calendar year shall be subject to a fine of not less than twice the amount of any previous fine but not more than two thousand (\$2,000) dollars, and the permit shall be revoked.
  - d. If there are a total of three violations within any three (3) consecutive year period, the permit shall be immediately revoked.
  - e. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit if all violations have been resolved. An owner may appeal a decision to revoke a permit to the Plain Township Board of Zoning Appeals if all violations have been resolved.

## F. Appeals

Any person who has a bona fide controversy with the application or enforcement of this chapter and who has been adversely affected by the decision may appeal the decision to the Board of Zoning Appeals by filing a notice of appeal with the zoning office no later than thirty days after written notice of the decision is mailed to the person. An appeal shall not operate to stay the suspension or revocation of a short-term rental registration.

## G. Definitions

For the purpose of this chapter the words and phrases defined in this section shall have the meanings respectively ascribed to them unless a different meaning is clearly indicated by the context.

**HOSTING PLATFORM:** means a person or entity that provides a means through which short-term rentals are offered, listed, advertised, solicited, or otherwise held out for rent.

**LOCAL CONTACT PERSON:** a local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this regulation.

**MANAGING AGENCY OR AGENT:** a person, firm , or agency representing the owner of the property (or portion thereof) used for a short-term rental.

**OCCUPANT:** any person over the age of five (5) who is an overnight guest in the short-term rental.

**OPERATOR:** the person who is proprietor of a property (or portion thereof) used for a short-term rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his/her principal. Compliance with the provisions of this regulation by either the principal, the managing agent or the rental agent is considered to be compliance by all.

**OWNER:** the person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental. “owner” includes any person who is listed as an owner by a trust or other corporate or legal entity, a trustee or principal of that trust or entity

**PARKING SPACE:** an area outside the public right-of-way for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods. Parking spaces for uses other than single-family shall be arranged to allow ingress and egress of a motor vehicle without the need to move any other vehicle.

**PERSON:** shall mean any individual, firm, partnership, joint venture, association , social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination action as a unit.

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

**RENT:** shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.

**SHORT-TERM RENTAL:** the commercial use of a residential dwelling unit for dwelling, lodging, or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit or one or more individual rooms within the dwelling unit for a period of less than thirty (30) consecutive calendar fays. Short-term rental does not include a bed and breakfast permitted and operated in accordance with the Plain Township Zoning Ordinance.

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

**TRANSIENT GUEST:** transient guest shall mean a person or persons who enters a contractual arrangement with the operator of a short-term rental whereby the person or persons pays rent to the operator, or to a person designated by the operator to receive rent, in exchange for occupancy of the short-term rental.

## DISTRICT REGULATIONS

**SECTION 701 R-R RURAL RESIDENTIAL DISTRICT****SECTION 701.1 PURPOSE**

The purpose of this district is to set aside areas of the township which are uniquely suitable for agricultural purposes and/or which are environmentally sensitive, as identified in the township's adopted "Comprehensive Mini Master Plan", and to provide for low density, single-family uses within a rural atmosphere.

**SECTION 701.2 USES**

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

**A. Permitted Uses**

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI Section 602.14.
2. Single-family dwelling.
3. Public buildings.
4. Roadside stands (farm markets).
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business, other than a Home Occupation as permitted and regulated by Article VI, Section 602.12.
6. Signs as permitted and regulated by Article VIII.
7. Licensed family home.
8. Type "B" Family Daycare Home as permitted and regulated by Article III, Section 310.8.
9. Model Home (amendment #552, effective 6-28-13)
10. Accessory solar energy systems. (amendment #583, effective 11-9-23)

**B. Conditionally Permitted Uses**

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

1. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 122, 125, 150, 151, 152, 153.
2. Parking lots, accessory to uses permitted in adjacent zoning districts, subject to Subsections 103, 105, 109, 132.
3. Cemetery, subject to Subsections 101, 103, 104, 106, 109, 119, 125.
4. Airports, airfields, and landing strips subject to Subsections 101, 104, 105, 118, 125.

5. Extensive recreational facilities, subject to Subsections 101, 102, 103, 104, 105, 108, 109, 114, 121, 122, 123, 125, 126, 128.
6. Home Occupations, subject to Subsections 115, 122.
7. Type “A” Family Daycare Home subject to Subsections 102, 104, 105, 109, 114, 122, 125, 133, 134.
8. Churches, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 125, 126, 129, 133, 134.
9. Bed & Breakfast Homestay subject to Subsections 109, 122, 125, 147.
10. Wireless Telecommunication Tower subject to Subsections 105, 149.
11. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.
12. Small wind energy systems, subject to Subsection 154.
13. Principal solar energy production facilities, subject to Subsection 156. (amendment #583, effective 11-9-23)

**SECTION 701.3 MINIMUM LOT AND YARD REQUIREMENTS (with sanitary sewer)**

If a lot or parcel was a lot of record after 6/8/05, the following lot and yard requirements are mandatory:

LOT AREA (sf) *	LOT FRONTAGE (ft) **	LOT WIDTH AT BUILDING LINE (ft)	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD WIDTH (ft) ***
30,000 SF	100 FT	100 FT	40 FT	40 FT	10 FT

If a lot or parcel was a lot of record on or before 6/8/05, the following lot and yard requirements are mandatory:

LOT AREA (sf) *	LOT FRONTAGE (ft) **	LOT WIDTH AT BUILDING LINE (ft)	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD WIDTH (ft) ***
20,000 SF	80 FT	100 FT	40 FT	40 FT	10 FT

\* If no sanitary sewer is available, the minimum lot area shall be increased to two (2) acres.

\*\* If a lot has its frontage around a permanent cul-de-sac, minimum lot frontage may be reduced to fifty (50) feet.

\*\*\* Minimum Side Yard Width on Corner Lot – Twenty (20) feet.

**SECTION 701.4 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 701.5 OFF-STREET PARKING**

As regulated by Article IX.

**Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator.
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.



- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 150 For the purposes of the regulations, “Operations” and Related Activities” shall include but not be limited to: storage of equipment, extraction of minerals, storage, processing and loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator’s mining activities.
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

**Parking lots, accessory to uses permitted in adjacent zoning districts subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.

**Cemetery subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR R-R, RURAL RESIDENTIAL DISTRICT

**Airports, airfields, and landing strips subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 125. All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA)

**Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

128 Extensive Recreational Facilities shall comply with the following restrictions:

- a. A minimum tract of ten (10) acres shall be required.
- b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
- c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
- d. The Board of Appeals shall consider whether the intensity or type of recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

## CONDITIONALLY PERMITTED USES FOR R-R, RURAL RESIDENTIAL DISTRICT

### **Home Occupations, subject to:**

- 115 Such used shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, abuilding electrical and other applicable regulations and/or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.



## CONDITIONALLY PERMITTED USES FOR R-R, RURAL RESIDENTIAL DISTRICT

### **Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.

## CONDITIONALLY PERMITTED USES FOR R-R, RURAL RESIDENTIAL DISTRICT

### **Churches, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public Roadway.

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

**Wireless Telecommunication Tower subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 149 The following regulations shall apply to a Wireless Telecommunication Tower as defined herein:
- a. All buildings, structures, and tower components must be surrounded by an eight (8) foot chain link fence, with an additional three (3) strands of barb wire on top.
  - b. Interior ground of all fenced areas will have stone aggregate surface treated with environmentally safe Herbicide.
  - c. Applicant shall furnish copy of liability insurance policy showing coverage limitations and volume of insurance.
  - d. Tower shall be lighted with standard FAA lighting. Tower is to be painted per FAA specifications with standard red beacon and obstruction lights. No strobe or similar high intensity lighting will be permitted.
  - e. Operating frequency of cellular transmission shall have no effect on television or radio reception.
  - f. Tower height shall not exceed three hundred (300) feet.
  - g. The required setback distance from all adjacent property lines for any buildings, structures, or tower components, except for guy cable anchors, shall be one half (1/2) the height of the tower.
  - h. Guy cable anchors shall be located at least ten (10) feet from all adjacent property lines.
  - i. Any applicant requesting permission to install a new tower shall provide evidence at the time of making the application of written contact with all wireless service providers who supply service within a close proximity of the proposed facility. The applicant must inquire about potential collocation opportunities at all technically feasible locations. The written contact shall request response from the other providers in writing within thirty (30) days. It is the responsibility of the applicant to present the written responses to the Zoning Board of Appeals as a means of demonstrating the need for a new tower.
  - j. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower in this proposed site is technically necessary.
  - k. Any applicant requesting permission to install a new tower must allow to the extent possible for the ability of other providers to co-locate on the proposed structure.

- l. No advertising is permitted anywhere on the facility. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration.
- m. The facility shall meet radio frequency emission standards as established by the Federal Communications Commission.

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory.
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure.
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.



- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

**Principal solar energy production facilities subject to:**

156. All principal solar energy production facilities shall meet the following requirements:
1. The proposed solar energy project must be located on at least five (5) acres of land.
  2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
  3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.
  5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
  7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.
  8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
  9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
  10. A site plan shall be submitted at the time of application and shall include:
    - a. Property lines and physical dimensions of the site
    - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
    - c. Location of any required signage
    - d. Elevation of the proposed solar energy system(s) at its maximum tilt
    - e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)
    - f. Manufacturer's specifications, including make, model and picture
    - g. Scaled drawing no smaller than 1" = 100'

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

### **SECTION 702.1 PURPOSE**

This district is established to accommodate single-family residential dwellings in areas that will retain the scale and character of existing residential neighborhoods.

### **SECTION 702.2 USES**

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

#### **A. Permitted Uses**

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI, Section 602.14.
2. Single-family dwelling.
3. Public Buildings.
4. Roadside stands (farm markets).
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business, except a Home Occupation as permitted and regulated by Article VI, Section 602.12.
6. Signs as permitted and regulated by Article VIII.
7. Licensed family home.
8. Type "B" Family Daycare Home as permitted and regulated by Article III, Section 310.8.
9. Model Home (amendment #552, effective 6-28-13)
10. Accessory solar energy systems. (amendment #551, effective 4-11-13)

#### **B. Conditionally Permitted Uses**

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

1. Churches, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 125, 126, 129, 133,134.
2. Parking lots, accessory to uses permitted in adjacent zoning districts, subject to Subsections 103, 105, 109, 132.
3. Cemetery, subject to Subsections 101, 103, 104, 106, 109, 119, 125.
4. Home Occupations, subject to Subsections 115, 122.
5. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 125, 126, 133, 134.
6. Extensive recreational facilities subject to Subsections 101, 102, 103, 104, 105, 108, 109, 114, 121, 122, 123, 125, 126, 128.
7. Bed & Breakfast Homestay subject to Subsections 109, 122, 125, 147.

8. Type "A" Family Daycare Home subject to Subsections 102, 104, 105, 109, 114, 122, 125, 133, 134.
9. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.

**SECTION 702.3 MINIMUM LOT AND YARD REQUIREMENTS**

If a lot or parcel was a lot of record after 6/8/05, the following lot and yard requirements are mandatory:

CONDITION	LOT AREA (sf)	FRONTAGE (ft) *	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) **
WITHOUT CENTRAL SEWER SYSTEM	43,560	100	100	40	30	10
WITH CENTRAL SEWER SYSTEM	15,000	50	80	35	20	10

If a lot or parcel was a lot of record on or before 6/8/05, the following lot and yard requirements are mandatory:

CONDITION	LOT AREA (sf)	FRONTAGE (ft) *	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) **
WITHOUT CENTRAL SEWER SYSTEM	20,000	50	100	40	30	10
WITH CENTRAL SEWER SYSTEM	10,000	50	60	35	15	7

\* If a lot has its frontage around a permanent cul-de-sac, minimum lot frontage may be reduced to fifty (50) feet

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

**SECTION 702.4 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 702.5 OFF-STREET PARKING**

As regulated by Article IX.

## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### **Churches subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.



## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### **Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### Home Occupations, subject to:

- 115 Such use shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation, they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, buildings, electrical and other applicable regulations and/ or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### **Institutions for education, subject to:**

- 101 All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### **Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

- 128 Extensive Recreational Facilities shall comply with the following restrictions:
- a. A minimum tract of ten (10) acres shall be required.
  - b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
  - c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.



## CONDITIONALLY PERMITTED USES FOR R-1, SINGLE FAMILY DISTRICT

### **Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.

- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
- b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
- c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
- d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
- e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
- f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
  1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
  2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
  3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
  4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
  5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
  6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

## SECTION 703

## R-1A SINGLE FAMILY RESIDENTIAL DISTRICTS

### SECTION 703.1

### PURPOSE

This district is established to provide for single-family residential dwellings at an approximate density of three (3) to four (4) dwelling units per acre and is intended for already developed areas of the township which do not meet lot size requirements of the R-1 Single Family Residential District.

### SECTION 703.2

### USES

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

#### A. Permitted Uses

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI, Section 602.14.
2. Single-family dwelling.
3. Public Buildings.
4. Roadside stands (farm markets).
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business, except a Home Occupation as permitted and regulated by Article VI, Section 602.12.
6. Signs as permitted and regulated by Article VIII.
7. Licensed family home.
8. Type "B" Family Daycare Home as permitted and regulated by Article III, Section 310.8.
9. Model Home (amendment #552, effective 6-28-13)
10. Accessory solar energy systems. (amendment #583, effective 11-9-23)

#### B. Conditionally Permitted Uses

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

1. Churches, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 125, 126, 129, 133, 134.
2. Parking lots, accessory to uses permitted in adjacent zoning districts, subject to Subsections 103, 105, 109, 132.
3. Cemetery, subject to Subsections 101, 103, 104, 106, 109, 119, 125.
4. Home Occupations, subject to Subsections 115, 122.
5. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 125, 126, 133, 134.
6. Extensive recreational facilities subject to Subsections 101, 102, 103, 104, 105, 108, 109, 114, 121, 122, 125, 126, 128.

- 7 Bed & Breakfast Homestay subject to Subsections 109, 122, 125, 147.
- 8 Type "A" Family Daycare Home subject to Subsections 102, 104, 105, 109, 114, 122, 125, 133, 134.
- 9 Group Dwellings, subject to Subsections 105, 107, 109, 116, 127.
- 10 Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.

**SECTION 703.3 MINIMUM LOT AND YARD REQUIREMENTS**

CONDITION	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) *
WITHOUT CENTRAL SEWER SYSTEM	20,000	50	100	40	30	10
WITH CENTRAL SEWER SYSTEM	12,000	50	60	35	15	7

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

**SECTION 703.4 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 703.5 OFF STREET PARKING**

As regulated by Article IX

## CONDITIONALLY PERMITTED USES FOR R-1A, SINGLE FAMILY DISTRICT

### **Churches subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.



## CONDITIONALLY PERMITTED USES FOR R-1A, SINGLE FAMILY DISTRICT

### **Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided so as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Home Occupations, subject to:**

- 115 Such use shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, building, electrical and other applicable regulations and/or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

## CONDITIONALLY PERMITTED USES FOR R-1A, SINGLE FAMILY DISTRICT

### **Institutions for education, subject to:**

- 101 All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

## CONDITIONALLY PERMITTED USES FOR R-1A, SINGLE FAMILY DISTRICT

### **Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

128 Extensive Recreational Facilities shall comply with the following restrictions:

- a. A minimum tract of ten (10) acres shall be required.
- b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
- c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
- d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

## CONDITIONALLY PERMITTED USES FOR R-1A, SINGLE FAMILY DISTRICT

### **Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



**Group Dwellings subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:
- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.

- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

## **SECTION 704 R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT**

### **SECTION 704.1 PURPOSE**

The purpose of this district is to permit single and two-family dwellings at an approximate density of five (5) dwelling units per acre for areas of existing development of such density or adjacent to more densely populated areas of the community, which are already served by public water and sewer.

### **SECTION 704.2 USES**

Within an R-2 One and Two Family Residential District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### **A. Permitted Uses**

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI, Section 602.14.
2. Single-family dwelling.
3. Two-family dwelling.
4. Public Buildings.
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business, except a Home Occupation as permitted and regulated by Article VI, Section 602.12.
6. Signs as permitted and regulated by Article VIII.
7. Roadside Stands (farm markets).
8. Licensed family home.
9. Type "B" Family Daycare Home as permitted and regulated by Article III, Section 310.8.
10. Model Home (amendment #552, effective 6-28-13)
11. Accessory Solar Energy Accessory solar energy systems. (amendment #583, effective 11-9-23)

#### **B. Conditionally Permitted Uses**

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

1. All listed conditionally permitted uses in Section 703.2, B, and subject to Subsections as referred to in that section.

**SECTION 704.3                    MINIMUM LOT AND YARD REQUIREMENTS**

If a lot or parcel was a lot of record after 6/8/05, the following lot and yard requirements are mandatory:

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) *
SINGLE FAMILY DWELLING	9,000	50	60	30	15	6
TWO FAMILY DWELLING	16,000	80	70	30	25	10
OTHER PERMITTED USES	15,000	50	70	35	20	10

If a lot or parcel was a lot of record on or before 6/8/05, the following lot and yard requirements are mandatory:

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) *
SINGLE FAMILY DWELLING	9,000	50	60	30	15	6
TWO FAMILY DWELLING	12,000	50	70	30	15	7
OTHER PERMITTED USES	15,000	50	70	35	20	10

\* Minimum Side Yard Width on corner Lot - Twenty (20) feet.

**SECTION 704.4                    MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 704.5                    OFF-STREET PARKING**

As regulated by Article IX.

## CONDITIONALLY PERMITTED USES FOR R-2, ONE AND TWO FAMILY RESIDENTIAL DISTRICT

### Churches subject to:

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.



**Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Home Occupations, subject to:**

- 115 Such used shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, building electrical and other applicable regulations and/or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

## CONDITIONALLY PERMITTED USES FOR R-2, ONE AND TWO FAMILY RESIDENTIAL DISTRICT

### **Institutions for education, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

128 Extensive Recreational Facilities shall comply with the following restrictions:

- a. A minimum tract of ten (10) acres shall be required.
- b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
- c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
- d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

**Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



## CONDITIONALLY PERMITTED USES FOR R-2, ONE AND TWO FAMILY RESIDENTIAL DISTRICT

### Group Dwellings subject to:

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

## **SECTION 705 R-3 LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 705.1 PURPOSE**

The purpose of this district is to provide for single, two-family and multi-family dwelling units, allowing for a mix of housing types. Approximate density shall be eight (8) to nine (9) dwelling units per acre, which will permit a higher density of population adjacent to commercial areas or major roadways.

### **SECTION 705.2 USES**

Within an R-3 Low Density Multi-family Residential District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### **A. Permitted Uses**

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI, Section 602.14.
2. Single-family dwelling.
3. Two-family dwelling.
4. Multi-family dwelling, containing no more than four (4) dwelling units.
5. Lodging or boarding houses.
6. Public buildings.
7. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business except for a Home Occupation as permitted and regulated by Article VI, Section 602.12.
8. Signs as permitted and regulated by Article VIII.
9. Roadside stands (farm markets).
10. Licensed family home.
11. Type "B" Family Daycare Home as permitted and regulated by Article III, 310.8.
12. Model Home (amendment #552, effective 6-28-13)
13. Accessory Solar Energy Systems (amendment #583, effective date 11-9-23)

#### **B. Conditionally Permitted Uses**

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

1. All listed conditionally permitted uses in Section 703.2, B, and subject to subsections as referred to in that section.
2. Multi-family dwellings containing more than four (4) dwelling units per building, subject to Subsections 105, 107, 109.
3. Licensed group home, subject to Subsections 107, 109, 125, 126, 134, 142, 143, 144, 145.

4. Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, nursing homes or assisted living facilities, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 125, 126. (amendment #552, effective 6-28-13)

**SECTION 705.3 MINIMUM LOT AND YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) *
SINGLE FAMILY DWELLING	8,000	50	60	30	15	6
TWO FAMILY DWELLING	10,000	50	70	30	15	7
MULTI FAMILY DWELLING	5,000 per dwelling unit	50	85	30	30	25
OTHER PERMITTED USES	15,000	50	100	40	30	25

\* Minimum side yard width on corner lot - Twenty (20) feet.

**SECTION 705.4 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet.

**SECTION 705.5 OFF-STREET PARKING AND LOADING**

As regulated by Article IX.

**SECTION 705.6 OPEN SPACE REQUIREMENTS**

All lots proposed for multi-family dwellings shall provide a minimum of twenty (20) percent of the lot area to be preserved in open space, either devoted to outdoor recreation, open space, or preserved in its natural state. This required open space may count toward minimum lot area and permitted density in a multi-family residential development.

- A. Required open space shall be designated on the site plan and shall be located to be integrally related to the overall design of the development with respect to its location, distribution, size and shape so as to serve the intended purpose and be beneficial, accessible and convenient to the maximum number of residents possible.
- B. The required open space shall not include minimum space between buildings, minimum space between parking and buildings or between parking and property lines, or minimum space between property lines and buildings.
- C. Required open space may include structures or facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, play equipment, pond and similar features provided such structures and facilities shall not constitute more than fifteen (15) percent of the required open space (ex: 100 acres = 20 acres open space; maximum 3 acres for recreational facilities/structures.)

**SECTION 705.7      YARDS ADJOINING RESIDENTIAL DISTRICTS**

When multifamily dwellings or other permitted uses in this district are proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-5 or R-6 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Churches subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Home Occupations, subject to:**

- 115 Such use shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, building, electrical and other applicable regulations and/or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Institutions for education, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

128 Extensive Recreational Facilities shall comply with the following restrictions:

- a. A minimum tract of ten (10) acres shall be required.
- b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
- c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
- d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



## CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

### Group Dwellings subject to:

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Multi-family dwellings containing more than four (4) dwelling units per building, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Licensed group home, subject to:**

- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.
- 142 Minimum lot and yard requirements for a group home shall be the same as listed for "Other Permitted Uses" in Section 705.3 of these Regulations for an R-3 Low Density Multi-family Residential District and in Section 706.3 of these regulations for the R-4 High Density Multi-family Residential District.
- ~~143 No such group home shall be located within a one (1) mile radius of another such facility for the developmentally disabled. (remove amendment #553, effective 6-28-13)~~
- 144 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- 145 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article VIII of these regulations.

CONDITIONALLY PERMITTED USES FOR R-3, LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, or nursing homes subject to :**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

## **SECTION 706 R-4 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 706.1 PURPOSE**

The purpose of this district is to permit multi-family development of a higher density in locations where high-rise apartments may be compatible adjacent to major shopping facilities with existing infrastructure to accommodate such development. An approximate density of fifteen (15) dwelling units per acre shall be permitted.

### **SECTION 706.2 USES**

Within an R-4 High Density Multi-family Residential District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### **A. Permitted Uses**

1. Agriculture as exempted and regulated by Article III, Section 310.1 and Article VI, Section 602.14.
2. Two-family dwelling.
3. Multi-family dwelling, containing no more than eight (8) dwelling units.
4. Lodging and boarding houses.
5. Public buildings.
6. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business, except a Home Occupation as permitted and regulated by Article VI, Section 602.12.
7. Signs as permitted and regulated by Article VIII.
8. Roadside stands (farm markets).
9. Licensed family home.
10. Type "B" Family Daycare Home as permitted and regulated by Article III, Sec. 310.8.
11. Model Home (amendment #552, effective 6-28-13)
12. Accessory Solar Energy Systems. (amendment #583, effective date 11-9-23)

#### **B. Conditionally Permitted Uses**

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

1. All listed conditionally permitted uses in Section 703.2., B, and subject to Subsections as referred to in that section.
2. Multi-family dwelling containing more than eight (8) dwelling units per building, subject to Subsections 105, 107, 109, 116, 127.
3. Licensed group home, subject to Subsections 107, 109, 125, 126, 134, 142, 143, 144, 145.

4. Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, nursing homes or assisted living facilities, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 125. (amendment #552, 6-28-13)

**SECTION 706.3 MINIMUM LOT AND YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft)	SIDE YARD DEPTH (ft) *
TWO FAMILY DWELLING	10,000	50	70	30	15	7
MULTI FAMILY DWELLING	3,000 per dwelling unit	50	85	30	30	25 **
OTHER PERMITTED USES	15,000	50	85	40	40	25

\* Minimum Side Yard Width on corner Lot - Twenty (20) feet.

\*\* Side yard shall increase by two (2) feet for each story over two (2) on multifamily dwellings.

**SECTION 706.4 MAXIMUM BUILDING HEIGHT**

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

**SECTION 706.5 OFF-STREET PARKING AND LOADING**

As regulated by Article IX.

**SECTION 706.6 OPEN SPACE REQUIREMENTS**

All lots for multi-family dwellings shall provide for a minimum of twenty (20) percent of the lot area to be preserved in open space, either devoted to outdoor recreation, open space, or preserved in its natural state. This required open space may count toward minimum lot area and permitted density in a multi-family residential development.

- A. Required open space shall be designated on the site plan and shall be located to be integrally related to the overall design of the development with respect to its location, distribution, size and shape so as to serve the intended purpose and be beneficial, accessible and convenient to the maximum number of residents possible.
- B. The required open space shall not include minimum space between buildings, minimum space between parking and buildings or between parking and property lines, or minimum space between property lines and buildings.
- C. Required open space may include structures or facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, lay equipment, pond and similar features provided such structures and facilities shall not constitute more than fifteen (15) percent of the required open space.



**SECTION 706.7      YARDS ADJOINING RESIDENTIAL DISTRICTS**

When multi-family dwellings or other permitted uses in this district are proposed on property adjacent to an R-R, R-1,R-1A, R-2, R-5 or R-6 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

## CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

### Churches subject to:

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.

## CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

### **Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Home Occupations, subject to:**

- 115 Such use shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation, they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, building, electrical and other applicable regulations and/or permit requirements.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Institutions for education, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 128 Extensive Recreational Facilities shall comply with the following restrictions:
- a. A minimum tract of ten (10) acres shall be required.
  - b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
  - c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.



CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Bed & Breakfast Homestay subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Type “A” family daycare home subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

## CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

### Group Dwellings subject to:

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Wireless Telecommunication Antenna attached to existing building or existing structure subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    - 1 The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    - 5 Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    - 6 The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Multi-family dwelling containing more than eight (8) dwelling units per building, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Licensed Group Home, subject to:**

- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.
- 142 Minimum lot and yard requirements for a group home shall be the same as listed for "Other Permitted Uses" in Section 705.3 of these Regulations for an R-3 Low Density Multi-family Residential District and in Section 706.3 of these regulations for the R-4 High Density Multi-family Residential District.
- ~~143 No such group home shall be located within a one (1) mile radius of another such facility for the developmentally disabled. (remove amendment #553, effective 6-28-13)~~
- 144 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- 145 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article VIII of these regulations.



CONDITIONALLY PERMITTED USES FOR R-4, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, or nursing homes subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

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## SECTION 707 R-5 RESIDENTIAL CONDOMINIUM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

### SECTION 707.1 PURPOSE

This district is intended to encourage a more efficient use of the land through the clustering of residential dwellings having single-family ownership in accordance with condominium provisions of Chapter 5311 of the Ohio Revised Code. This is a special district, requiring the submission of a development plan at the time of the zoning amendment application and development in accordance with the approved plan.

### SECTION 707.2 GENERAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Special provisions governing the development of land for this purpose are required. Whenever there is conflict between the provisions of this section and those of other sections of this Resolution, the provisions of this section shall apply. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this Resolution.

- A. **Minimum Project Area** – An R-5 Residential Condominium PUD shall include a gross area of not less than six (6) nor more than twenty (20) contiguous acres of land, which shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad right-of-way.
- B. **Project Ownership and Maintenance** - The property shall be developed as a true condominium with condominium ownership in accordance with such state laws. Prior to final plan approval, a recorded copy of the condominium declaration and plans per Chapter 5311 of the Ohio Revised Code must be submitted to the Plain Township Zoning Department, which shall be filed with the approved final development plan. Such documents assuring the preservation and future maintenance of the property shall be subject to the review and approval of the Township Law Director.

### SECTION 707.3 SPECIAL PROVISIONS

- A. **Central Sewer and Water** - Central sanitary sewer facilities and a public water source shall be required for the proposed PUD development.
- B. **Maximum Lot Coverage** – No more than sixty (60) percent of the total land area of the proposed PUD shall be developed with any impervious surface such as structures, buildings or pavement.
- C. **Maximum Density and Minimum Lot Requirements**
  - 1. The maximum overall housing density shall not exceed six (6) dwelling units per gross acre of land, exclusive of the right-of-way of existing public streets.
  - 2. The minimum front, side or rear yard setback from any existing or proposed public street right-of-way and from the edge of any proposed private roadway shall be twenty-five (25) feet.
  - 3. Minimum distance between buildings shall be twenty (20) feet.
- D. **Maximum Building Height** –the maximum building height shall be thirty-five (35) feet.

**E. Parking Requirements**

Four (4) parking spaces shall be required for each dwelling unit, two (2) of which shall be garage space with direct access to the dwelling unit. Other applicable provisions of Article IX of this Resolution shall apply. On street parking, either public or private, cannot be used to meet the minimum parking requirements.

**F. Landscaping Plan/Buffer Area Requirements**

The developer shall submit a landscape plan for final development plan approval. Such plan shall include a buffer yard of twenty (20) feet in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10 for the perimeter of the proposed development, when located adjacent to an R-R, R-1, R-1A, R-2, or R-6 district.

**SECTION 707.4 PERMITTED USES**

Within an R-5 Residential Condominium Planned Unit Development (PUD) District, no building, structure or premises shall be used or designed to be used except for one (1) or more of the following uses:

**A. Permitted Uses**

- 1 Single-family ownership dwellings, which may be attached, provided no building contains more than four (4) dwelling units.
- 2 Attached accessory garages for the purpose of storing private vehicles, as required in Section 707.3 (E). Detached garages, carports and storage buildings of any type are not permitted in the R-5 PUD District.
- 3 Recreational structures and meeting facilities to serve the residents of the proposed development.
- 4 Accessory Solar Energy Systems, (amendment #583, effective date 11-9-23)

**B. Conditionally Permitted Uses**

**SECTION 707.5 SITE DEVELOPMENT REQUIREMENTS**

**A. BUILDING AND STRUCTURE LOCATION**

1. All development features including the principal dwellings, recreational or meeting facilities, service roads, driveways and parking areas shall be located as to minimize the possibility of any adverse effects upon adjacent developments.
1. Active recreation areas such as picnic pavilions, tennis and basketball courts, swimming pools and similar facilities shall be centrally located to the development.

**B. STREET CONSTRUCTION AND STORM DRAINAGE REQUIREMENTS**

1. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer. The Trustees may require review and approval of those plans by the township’s engineering consultant, when the adopted Stark County Subdivision Regulations are not applicable.

2. Private streets, if proposed to serve the PUD, shall be designed and constructed in accordance with the following minimum requirements:
  - a. The typical section of the pavement (curb/gutter, cross slope, pavement width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
  - b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
  - c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
  - d. The proposed street layout shall be reviewed and approved by the Township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.
3. Shared driveways which provide access to no more than four (4) buildings and which are no longer than two hundred (200) feet may be designed and constructed at less than the above requirements subject to the approval of the Plain Township Trustees.

**SECTION 707.6           PROCEDURE FOR ESTABLISHMENT OF AN R-5 RESIDENTIAL  
CONDOMINIUM PLANNED UNIT DEVELOPMENT (PUD)  
DISTRICT**

- A. The rezoning of property to an R-5 district shall conform to the Ohio Revised Code Section 519.12 and follow the procedures of this Resolution as set forth in Article XII, Section 1202.7, which requires the submission of a preliminary development plan.
- B. If the proposed rezoning is approved, a final development plan for each phase of the PUD shall be approved by the Board of Township Trustees prior to the issuance of zoning certificates. Such final plan shall be substantially the same as the approved preliminary development plan; however the following additional information shall be submitted at this time:
  1. The location, dimensions and area calculations for all open space and recreational facilities.
  2. Grading plan showing finished contours at one (1) foot intervals.
  2. The location and dimensions of proposed platted single-family lots and the location and dimensions of all principal buildings, accessory buildings, required parking, driveways and other requirements as noted in this district.
  3. Evidence that all requirements of Section 707.5 (B) have been met.

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## SECTION 708 R-6 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

### SECTION 708.1 PURPOSE

This section is intended to permit the creation of Planned Unit Development Districts (PUD). This district is established to provide for progressive and innovative planning and development of land and construction thereon to achieve one (1) or more of the following objectives:

- A. A wide choice of living environments by permitting a variety of housing and building types and a flexibility of their placement on the land.
- B. A more efficient use of the land through clustering of buildings, reducing street and utility extensions, resulting in substantial savings both now and for future maintenance.
- C. Encouragement of the preservation of natural topography and geologic features, scenic areas, trees and other vegetation, thereby creating a lesser amount of disruption to natural drainage patterns.
- D. The establishment of open space and recreation areas for use of the residents of the development, with emphasis on reservation of open areas adjacent to cluster and multi-family dwellings.
- E. The provision of limited service and business uses to serve the increased population.
- F. An overall increase of density in conformance with a development plan that is compatible with surrounding land uses, transportation and community facilities.

### SECTION 708.2 GENERAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this article and those of other sections of this Resolution, the provisions of this article shall apply. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this Resolution.

- A. Minimum Project Area** - A PUD shall cover a gross area of not less than twenty (20) contiguous acres of land, which shall not be divided into parts by any state or federal limited access highway or arterial road, by any large areas of land not included in the proposed development, or by any railroad right-of-way.
- B. Project Ownership** - The land included in the PUD shall be owned, leased, or controlled by a single person or entity.
- C. Provisions for Future Maintenance of Open Space Land** - The required amount of common space land required to be reserved for such development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development, or dedicated to a homeowners' association that shall have title to the land, which land shall be retained as common open space for parks, recreation or related uses. The legal articles relating to the organization of the homeowners' association are subject to review and approval of the Township's Law Director. Adequate provisions shall be made for the perpetual care and maintenance of all common areas. The responsibility for the maintenance of all open space shall be specified by the developer before approval of a final development plan.

**D. Sewer and Water** - Central sanitary sewer facilities and a public water source shall be required for any PUD.

**E. Minimum Percentages of Uses Required:**

1. Thirty (30) percent of the total land area shall be devoted to open space and recreational facilities.
  - a. The open space should not solely include land areas merely because they have a shape or natural characteristic which make them unsuitable for conventional development and shall not include the following: public or private street right-of-ways or parking areas, including landscaped islands within those areas; any land within thirty (30) feet of the front or ten (10) feet of the sides or rear of any building; public utility easements and right-of-ways unless useable as a trail, walking path or similar purpose; detention or retention basins.
  - b. Required open space may include structures or facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, play equipment, pond and similar features provided such structures and facilities shall not constitute more than fifteen (15) percent of the required open space. (ex: 100 acres = 30 acres open space; maximum 4 ½ acres for recreational facilities/structures)
2. A minimum of twenty (20) percent of all dwelling units shall be single-family detached dwellings. The remaining units may consist of any combination of two-family and multi-family dwelling units. Single-family detached units shall be placed in proximity to the existing single-family residential areas to act as a buffer from the multi-family dwellings.
3. Proposed PUD's of over fifty (50) acres may include limited business uses as listed in Section 708.4(B), Permitted Accessory Uses. However, no more than five (5) percent of the total project area may be devoted to business use which must be located on one (1) portion of the tract not adjacent to existing single-family neighborhoods or with driveway access to residential streets.

**F. Maximum Density and Minimum Lot Requirements**

1. The maximum overall housing density of the PUD shall not exceed six (6) dwelling units per gross acre of land.
2. Setbacks may be varied for better use of the natural contour of the land, a more aesthetically pleasing view of the street, and a departure from street uniformity. Along public streets an average front yard setback of thirty (30) feet shall be maintained, and no front yard setback shall be less than twenty-five (25) feet.
3. Subdivided fee simple lots shall be a minimum of seventy-five hundred (7,500) square feet per dwelling unit and no individual lot shall have less than fifty (50) feet frontage on a street platted in accordance with the Stark County Subdivision Regulations. All lots shall be designed to have direct access to common open space via public or private right-of-ways, streets or walking paths.
4. Minimum distance between buildings shall be fourteen (14) feet for one (1) and two (2) story buildings plus five (5) feet additional for each story over two (2).
5. All buildings and structures on the perimeter of the PUD shall be set back a minimum of thirty (30) feet from the property line.



- G. **Minimum Floor Space per Multi-Family Dwelling Unit** - Minimum floor space required is four hundred (400) square feet, exclusive of patios, carports, garages, decks, or covered porches for studio and efficiency apartments; six hundred (600) square feet for one (1) bedroom units, and seven hundred twenty (720) for two (2) bedroom or more units.
- H. **Maximum Building Height** – Three (3) stories or thirty-five (35) feet.
- I. **Parking Requirements** - All permitted uses in a PUD shall be required to meet the parking requirements in Article IX of this Resolution. On street parking, either public or private, cannot be used to meet the minimum parking requirements.
- J. **Landscaping Requirements** - The developer shall submit a landscape plan prepared by a landscape architect for final development plan approval. When multi-family dwellings or permitted recreational or business uses are proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-5 or R-6 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10 B.

**SECTION 708.3 STREET CONSTRUCTION AND STORM DRAINAGE REQUIREMENTS**

- 1. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer. The Trustees may require review and approval of those plans by the township’s engineering consultant, when the adopted Stark County Subdivision Regulations are not applicable.
- 2. Private roadways, if proposed to serve the PUD, shall be designed and constructed in accordance with the following minimum requirements:
  - a. The typical section of the pavement (curb/gutter, cross slope, pavement width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
  - b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
  - c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
  - d. The proposed street layout shall be reviewed and approved by the Township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.
- 3. Shared driveways which provide access to no more than four (4) dwelling units and which are no longer than two hundred (200) feet may be designed and constructed at less

## **SECTION 708.4 PERMITTED USES**

Within a Planned Unit Development (PUD) District, no building structure or premises shall be used or designed to be used except for one (1) or more of the following uses:

### **A. Principally Permitted Uses**

1. Single-family dwelling
2. Two-family dwelling
3. Multi-family dwelling

### **B. Permitted Accessory Uses**

1. Churches and other buildings for the purpose of religious worship.
2. Administrative, professional or executive offices in PUD's of more than fifty (50) acres
3. Convenience retail uses and personal services stores,(in PUD's of more than fifty (50) acres), being defined as food sales, drug stores, barber or beauty shops, shoe repair shops, and other similar uses, provided the floor area devoted to each such use or store is no greater than five thousand (5,000) square feet.
4. Restaurants, financial institutions, not including drive-thru, drive-in, drive-up facilities or carry-out services in PUD's of more than fifty (50) acres.
5. Child or family daycare center
6. Detached residential garages and accessory buildings, which do not contain any business use, not to exceed eight hundred (800) square feet per dwelling unit.
7. Recreational structures and buildings including swimming pools, golf courses, clubhouses and other similar uses, provided for the residents of the proposed PUD. In PUD's over fifty (50) acres, public recreational facilities and structures may be included in the maximum percentage permitted for business uses.
8. Accessory Solar Energy Systems. (amendment #583, effective 11-9-23)

### **C. Conditionally Permitted Uses**

1. Convalescent and Nursing Homes subject to Subsections 102, 104, 109, 118, 122, 126.
2. Bed and Breakfast Inn subject to Subsections 102, 105, 109, 118, 122, 125, 126, 147.
3. Congregate Living Facilities subject to Subsections 102, 104, 105, 109, 118, 122, 125, 126.

## **SECTION 708.5      PROCEDURE FOR ESTABLISHMENT OF AN R-6 PUD DISTRICT**

- A. The rezoning of property to an R-6 district shall conform to the Ohio Revised Code Section 519.12 and follow the procedures of this Resolution as set forth in Article XII, Section 1202.7, which requires the submission of a preliminary development plan.
- B. If the proposed rezoning is approved, a final development plan for each phase of the PUD shall be approved by the Board of Township Trustees prior to the issuance of zoning certificates. Such final plan shall be substantially the same as the approved preliminary development plan; however, the following additional information shall be submitted at this time:
  - 1. The location, dimensions and area calculations for all open space and recreational facilities.
  - 2. The location and dimensions of proposed platted single-family lots and the location and dimensions of all principal buildings, accessory buildings, required parking, driveways and other requirements as noted in this district.
  - 3. Evidence that all requirements of Section 708.3 have been met.

**Convalescent and Nursing Homes subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

## CONDITIONALLY PERMITTED USES FOR R-6, PLANNED UNIT DEVELOPMENT (PUD)

### **Bed and Breakfast Inn subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

## CONDITIONALLY PERMITTED USES FOR R-6, PLANNED UNIT DEVELOPMENT (PUD)

### **Congregate Living Facilities subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.

## **SECTION 709 R-7 PLANNED MIXED-USE DEVELOPMENT DISTRICT (PMUD)**

### **SECTION 709.1 PURPOSE**

This district is established to provide for progressive and innovative planning development. The Planned Mixed-Use Development District (PMUD) is designed to accommodate a mixture of low and medium density multi-family residential, large and small scale retail business, office, institutional, and civic uses. Residential and business/office uses may be mixed in the same building or structure. The use of larger tracts of land is encouraged but not required so long as the PMUD plan promotes the public welfare, health and safety as well as a greater opportunity of living and workplace environments, by permitting a variety of building types and a flexibility of their placement on the land. This is a special district requiring the submission of a development plan at the time of the zoning amendment application, and development in accordance with such plan.

The R-7 PMUD and its regulations are established in order to achieve the following purposes:

- 1 To provide a flexible zoning management tool that responds to sites with unique physical, service, and functional constraints.
- 2 To provide a flexible zoning management tool that meets the needs of integrated developments that may mix multi-family residential, large and small scale retail, office, institutional, civic, and open space uses in creative projects.
- 3 A more efficient use of the land by permitting a variety of housing and business types
- 4 To prevent or halt the deterioration of property and blighting conditions.
- 5 Encourage the coordinated development of properties that might otherwise be developed individually, in a manner that may be a detriment to the surrounding neighborhoods and the community.
- 6 An overall increase of density in conformance with a development plan that is compatible with surrounding land uses, transportation, and community facilities.
- 7 Encouragement of the preservation of natural topography and geologic features, scenic areas, trees and other vegetation, thereby creating a lesser amount of disruption to natural drainage patterns.
- 8 Encouragement of a more walkable, pedestrian friendly atmosphere

### **SECTION 709.2 GENERAL PROVISIONS GOVERNING PLANNED MIXED-USE DEVELOPMENT DISTRICTS (PMUD)**

Special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this article and those of other sections of this Resolution, the provisions of this article shall apply. PMUD Districts and developments within PMUD Districts must comply with the following:

1. *Minimum Area:* The minimum area of an R-7 PMUD District is two contiguous acres of land which shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad right-of-way. The Board of Zoning Appeals may approve a PMUD District that contains less than the minimum acreage required for an area if they find that special site characteristics exist and the proposed land uses justify development of the property as a PMUD District.
2. *Project Ownership:* The land included in the PMUD shall be owned, leased, or controlled by a single person or entity or by a group of individuals or entities. Such ownership may be by a public or private entity. Evidence that the applicant has sufficient control over the land to effect the proposed plan (including a list of all ownership and beneficial interests in the land and the ownership of the proposed development).
3. *Multiple Buildings on a Lot:* More than one building is permitted on a lot.
4. *Provisions for Future Maintenance of Open Space Land:* Adequate provisions shall be made for the perpetual care and maintenance of all common areas. The responsibility for the maintenance of all open space shall be specified by the developer on its final development plan, before approval of any such final development plan.
5. *Sewer and Water:* Central sanitary sewer facilities and a public water source shall be required for any PMUD.
6. *Maximum Building Height:* Three (3) stories or thirty-five (35) feet.
7. *Minimum Floor Space for two-family and multi-family Dwelling Units:* Minimum floor space per dwelling unit shall contain not less than six hundred (600) square feet for each one (1) bedroom unit, seven hundred twenty (720) square feet for each two (2) bedroom unit, and eight hundred fifty (850) square feet for each three (3) bedroom unit, exclusive of open/covered porches, patios, garages, and steps.
8. *Landscaping Requirements:* The developer shall submit a landscape plan prepared by a landscape architect for final development plan approval.
9. *Parking Requirements:* All permitted uses in a PMUD District shall be required to meet the parking requirements in Article IX of these Regulations. Parking on the streets, either public or private, shall be prohibited.
10. *Drive-in, -up, or -through:* Drive-in, -up or -through facilities are not permitted as principal uses.
11. *Building Numbers:* Buildings shall have their officially assigned house, unit or building numbers visibly displayed, facing the street.
12. *Awnings:* Awnings shall meet the following standards:
  - a. Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
  - b. Awnings shall run parallel to the face of the building.
  - c. Awnings shall be located within the existing building framework – between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
  - d. Structural supports for all awnings shall be contained within the awning covering.



- e. Each storefront bay shall have a similar awning to the other storefront bays on the same building.
  - f. Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, façade articulation and general character of the building.
13. *Density*: A minimum of 30% of planned development's total building floor area shall be devoted to residential uses the density of which shall not exceed ten (10) dwelling units per acre of land excluding land required for open space.
14. *Outdoor Display*: The outdoor display of goods for sale shall comply with the following:
- a. Such display areas shall not be located in areas intended for vehicular traffic circulation, but may be permitted in areas intended for pedestrian traffic so long as it does not materially impede safe wheelchair traffic.
  - b. Only ten percent (10%) of the existing parking spaces may be used for temporary display when the display area is located within the parking lot.
15. *Location of Accessory Buildings*: for multi-family dwelling units shall be limited to the rear or side yards and shall not be more than five hundred (500) square feet per unit and located at least twenty (20) feet from the principal multi-family building.
16. *Pedestrian Circulation System*: The on-site circulation system shall be designed to provide safe pedestrian paths throughout the site and shall integrate with adjacent properties and neighborhoods.
- a. Internal sidewalk connections shall be required:
    - 1. Between the front doors of primary buildings;
    - 2. From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space;
    - 3. To connect to any transit stop that is adjacent to a site; and
    - 4. To provide direct access from all buildings on the site to existing or planned public sidewalks, adjacent multi-use trails, parks, and greenways.
  - b. Internal sidewalks shall be hard surfaced, barrier-free and unblocked at all times.
  - c. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
  - d. Internal sidewalks parallel and adjacent to a street or drive aisle shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

## SECTION 709.3 LOT REQUIREMENTS & YARD REQUIREMENTS

Use	Lot Area	Rear yard depth (ft) *	Side yard depth (ft) **
PMUD	Minimum 2 acres 87,120 sf	25	25

\* Minimum rear yard depth -- fifty (50) feet if adjacent to a residential district.

\*\* Minimum side yard width -- fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

### Buffer Zone

Yards adjoining residential districts:

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-3, R-4, R-5, or R-6 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, *Section 603.10*, (Landscaping, Buffer Yard, and Screening Requirements).

## SECTION 709.4 PERMITTED USES

Within an R-7 (PMUD), no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses. However, these are not meant to be exhaustive nor an exclusive listing. The Board of Zoning Appeals has the authority to decide if an unnamed use is of similar enough character and nature to warrant inclusion into the PMUD District.

The North American Industry Classification System, or its successor document, is the reference document used to provide use families for this chapter. The Board of Zoning Appeals may use the current NAICS or its successor, as one document in making decisions as to the appropriateness of any future use permitted to be in the PMUD District.

### A. Principally Permitted Uses

#### Residential:

- Multi-family dwellings
- Residential units above the first floor businesses
- Congregate living facilities

#### Office, Professional Service Uses:

- Business, professional, medical and dental offices
- Financial/banking facilities
- Planned office complexes
- Hospital, medical clinics

**Retail and Service uses:**

Retail sales establishments, five thousand (5,000) square feet or less

Retail sales establishments, greater than five thousand (5,000) square feet

Restaurants with inside and/or outside seating.

Supporting retail and services that reinforce the character of the district, including but not limited to stores selling arts and crafts, gifts, and/or incidental food, ice cream, bike rental/repair, restaurants, dry cleaning counter service.

Personal services

Planned business complexes

Business and trade schools

Garden supply sales

Veterinary hospital/animal clinics

Licensed daycare facilities

Churches and other buildings for the purpose of religious worship

**Recreational, Entertainment Uses:**

Indoor recreational uses, health spa facilities

Outdoor recreational uses

Theatres

**B. Permitted Accessory Uses**

Temporary fairs, festivals, farmers markets and similar events

Radio & Television stations without a tower

Off-street parking as regulated by Article IX Section 901

Signs as regulated in Article VIII Section 801

Any other uses customarily found in conjunction with the principal uses

Accessory Solar Energy Systems. (Amendment #583, Effective date 11-9-23)

**C. Conditionally Permitted Uses:**

1. Bed and breakfast inn subject to Subsections 102, 105, 109, 118, 122, 125, 126, 147
2. Convalescent and Nursing Homes subject to Subsections 102, 104, 109, 118, 122, 126.
3. Drive-in, -up or -through facilities as accessory uses are subject to Subsections 102, 103, 104, 105, 108, 114, 117.

**SECTION 709.5 COMMON OPEN SPACE REQUIREMENTS**

1. The responsibility for maintenance of open space shall be specified by the developer and approved by the Trustees before final approval of the development. Landscaping shall be sufficient to provide a park-like environment and to reduce the harshness of a bare structure

and streets/parking lots. Plantings shall be of a kind and size to assure an immediate atmosphere and permanent survival. Fifteen (15%) of the total land area must be devoted to common open space.

2. Definition, Common open space, for purposes of this Section, shall be defined as:
  - a. Areas that include natural environmental features, water areas, picnic areas and playgrounds. Recreational structures may be counted toward the common open space requirement.
  - b. Bodies of water, storm water retention or detention basins, shall be prorata credited as one-half acre of common open space for each one (1) acre of land. Storm water retention/detention areas may receive full credit towards the open space requirement if they are designed and improved for appropriate open space or recreational uses in addition to storm water detention.
  - c. Outdoor tennis courts, swimming pools, open-air picnic shelters, and related structures may be considered open space for purposes of this regulation, and shall comply with the required building setbacks.
3. Areas Not Included as Common Open Space. Land area devoted to the following shall not be included as meeting the common open space requirement:
  - a. Public street right of way, private streets and parking areas;
  - b. Required setbacks between buildings, between buildings and parking areas, between parking areas and project boundaries, and between buildings and public or private streets, except that area within the required setback, shall be included as common open space when it is contiguous to and part of a larger area of common open space;
  - c. Private yards within subdivided lots;
  - d. Only retail uses which are customarily accessory or incidental to the principal recreational or open space use shall be permitted in recreational buildings and may include such uses as refreshment stands and souvenir stands.

## **SECTION 709.6 LANDSCAPING AND SCREENING REGULATIONS**

### **PURPOSE:**

The intent of these landscaping and screening regulations is to promote and protect the public health, safety and welfare through the preservation and protection of the environment. In addition, these regulations are intended to achieve, among others, the following purposes:

- a. To promote the proper utilization of landscaping and screening as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare and visual clutter of parking and service areas.
- b. To protect, preserve and promote the aesthetic appeal, character and value of Plain Township neighborhoods.
- c. To soften the appearance of building masses and paved areas and reduce generation of heat and storm water run-off.

1. Screening and landscaping of parking lots.

Landscaping on the Interior of Parking Lots. All new parking spaces and their associated driving aisle shall be defined by landscaped curbed islands. In addition to those parking lot islands, larger parking lots shall provide additional intervening or midway islands to improve aesthetics, to provide shade for cars and pedestrians, and to be areas to absorb storm water runoff. As such, additional interior landscaping of parking lots shall be provided in accordance with the following requirements:

For any parking area designed to accommodate forty (40) or more vehicles, a minimum of 5 percent (5%) of the parking lot shall be planted as landscaped island areas.

- a. Landscaped islands shall be developed and distributed throughout the parking lot to:
  1. Define major circulation aisles and driving lanes; and
  2. Provide visual and climatic relief from broad expanses of pavement.
- b. Each island shall be a minimum length of ten (10) feet and a minimum width of three (3) feet;
- c. Within the landscaped islands, one (1) shade tree shall be provided for every ten (10) parking spaces. Each tree, at the time of installation, shall have a minimum caliper of 2.0 inches and a clear trunk height of at least six (6) feet. Two 1.50-inch trees may be substituted for each 2.0-inch tree.
- d. Shrubs or low, spreading plant materials shall be planted within required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.
- e. Shrub plantings adjacent to a building, along the perimeter of the parking lot or in any part of a yard, shall not be counted as interior parking lot landscaping.
- f. For the purpose of this Section the area of a parking lot shall be the total vehicular surface area including circulation aisles.
- g. Screening along Public Streets and Perimeter of Parking Areas: Whenever parking areas consisting of five (5) spaces or more are located such that the parked cars will be visible from a public street, screening, in addition to the interior landscaping required in subsection (A) above, shall be provided and maintained between the parking area and the street right-of-way.
  1. All shrubs, berms, walls, and fences shall have a minimum height of three (3) feet.
  2. Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.
  3. These landscaping do not apply when there is written proof that a conflicting utility easement exists within the parking setback therefore prohibiting the planting of trees or shrubs.
  4. Berms, with vegetation, are preferred.

2. Screening of Loading Areas, Outside Storage Areas, and Other Service Areas.

The following accessory uses/areas shall be screened from any adjoining property in order to prevent direct views of loading areas, outdoor storage areas, service areas, dumpsters, and associated service driveways from adjacent properties.

Screening of accessory uses shall be provided according to the following:

- a. *Dumpsters.* Dumpsters in PMUD developments shall be enclosed on all four (4) sides by a brick or masonry wall and gate constructed of materials that match or complement the principal building. The wall and gate shall have a minimum height of six (6) feet. A chain link fence shall not be permitted.
  - b. *Loading and Service Areas.* Each loading area shall be screened along any perimeter that can be seen from an adjoining property according to the screening requirements of Section 603.10
  - c. *Outdoor Storage.* Permitted accessory outdoor storage of goods, supplies or equipment used in the operation of an establishment shall be screened according to the requirements of Section 603.10
3. Optimization.

The development plan shall optimize all landscaping and screening to assure that the objectives of this district and the proposed development or redevelopment are best satisfied.

**SECTION 709.7    LOADING AND UNLOADING SPACE REQUIREMENTS FOR MIXED USE AND NON-RESIDENTIAL BUILDINGS**

1. Loading and Unloading Space Requirements;  
 Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading and service purposes shall comply with Section 902 of Article IX Parking and Loading Requirements.

**SECTION 709.8    PROCEDURE FOR ESTABLISHMENT OF AN R-7 PLANNED MIXED-USE DEVELOPMENT DISTRICT (PMUD)**

- 1. The rezoning of property to an R-7 PMUD District shall conform to the Ohio Revised Code Section 519.12 and follow the procedures of this Resolution as set forth in Article XII, Section 1202.7, which requires the submission of a preliminary development plan.
- 2. If the proposed rezoning is approved, a final development plan for each phase of the PMUD shall be approved by the Board of Township Trustees prior to the issuance of zoning certificates. Such final development plan shall be substantially the same as the approved preliminary development plan; however, the following additional information shall be submitted at this time:
  - a. The final development plan shall indicate the exact location and dimensions of buildings, parking areas, access drives, signs and outdoor storage areas.
  - b. Topographic information.
  - c. Existing and proposed street system, street widths, and indicating those streets proposed to be public and/or private.
  - d. The areas proposed to be used for two family dwellings, multi-family dwellings, business uses, location of proposed parking spaces, and number of dwellings by type.
  - e. The proposed density by dwelling units per acre.
  - f. The location, dimensions and area calculations for all open space and recreational facilities and descriptive data as to the methods to be employed to preserve and maintain the open space.

- g. Existing land uses on the perimeter of the proposed PMUD District.

## **SECTION 709.9 ELEMENTS THAT SHOULD BE CONSIDERED FOR MIXED USE DEVELOPMENTS.**

The following criteria shall be considered in determining whether a plan shall be approved:

### **1. Site Configuration**

The plan shall specify a site of appropriate location, size and shape to accommodate a functional and desirable mixed use development.

#### *Key Design Principles*

- a. Clearly define spaces for pedestrians, utilities, service, parking and storage areas
- b. Establish links with the public realm
- c. If feasible site buildings close to and oriented towards the street
- d. Provide covered walkways, outdoor seating and landscaping where possible
- e. Create a walkable context that is stimulating, understandable, comfortable and safe for pedestrians

### **2. Street Level Building Design**

The plan shall create a mixed use development that invigorates street activity and contributes to a pedestrian-friendly environment.

#### *Key Design Principles*

- a. Locate active uses such as shops and cafes at the front of the building
- b. Maximize active use of the public realm, such as outdoor dining
- c. Provide an appearance of several smaller buildings at ground level to generate an area which is welcoming and pedestrian-friendly
- d. Design windows at street level which are of a size that respects the human scale
- e. Incorporate shop front windows, display cases and other elements along side streets to provide visual interest to façades

### **3. Pedestrian Access, Safety and Comfort**

The plan shall provide occupants and visitors with clear, safe and convenient access to areas within a mixed use development.

#### *Key Design Principles*

- a. Provide separate access to public and private areas, allowing each area to function independently, which will afford greater security for all occupants
- b. Vehicular movements are separated whenever possible, and all pedestrian movements are segregated
- c. Design buildings to provide casual surveillance of access ways, entries and driveways, and avoid the creation of obscure or dark alcoves, which might conceal intruders
- d. Provide adequate lighting and clear lines of sight for all pedestrian access ways, including stairwells, hallways, building entries and parking areas

#### 4. On-site Facilities and Services

The plan shall provide facilities and efficient, comprehensive services to ensure the comfort of users with minimal impact on adjacent neighborhoods.

##### *Key Design Principles*

1. Design buildings so that residential service areas (i.e. mailboxes, laundry facilities, and trash bins) are separate from non-residential service areas
2. Manage services/plant/equipment/metering such that the responsibility and cost for maintenance is clearly defined
3. Locate loading facilities at the rear of the development
4. Ensure that ground level parking enhances the streetscape and pedestrian environment
5. Provide community schemes for each land use and level of the building. Design the building façade to express the different functions of the building and to enhance the character and diversity of the streetscape.

Design parking areas to take into account multiple uses and the need to provide separate parking areas for each use in some circumstances.



## SECTION 711 S-1 SUBURBAN OFFICE DISTRICT

### SECTION 711.1 PURPOSE

This district is established to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations, and limited business service activities.

### SECTION 711.2 USES

Within an S-1 Suburban Office District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### 1. Permitted Uses

- a. Single-family, two-family, and multi-family dwellings, subject to the lot and yard requirements of Section 705, R-3 Multi-Family Low Density Residential District.
- b. Public buildings.
- c. Churches and other buildings for the purpose of religious worship.
- d. Administrative or executive offices.
- e. Professional offices.
- f. Financial institutions.
- g. Radio and television broadcasting stations, not including transmission towers.
- h. Accessory uses incidental to the uses permitted on the same premises. (amendment #556, effective 8-8-14)
- i. Signs as permitted and regulated by Article VIII.
- j. Roadside stands (farm markets).
- k. Bed & Breakfast Homestay.
- l. Personal Service Shops provided the floor area devoted to such use is no greater than three thousand (3,000) square feet.
- m. Funeral homes and mortuaries.
- n. Accessory Solar Energy System, (Amendment #583, Effective date 11-9-23)

#### 2. Conditionally Permitted Uses

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

- a. Parking lots, accessory to uses permitted in adjacent zoning districts, subject to Subsections 103, 105, 109, 132.
- b. Cemetery, subject to Subsections 101, 103, 104, 106, 109, 119, 125.

- c. Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, nursing homes or assisted living facilities, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 125. (amendment #552, effective 6-28-13)
- d. Institutions for education, subject to Subsections 102, 103, 104, 105, 106, 109, 125, 126, 133, 134.
- e. Extensive recreational facilities, subject to Subsections 101, 102, 103, 104, 105, 108, 109, 114, 121, 122, 123, 125, 126, 128.
- f. Planned office complex, subject to Subsections 103 and 120.
- g. Child daycare center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 133, 134.
- h. Drive-in banking facilities, subject to Subsections 103, 117.
- i. Group Dwelling Complex, subject to Subsections 105, 107, 109, 116, 127.
- j. Bed & Breakfast Inn, subject to Subsections 109, 122, 125, 129,147.
- k. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.
- l. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 122, 125, 150, 151, 152, 153.
- m. Bed & Breakfast Inn, subject to Subsections 109, 122, 125, 129,147.
- n. Small wind energy systems, subject to Subsection 154.
- o. Adult Day Care Center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 134. (amendment #552, effective 6-28-13)

**SECTION 711.3 LOT REQUIREMENTS &  
SECTION 711.4 YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft) *	SIDE YARD DEPTH (ft) **
Suburban Office	20,000	50	100	45	25	25

\* Minimum Rear Yard Depth - fifty (50) feet if adjacent to a residential district.

\*\* Minimum Side Yard Width - fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

**Yards adjoining residential districts:**

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-5, or R-6 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

**SECTION 711.5 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet.

**SECTION 711.6 PARKING AND LOADING REQUIREMENTS**

As regulated by Article IX.

**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.

## CONDITIONALLY PERMITTED USES FOR S-1, SUBURBAN OFFICE DISTRICT

### **Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, or nursing homes subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Institutions for education, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).



- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 128 Extensive Recreational Facilities shall comply with the following restrictions:
- a. A minimum tract of ten (10) acres shall be required.
  - b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
  - c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

**Planned office complex, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

## CONDITIONALLY PERMITTED USES FOR S-1, SUBURBAN OFFICE DISTRICT

### **Child daycare center, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Drive-in banking facilities, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 117 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
  - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
  - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

**Group Dwelling complex, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Bed & Breakfast Inn, subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

**Wireless Telecommunication Antenna attached to existing building or existing structure, subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    - 1 The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    - 2 The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    - 3 Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    - 4 Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    - 5 Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    - 6 The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.



**Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 150 For the purposes of the regulations, “Operations” and Related Activities” shall include but not be limited to: storage of equipment, extraction of minerals, storage, processing and loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator’s mining activities.
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned, and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

**Adult Day Care Center subject to:**

- 102 Loud Speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.

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## SECTION 712 B-1 NEIGHBORHOOD BUSINESS DISTRICT

### SECTION 712.1 PURPOSE

This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicles and pedestrian traffic.

### SECTION 712.2 USES

Within a B-1 Neighborhood Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### A. Permitted Uses

1. All uses permitted in the S-1 Suburban Office District.
2. Convenience retail uses and personal services stores, being defined as food sales, drug stores, barber or beauty shops, shoe repair shops, and other similar uses, provided the floor area devoted to such use or store is no greater than five thousand (5,000) square feet.
3. Restaurants, not including drive-thru, drive-in, drive-up facilities or carry-out services, except as permitted as a conditional use.
4. Accessory uses incidental to the uses permitted on the same premises. (amendment #556, effective 8-8-14)
5. Accessory Solar Energy Systems. (Amendment #583, effective 11-9-23)

#### B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article XI and to the specific requirements of Article XI, Section 1102, referred to below:

1. All uses conditionally permitted in the S-1 Suburban Office District.
2. Drive-thru, drive-in, drive-up uses as accessory to permitted uses in this district, subject to Subsections 103, 105, 117 (a-d).
3. Bed & Breakfast Inn, subject to Subsections 109, 122, 125, 136, 147.
4. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124. Bed & Breakfast Inn, subject to Subsections 109, 122, 125, 136, 147.
5. Small wind energy systems, subject to Subsection 154.
6. Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to Subsections 103 and 120. (amendment #552, effective 6-28-13)
7. Adult Day Care Center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 134. (amendment #552, effective 6-28-13)

**SECTION 712.3 LOT REQUIREMENTS &  
SECTION 712.4 YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft) *	SIDE YARD DEPTH (ft) **
Neighborhood Business	15,000	50	75	40	25	25

\* Minimum Rear Yard Depth - fifty (50) feet if adjacent to a residential district.

\*\* Minimum Side Yard Width - fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

**Yards adjoining residential districts:**

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-5, R-6 or R-7 district, a buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

**SECTION 712.5 MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet

**SECTION 712.6 PARKING AND LOADING REQUIREMENTS**

As regulated by Article IX.



**Parking lots, accessory to uses permitted in adjacent zoning districts, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
  - e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.

## CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT

### **Cemetery, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Institutions for medical care being defined as hospitals, clinics, convalescent homes, congregate living facilities, or nursing homes subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

## CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT

### **Institutions for education, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

## CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT

### **Extensive recreational facilities, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).

- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 128 Extensive Recreational Facilities shall comply with the following restrictions:
- a. A minimum tract of ten (10) acres shall be required.
  - b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
  - c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.

**Planned office complex, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

## CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT

### **Child daycare center, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



**Drive-in banking facilities, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 117 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
  - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
  - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

## CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT

### Group Dwelling Complex, subject to:

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Bed & Breakfast Inn, subject to:**

- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
  - b. Parking spaces shall be provided in accordance with Article IX.
  - c. Individual rooms that are rented shall not contain any cooking facilities.
  - d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.

**Wireless Telecommunication Antenna attached to existing building or existing structure, subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

**Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 150 For the purposes of the regulations, “Operations” and Related Activities” shall include but not be limited to: storage of equipment, extraction of minerals, storage, processing and loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator’s mining activities.
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

**Drive-thru, drive-in, drive-up uses as accessory to permitted uses in this district, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 117 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
  - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
  - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.



**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

**Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

CONDITIONALLY PERMITTED USES FOR B-1, NEIGHBORHOOD BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Adult Day Care Center subject to:**

- 102 Loud Speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.

## SECTION 713

## B-2 GENERAL BUSINESS DISTRICT

### SECTION 713.1

### PURPOSE

The purpose of this district is to provide for a variety of retail, service, and administrative establishments which are required to serve a large trading area population. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a Neighborhood Business District Development and are best located on major thoroughfares and outlying areas of the community.

### SECTION 713.2

### USES

Within a B-2 General Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### A. Permitted Uses

1. All permitted uses in the S-1 Suburban Office District, and B-1 Neighborhood Business District, except residential uses.
2. Retail stores, including, but not limited to clothing, stationery, or home furnishings.
3. Indoor and outdoor, Intensive and Extensive recreational facilities.
4. Off-street public parking lot.
5. Hospitals, clinics, and veterinary hospitals.
6. Automobile service stations and service shops, including motor tune-ups, muffler shops, body work, and tire repairing.
7. Car wash.
8. Commercial greenhouse and garden supply sales.
9. Hotels and motels.
10. Public and/or private transportation agencies and terminals.
11. Automobile, truck, trailer, and farm implement sales, service, and storage.
12. Bed & Breakfast Inn.
13. Drive-thru, Drive-in, Drive-up facility for food and beverage sales or financial institutions.
14. Meeting and Banquet Halls.
15. Print Shops provided the floor area devoted to such use is no greater than five thousand (5,000) square feet.
16. Accessory uses incidental to the uses permitted on the same premises.  
(amendment #556, effective 8-8-14)
17. Accessory Solar Energy Systems. (Amendment #583, effective date 11-9-23)

#### B. Conditionally Permitted Uses

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

1. All uses conditionally permitted in the S-1 Suburban Office District and the B-1 Neighborhood Business District. (amendment #552, effective 6-28-13)
2. Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to Subsections 103 and 120.
3. Mini-storage or mini-warehouse facilities, subject to Subsections 105, 106, 108, 109, 112, 114, 118, 122, 135, 136, 137, 138, 139.
4. Drive-in theaters, subject to Subsections 105, 140.
5. Recycling and/or transfer station, subject to Subsections 114, 122, 125, 129, 131, 134.
6. Child Daycare center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 133, and 134.
7. Planned Office Complex for two (2) or more uses as permitted in this district, subject to Subsection 120.
8. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.
9. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 122, 125, 151, 152, 153, 154.
10. Small wind energy systems, subject to Subsection 154.
11. Adult Day Care Center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 134. (amendment #552, effective 6-28-13)
12. Short -Term Rental, subject to Subsections 104, 105, 122. (amendment #580, effective 6-28-2024)

**SECTION 713.3 LOT REQUIREMENTS &  
SECTION 713.4 YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft) *	SIDE YARD DEPTH (ft) **
General Business	20,000	50	100	40	25	25

\* Minimum Rear Yard Depth - fifty (50) feet if adjacent to a residential district.

\*\* Minimum Side Yard Width - fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

**Yards adjoining residential districts:**

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-3, R-4, R-5, or R-6 district, a buffer yard of fifty (50) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

**SECTION 713.5 MAXIMUM BUILDING HEIGHT**

Sixty (60) feet

## **SECTION 713.6 PARKING AND LOADING REQUIREMENTS**

As required by Article IX.

## **SECTION 713.7 OUTDOOR DISPLAY AREAS**

Merchandise to be sold at retail on the B-2 General Business District premises may be displayed out of doors except that no such display area shall be located within the required\_yard setback along a public street or within fifty (50) feet of any residential district. Display areas shall be screened from abutting residential areas by a buffer yard in accordance with requirements of Article VI General Standards and Special Provisions, Section 603.10.

CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Cemetery subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines.  
(amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).



CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Institutions for medical care being defined as convalescent homes, congregate living facilities, nursing homes or assisted living facilities subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Institutions for education, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Group Dwelling Complex, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township’s engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

**Mini-storage or mini-warehouse facilities, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 135 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business.
- 136 There shall be no outside storage adjacent to any Residential District or uses.
- 137 Storage of explosive or hazardous materials shall be prohibited.
- 138 Outside storage areas shall be completely enclosed by walls, fences, buildings, landscaping, or a combination thereof.
- 139 A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.

CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT

**Drive-in theaters, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 140 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.

**Recycling and/or transfer station, subject to:**

- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 131 Such uses shall not be located adjacent to any Residential District.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



## CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT

### **Child Daycare center, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Planned Office Complex for two (2) or more uses as permitted in this district, subject to:**

- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

**Wireless Telecommunication Antenna attached to existing building or existing structure, subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

## CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT

### **Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields, and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated, and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements, and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #552, effective 6-28-13)

**Adult Day Care Center subject to:**

- 102 Loud Speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.



CONDITIONALLY PERMITTED USES FOR B-2, GENERAL BUSINESS DISTRICT  
(amendment #580, effective 6-28-24)

**Short-Term Rentals:**

- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.

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## SECTION 721

## I-1 LIGHT INDUSTRIAL DISTRICT

### SECTION 721.1

### PURPOSE

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

### SECTION 721.2

### USES

Within an I-1 Light Industrial District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### A. Permitted Uses

1. All permitted uses in the S-1, B-1, and B-2 Districts, except residential uses.
2. Creamery, bottling, ice manufacturing, or cold storage plant.
3. The manufacturing, compounding, processing, packaging, and treatment of the following products:
  - a. Baking or dairy goods, candy, and other food products except fish or meat processing plants or processes which manufacture sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
  - b. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, or household appliances.
  - c. Musical instruments, novelties, and other similar small, rubber, plastic, or metal products.
  - d. Products from previously and elsewhere prepared materials, such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, textiles, yards, fur, tobacco, or wood, provided that all equipment and operation is located within a completely enclosed building, and no operation shall create a nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
  - e. Professional and scientific instruments, clerical, or office equipment.
4. Experimental testing and research facilities provided no testing or experimentation creates a hazard beyond the confines of the building.
5. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
6. Distributor's warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
7. Printing and publishing operations.
8. Mini-storage and warehouse facilities.
9. Accessory uses incidental to the uses permitted on the same premises. (amendment #556, effective 8-8-14)
10. Signs as permitted and regulated in Article VIII.

11. Contractors being defined as: Excavating, Mason, Cement, Pipe Line, Paving, Roofing, Building, Sewer, Welding, Demolition or other similar uses, provided storage of new building materials and operable vehicles and equipment is within areas enclosed by walls, fences, buildings, landscaping which conforms to Section 603.10A or a combination thereof. Exterior storage of all other items is prohibited. (amendment #556, effective 8-8-14)
12. Accessory Solar Energy Systems. (Amendment #583, effective 11-9-23)
13. Sexually Oriented Business according to Section 723

**B. Conditionally Permitted Uses**

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

1. All uses conditionally permitted in the S-1 Suburban Office District, the B-1 Neighborhood Business District and the B-2 General Business District. (amendment #552, effective 6-28-13)
2. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 122, 125, 151, 152, 153, 154.
3. Planned Industrial Complex subject to Subsections 103, 105, 148.
4. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124. Wireless Telecommunication Antenna attached to existing building or existing structure subject to Subsection 124.
5. Small wind energy systems, subject to Subsection 154.
6. Principal solar energy production facilities, subject to Subsection 156. (amendment #583, effective 11-9-23)
7. Adult Day Care Center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 134. (amendment #552, effective 6-28-13)
8. Short -Term Rental, subject to Subsections 104, 105, 122. (amendment #580, effective 6-28-2024)

**SECTION 721.3                      LOT REQUIREMENTS &  
SECTION 721.4                      YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft) *	SIDE YARD DEPTH (ft) **
Light Industrial	20,000	50	80	45	25	25

\* Minimum Rear Yard Depth - fifty (50) feet if adjacent to a residential district.

\*\* Minimum Side Yard Width - fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

**Yards adjoining residential districts:**

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-3, R-4, R-5, or R-6 district, a buffer yard of fifty (50) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

**SECTION 721.5                    MAXIMUM BUILDING HEIGHT**

Sixty (60) feet.

**SECTION 721.6                    PARKING AND LOADING REQUIREMENTS**

As required by Article IX.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Cemetery subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Institutions for medical care being defined as convalescent homes, congregate living facilities, nursing homes or assisted living facilities subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Institutions for education, subject to:**

- 102 Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.



**Group Dwelling Complex, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.

**Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business use permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Drive-in theaters, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 140 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Recycling and/or transfer station, subject to:**

- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 131 Such uses shall not be located adjacent to any Residential District.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Child Daycare center, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Planned Office Complex for two (2) or more uses as permitted in this district,  
subject to:**

- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

## CONDITIONALLY PERMITTED USES FOR I-1, LIGHT INDUSTRIAL DISTRICT

### **Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District; A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.



- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

CONDITIONALLY PERMITTED USES FOR I-1, LIGHT INDUSTRIAL DISTRICT

**Planned Industrial Complex, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 148 A planned industrial complex, which is a grouping of two (2) or more industrial establishments which have common vehicular parking facilities, controlled access to abutting streets, and developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those uses as permitted in the district in which the complex is located shall be permitted in the planned industrial complex.
  - b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
  - c. There shall be twenty (20) feet between buildings.
  - d. Side yards and rear yards shall be required only on the perimeter of the planned industrial complex and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be one hundred (100) feet on the side(s) abutting the residential zone only.

**Wireless Telecommunication Antenna attached to existing building or existing structure, subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project.
  - 2. The estimated decommissioning costs in current dollars.
  - 3. The method and schedule for updating the costs of decommissioning and restoration.
  - 4. The method of ensuring funds will be available for decommissioning and restoration.  
and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

**Principal solar energy production facilities subject to:**

156. All principal solar energy production facilities shall meet the following requirements:
1. The proposed solar energy project must be located on at least five (5) acres of land.
  2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
  3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-way.
  5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
  7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.
  8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
  9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
  10. A site plan shall be submitted at the time of application and shall include:
    - a. Property lines and physical dimensions of the site
    - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems
    - c. Location of any required signage
    - d. Elevation of the proposed solar energy system(s) at its maximum tilt
    - e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)
    - f. Manufacturer's specifications, including make, model and picture
    - g. Scaled drawing no smaller than 1" = 100'

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Adult Day Care Center subject to:**

- 102 Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR I-1, NEIGHBORHOOD INDUSTRIAL DISTRICT  
(amendment #580, effective 6-28-24)

**Short-Term Rentals:**

- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.



## SECTION 722 I-2 GENERAL INDUSTRIAL DISTRICT

### SECTION 722.1 PURPOSE

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

### SECTION 722.2 USES

Within an I-2 General Industrial District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### A. Permitted Uses

1. All uses specifically permitted in an I-1 Light Industrial District.
2. Automobile assembly and major repair.
3. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities:
  - a. Pottery and figurines or similar ceramic products using previously pulverized clay and kilns fired only with gas or electricity.
  - b. Electric and neon signs, billboards, and other such structures.
  - c. Laboratories and processing, experimental, film, or testing.
  - d. Light sheet metal products, including heating and ventilating equipment.
  - e. Blacksmith, welding, or other similar type of metal shop, including machine shop operations of the tool, die, and gauge types.
  - f. Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
4. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen (15) percent:
  - a. Building materials and lumber yard, including mill work when within a completely enclosed building.
  - b. Contractors' equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - c. Fuel, food, and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any residential district.
5. Warehouses and wholesale business establishments.
6. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
7. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
8. Laundry, cleaning, or dyeing plant.

9. Repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body, and fender, radiator, and tire services involving re-treading and vulcanizing.
10. Stone or monument works if, employing power tools, within a completely enclosed building.
11. Accessory uses incidental to the uses permitted on the same premises.
12. Signs, as permitted and regulated by Article VIII hereof.
13. Internet Café and/or Skilled Games. (amendment #551, effective 4-11-13)
14. Accessory Solar Energy Systems. (Amendment #583, effective 11-9-23)
15. Sexually Oriented Business According to Section 723

**B. Conditionally Permitted Uses**

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

1. All uses as conditionally permitted in the S-1 Suburban Office District, the B-1 Neighborhood Business District, the B-2 General Business District and the I-1 Light Industrial District (amendment #552, effective 6-28-13)
2. Junkyard, subject to Subsections 122, 141.
3. Wireless Telecommunications Antenna attached to existing building or existing structure subject to Subsection 124.
4. Sanitary Landfill, subject to Subsections 101, 103, 104, 108, 113, 122, 130, 131.
5. Small wind energy systems, subject to Subsection 154.
6. Principal solar energy production facilities, subject to Subsection 156. (amendment #583, effective 11-9-23)
8. Adult Day Care Center, subject to Subsections 102, 103, 104, 109, 114, 122, 125, 126, 134. (amendment #552, effective 6-28-13)
9. Short-Term Rental, Short -Term Rental, subject to Subsections 104, 105, 122. (amendment #580, effective 6-28-2023)

**SECTION 722.3  
SECTION 722.4**

**LOT REQUIREMENTS &  
YARD REQUIREMENTS**

USE	LOT AREA (sf)	FRONTAGE (ft)	LOT WIDTH AT BUILDING LINE	FRONT YARD DEPTH (ft)	REAR YARD DEPTH (ft) *	SIDE YARD DEPTH (ft) **
General Industrial	20,000	50	80	45	25	25

\* Minimum Rear Yard Depth - fifty (50) feet if adjacent to a residential district.

\*\* Minimum Side Yard Width - fifty (50) feet if adjacent to a residential district and on the side adjacent to the residential district only.

**Yards adjoining residential districts:**

When development is proposed on property adjacent to an R-R, R-1, R-1A, R-2, R-3, R-4, R-5, R-6, or R-7 district, a buffer yard of fifty (50) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.

**SECTION 721.5                      MAXIMUM BUILDING HEIGHT**

Sixty (60) feet.

**SECTION 722.6                      PARKING AND LOADING REQUIREMENTS**

As required by Article IX.

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Cemetery subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site shall be ten (10) acres.
  - c. Pavement width of driveways shall be at least twenty (20) feet.
  - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  - e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

**Institutions for medical care being defined as convalescent homes, congregate living facilities, nursing homes or assisted living facilities subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Institutions for education, subject to:**

- 102 Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Group Dwelling complex, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.
  - b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e. single-family dwelling units only in the R-1A district.
  - c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
  - d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:

- a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.
- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
- c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
- d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.



**Planned Commercial Complex for two (2) or more uses as permitted in this district, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Drive-in theaters, subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 140 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.

**Recycling and/or transfer station, subject to:**

- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 131 Such uses shall not be located adjacent to any Residential District.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Child Daycare center, subject to:**

- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

**Planned Office Complex for two (2) or more uses as permitted in this district,  
subject to:**

- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.

**Strip Mining, including sand and gravel extraction, soil and peat moss removal subject to:**

- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.
- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

**Planned Industrial Complex, subject to:**

- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 148 A planned industrial complex, which is a grouping of two (2) or more industrial establishments which have common vehicular parking facilities, controlled access to abutting streets, and developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those uses as permitted in the district in which the complex is located shall be permitted in the planned industrial complex.
  - b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
  - c. There shall be twenty (20) feet between buildings.
  - d. Side yards and rear yards shall be required only on the perimeter of the planned industrial complex and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be one hundred (100) feet on the side(s) abutting the residential zone only.



**Junkyard, subject to:**

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 141 The scrap or junk yard use shall be permitted only under the following conditions:
- a. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
  - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
  - c. Suitable control measures shall be taken whenever dust or odor is a problem or potential problem.
  - d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any Residential District and/or public street right-of-way line, and shall otherwise have front, side, and rear setback of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:
    1. The fifty (50) foot wide strip shall be planted with Pine, Norway Spruce, or other plants of similar screening value.
    2. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
    3. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
    4. Trees shall be planted that are at the optimum transplanting size and age while still being as large as possible.
  - f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.
  - g. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.

**Wireless Telecommunication Antenna attached to existing building or existing structure, subject to:**

- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.
  - e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
  - f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
    1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
    2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
    3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
    4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
    5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;
    6. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

## CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT

### **Sanitary Landfill, subject to:**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 130 All sanitary landfill sites shall be subject to approval by the county and state health departments and subject to their requirements governing landfills. All work connected with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
- 131 Such uses shall not be located adjacent to any Residential District.

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #545, effective 3-26-09)

**Small wind energy systems subject to:**

- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.
  - j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - k. The tower shall have either:
    1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    2. A locked anti-climb device installed on the tower; or
    3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
  - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
  - o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration;  
and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.
  - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
  - 3. Location of signage.
  - 4. Elevation of the proposed small wind energy system tower.
  - 5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
  - 6. Manufacturer's specifications, including make, model and picture.
  - 7. Scaled drawing no smaller than 1" – 100'.

**Principal solar energy production facilities subject to:**

156. All principal solar energy production facilities shall meet the following requirements:

- a. The proposed solar energy project must be located on at least five (5) acres of land.
- b. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
- c. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- d. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.
- e. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- f. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
- g. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.
- h. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
- i. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
- j. A site plan shall be submitted at the time of application and shall include:
  1. Property lines and physical dimensions of the site
  2. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems
  3. Location of any required signage
  4. Elevation of the proposed solar energy system(s) at its maximum tilt
  5. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)
  6. Manufacturer's specifications, including make, model and picture
  7. Scaled drawing no smaller than 1" = 100'

CONDITIONALLY PERMITTED USES FOR I-2, GENERAL INDUSTRIAL DISTRICT  
(amendment #552, effective 6-28-13)

**Adult Day Care Center subject to:**

- 102 Loud Speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 134 Sufficient parking and “drop-off and pick-up” areas shall be provided off the public roadway.

CONDITIONALLY PERMITTED USES FOR I-2 GENERAL INDUSTRIAL DISTRICT  
(amendment #580, effective 6-28-24)

**Short-Term Rentals:**

- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.



## SECTION 723

## SEXUALLY ORIENTED BUSINESSES

### SECTION 723.1 PURPOSE

It is the purpose of this Amendment to regulate Sexually Oriented Businesses and Adult Entertainment Businesses in order to promote the health, safety, and morals of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses and Adult Entertainment Businesses with the Township. The provisions of this Amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this Amendment to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Amendment to condone or legitimize the distribution of obscene material.

#### A. Findings and Rationale

Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New

York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from “Sexually Oriented Businesses: An Insider's View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Township’s independent review of the same) the Township finds:

- (1) Sexually oriented businesses, as a subcategory of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township’s rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township’s interest in the zoning of sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
- (4) The enactment of this Zoning Resolution provision will promote the general welfare, health, morals, and safety of the citizens of this Township.

## **B. Definitions**

1. **Sexually Oriented Business** – also referred to as Adult Entertainment Establishment, means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual

encounter center, and sexual encounter establishment as defined by subparagraphs (3) and (4) of this Section, therefore is an establishment that has a substantial portion or principle business activity involves the display of specified sexual activities or specified anatomical areas.

2. **Adult Entertainment Establishment** – shall have the same meaning as Sexually Oriented Business
3. **Sexual Encounter Establishment** – shall have the same meaning as R.C. 2907.39(A)(13), which defines it as:
  - a. 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:
    - i. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
    - ii. 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.
  - b. 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 pursuant to section [4731.15](#) of the Ohio Revised Code, is not a "sexual encounter establishment."

**4. As used in this Section:**

- a. “adult bookstore,” “adult cabaret,” “adult motion picture theater,” “adult video store,” “characterized by,” “nude,” “nudity,” “state of nudity,” “seminude,” “state of seminudity,” “sexual device,” “sexual device shop,” “sexual encounter center,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in Section 2907.40 of the Revised Code.
- b. “adult arcade,” “adult entertainment,” “adult entertainment establishment,” “adult novelty store,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “regularly features,” “regularly shown,” and “sexual encounter establishment” have the same meanings as in Section 2907.39 of the Revised Code.
- c. Items: sexually oriented or adult themed merchandise including without limitation those listed within Ohio Revised Code Section 2907.40 (A1)(A3) and (A12).

**5. “Substantial portion” of business activity or “principal business activity” means any of the following:**

- a. At least 35 percent of the establishment's displayed merchandise consists of the Items;
- b. At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the Items;
- c. At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of the Items;

- d. The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the Items (aisles and walkways used to access the Items shall be included in "floor space" maintained for the display, sale, or rental of the Items);
- e. The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the Items (aisles and walkways used to access the Items shall be included in "floor space" maintained for the display, sale, or rental of the Items);
- f. The establishment regularly offers for sale or rental at least 2,000 of the Items;  
or
- g. The establishment regularly features the Items and regularly advertises itself or holds itself out, in any medium, by using "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

### **C. Locations**

- a. A Sexually Oriented Business is permitted in I-1 Light Industrial Districts and I-2 Heavy Industrial Districts, subject to the following:
- b. Required Setbacks:
  - i. No such business shall be located within 1,000 feet of another Sexually Oriented Business or Adult Entertainment;
  - ii. No such business shall be located within 1,000 feet of any public or private school, public parks, public library, church or other place of worship;
  - iii. No such business shall be placed within 500 feet of a residential district or use.
- c. For the purposes of Section (b) 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.
- d. For the purposes of Section (b) 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.
- e. There shall be no more than one advertisement oriented to each abutting road identifying the use. (amendment #584, effective 2-9-24)

**RESOLUTION SUPPORTING IMPLEMENTATION OF  
A SEXUALLY ORIENTED BUSINESSES TEXT REVISION**

Zon #

#23- Motion by

**WHEREAS**, the Plain Township Board of Trustees find that there is convincing documented evidence that SEXUALLY ORIENTED BUSINESSES, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

**WHEREAS**, it is recognized that SEXUALLY ORIENTED BUSINESSES, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area: and

**WHEREAS**, the Plain Township Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

**WHEREAS**, the Plain Township Board of Trustees have determined that locational criteria will serve to protect the health, safety, and general welfare of the people of this Township; and

**WHEREAS**, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of SEXUALLY ORIENTED BUSINESSES; and

**WHEREAS**, it is not the intent of the Plain Township Board of Trustees to condone or legitimize the distribution of obscene material, and they recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

**WHEREAS**, it is the purpose and intent of the Chapter to regulate sexually oriented businesses to promote the health and safety of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses.

**WHEREAS**, the provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material or expression, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented

entertainment to their intended market. Neither is it the intent nor effect of the Chapter to condone or legitimize the distribution of obscene material.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to Chapter 504 of the Ohio Revised Code, and within the authority of Limited-Self Government, to hereby adopt the text of Amendment 584-23, revised definition of “Sexually Oriented Businesses”, in Section 723 of the Zoning Resolution that reads as follows;

Seconded by

Vote: Mr. Sabo, \_\_\_\_\_; Mrs. Harless, \_\_\_\_\_; Mr. Haws, \_\_\_\_\_

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
Date

Reviewed as to form

Pursuant to O.R.C. 504.15

**ARTICLE VIII**  
**SIGN REGULATIONS**

**SECTION 801 SIGNS**

**SECTION 801.1 PURPOSE**

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

**SECTION 801.2 LIMITATIONS ON THIS SECTION**

The township's authority and regulation of signs is restricted or limited by certain provisions of the Ohio Revised Code, generally described below:

1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation are exempt from these regulations.
2. Signs proposed to be located along interstate and primary highways shall conform to regulations adopted under Chapter 5516 of the Ohio Revised Code, in addition to the Plain Township Zoning Resolution.
3. In accordance with Sections 519.02 to 519.25 of the Ohio Revised Code, outdoor advertising (off-premises) signs are classified as a business use and are permitted in any district zoned for industry, business or trade or lands used for agricultural purposes; however, zoning certificates shall be required in accordance with Article VIII of the Plain Township Zoning Resolution.

**SECTION 801.3 GENERAL REQUIREMENTS FOR ALL SIGNS**

Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, with the exception of an Electronic Message Center, as permitted and regulated in accordance with Section 801.11. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Signs shall not imitate or resemble official traffic or government signs or signals.

1. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee and excluding awning and canopy signs.
2. No sign shall be placed on the roof of any building, except those signs which appear to be a continuation of the face of the building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line.
3. No portable or temporary sign shall be placed on the front or face of a building or any premises except as provided in these regulations.
4. No signs shall be attached to trees, telephone poles, street lights or street sign poles.
5. No sign shall obstruct any windows or doors of any building or attach to or obstruct a fire escape.



6. No sign shall be located closer than ten (10) feet to any side or rear property line or within ten (10) feet of any public right-of-way, except as permitted in Section 801.5. See Section 603.4 regarding visibility at corner lots. (amendment #553, effective 6-28-13)
7. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in the wind. All freestanding yard signs in excess of ten (10) feet in height shall have supporting structures firmly attached to concrete foundations.
8. Guide wires shall not be permitted to be attached to secure a freestanding yard sign.
9. Motor vehicles, trucks or trailers which are parked or located for the primary purpose of displaying said sign are prohibited.
10. All signs shall be plainly marked with the name of the party responsible for maintenance. All signs shall be properly maintained. Defective, torn or damaged parts shall be replaced.

#### **SECTION 801.4 MEASUREMENT OF SIGN AREA**

The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one (1) side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

The surface area of a double-faced, back-to-back sign constructed in the form of a “v” shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the angle of the “V” does not exceed thirty (30) degrees and the widest distance between the back of the sign does not exceed five (5) feet.

Where a sign consists of individual letters, elements or symbols, the measurement area shall consist of the area beginning at the first letter, element or symbol of the sign to the last letter, element or symbol, on the sign, including all wall space between the individual letters, elements or symbols.

#### **SECTION 801.5 PERMITTED SIGNS IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE - (shall not be located in any public right-of-way)**

1. Directional signs intended to direct traffic on a property and which shall not exceed fifteen (15) square feet in size, five (5) feet in width and five (5) feet in height from the ground to the bottom of the sign.
2. One (1) nameplate of four (4) square feet or less per occupancy giving the name or address only.  

Signs giving property identification names or numbers, signs on mail boxes or newspaper tubes shall be limited to one (1) square foot in total sign area.
3. Public purpose/safety sign.
4. One (1) flag and pole, in addition to poles with governmental flags.
5. Incidental/Instructional sign not to exceed four (4) square feet in size.
6. Signs posted on private property relating to private parking, no dumping, or warning the public against trespassing or danger from animals or other elements. No private warning or notice sign shall exceed sixteen (16) square feet in area.



7. Menu Boards for drive-thru facilities which shall not exceed eighty (80) square feet with a maximum height of ten (10) feet. (amendment #553, effective 6-28-13)

## **SECTION 801.6 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A ZONING CERTIFICATE**

1. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and occupation shall be permitted for a home occupation, which has been approved by the Board of Appeals as a conditional use.
2. Two (2) identification signs per entrance into a subdivision development, apartment or condominium complex or to identify a nonresidential use, which is permitted or conditionally permitted in a residential district, not to exceed thirty-two (32) square feet each in sign area and a maximum height of nine (9) feet.
3. One (1) freestanding yard sign, not to exceed fifty (50) square feet in area and nine (9) feet in height, further limited by provisions of Section 801.7; and one (1) wall sign determined by Section 801.9, not to exceed fifty (50) square feet in area, shall be permitted for churches and other buildings for religious worship located in residential districts.

## **SECTION 801.7 FREESTANDING (YARD) SIGNS PERMITTED ONLY IN COMMERCIAL AND INDUSTRIAL DISTRICTS REQUIRING A ZONING CERTIFICATE**

### **General Requirements:**

- A. One (1) freestanding sign shall be permitted for any one (1) lot. However, if such lot, as defined by these regulations, has frontage on more than one (1) public street, one (1) additional freestanding sign is permitted.
- B. Freestanding signs for the S-1 Suburban Office and B-1 Neighborhood Business District shall be limited to signs where the base or frame is not more than one (1) foot from ground level, except for a decorative pedestal-style base.
- C. The permitted square footage of freestanding signs for a lot shall be determined by multiplying one (1) square foot by the lineal frontage of the property upon which sign will be located provided the total area of freestanding signs(s) shall not exceed the maximum area set forth in the following table.
- D. Multi-tenant facilities. When a freestanding sign is erected on a site that has more than one (1) tenant, it is the property owner's responsibility to determine the sign area devoted to identification of the development, building anchor tenant, all tenants, or some combination thereof. A Planned Office, Commercial or Industrial Complex shall be considered a multi-tenant facility.

**MAXIMUM AREA AND HEIGHT OF FREESTANDING SIGNS**

<b>District</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
S-1 SUBURBAN OFFICE	120 square feet*	10 feet
B-1 NEIGHBORHOOD BUSINESS	120 square feet*	10 feet
B-2 GENERAL BUSINESS	300 square feet*	35 feet
I-1 LIGHT INDUSTRIAL	300 square feet*	35 feet
I-2 GENERAL INDUSTRIAL	400 square feet*	35 feet

\*multiply one (1) sq. ft. by the lineal frontage of the property upon which sign will be located.

**SECTION 801.8 WALL SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS REQUIRING A ZONING CERTIFICATE**

**General Requirements:**

- A. The permitted square footage of wall signs shall be determined by multiplying two (2) square feet by the lineal foot of building width of the building upon which sign will be located provided such sign shall not exceed the maximum area set forth in the table below.
- B. In determining building frontage, the length of the building that faces the principal street or the length of the wall of the building that contains the main entrance to the uses therein shall be considered the building frontage.
  - 1. The building frontage shall be measured along the front wall between the exterior faces of the exterior sidewalls. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
  - 2. For lots fronting on two (2) or more streets or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for each building wall.
  - 3. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building.

## MAXIMUM AREA OF WALL SIGNS

District	Maximum Sign Area
S-1 SUBURBAN OFFICE	64 square feet*
B-1 NEIGHBORHOOD BUSINESS	64 square feet*
B-2 GENERAL BUSINESS	400 square feet*
I-1 LIGHT INDUSTRIAL	400 square feet*
I-2 GENERAL INDUSTRIAL	400 square feet*

\* Multiply two (2) sq. ft. by the lineal frontage of the building upon which sign will be located.

### SECTION 801.9 BILLBOARDS/ OUTDOOR ADVERTISING SIGNS (ZONING CERTIFICATES REQUIRED)

#### A. RESIDENTIAL DISTRICTS:

1. Billboards may be located on lands used for agriculture and zoned residential provided they shall be located so as to maintain a minimum of one hundred (100) foot setback from the front property line, twenty-five (25) feet from the side property lines, and fifty (50) feet minimum setback from public streets. No billboards shall be located within five hundred (500) feet of a residence or driveway thereto, any public park, public or parochial school, library, church or similar institution.
2. Written authorization from the owner of the property upon which any billboard will be located shall be required prior to issuance of a zoning certificate.
3. Other off-premises signs in residential districts are only permitted in accordance with Section 801.10, Temporary/Portable Signs.

#### B. COMMERCIAL AND INDUSTRIAL DISTRICTS (S-1, B-1, B-2, I-1 AND I-2)

1. Billboards shall meet all front, side and rear yard setbacks as required for buildings located in the same district; however, the billboard shall be located a minimum of one thousand (1,000) feet from any residential district.
2. Billboards shall not be located in a manner which would reduce the number of available parking spaces below the minimum required parking spaces per building occupancy.
3. No billboard shall be located closer than one thousand (1,000) feet from another such billboard as measured by a tangent between the nearest point of any structure and frame of said billboards.
4. Billboards shall not be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises.
5. No billboard shall be permitted which faces and is within five hundred (500) feet of any entrance to any public park, public or parochial school, library, church or similar institution.
6. Written authorization from the owner of the property upon which any billboard will be located shall be required prior to issuance of a zoning certificate.

## MAXIMUM SIZE AND HEIGHT OF BILLBOARDS

District	Maximum size	Maximum height
All Residential Districts	200 square feet	30 feet
S-1 Suburban Office	300 square feet	35 feet
B-1 Neighborhood Business	300 square feet	35 feet
B-2 General Business	672 square feet	50 feet
I-1 Light Industrial	672 square feet	50 feet
I-2 General Industrial	672 square feet	50 feet

### SECTION 801.10                      TEMPORARY/PORTABLE SIGNS

#### A. TEMPORARY/PORTABLE SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE:

1. One (1) on-premises real estate sign, not more than sixteen (16) square feet per street frontage, which must be removed within seven (7) days of sale, rental or lease of premises. Two (2) off-premises real estate signs may be permitted per property, which is advertised for an open house, for a period of no longer than twenty-four (24) hours.
2. A maximum of four (4) auction signs not more than sixteen (16) square feet each in size per auction shall be permitted for up to thirty (30) days prior to the auction. Three (3) of said signs may be located off premise and all shall be removed within seven (7) days of the auction.
3. One (1) sign at a construction project denoting the architect, engineer or contractor sixteen (16) square feet in surface area or less. Such sign may be erected thirty (30) days prior to beginning of construction and shall be removed seven (7) days following completion of the construction.
4. Temporary portable signs may be placed only on private property with the permission of the property owner. No temporary portable sign shall exceed sixteen (16) square feet in area in a residentially zoned district. (amendment #545, effective 3-26-09)
5. All off-premises signs shall require permission of the property owner.

#### B. TEMPORARY/PORTABLE SIGNS REQUIRING A ZONING CERTIFICATE

1. One (1) temporary or portable sign, banner, festoon, or pennant which shall not exceed forty (40) square feet shall be permitted per lot, which may be issued for a period not to exceed thirty (30) consecutive days, commencing from the date of issuance of a permit. A lot fronting on more than one (1) street shall be permitted to have one (1) temporary sign under these provisions for each street frontage.

2. No more than four (4) temporary sign permits shall be issued for anyone (1) lot (or street frontage) within a twelve (12) month period. When more than one (1) business is located on a lot it shall be the property owner's responsibility to allocate time between tenants. If a lot has frontage on more than one (1) street, then four (4) temporary sign permits may be obtained in any twelve (12) month period for each street. The approval of the property owner shall be required when obtaining the zoning certificate. (amendment #553, effective 6-28-13)
3. Except as permitted in Section 801.10 (A), a temporary/portable sign shall only be permitted on a lot zoned S-1, B-1, B-2, I-1, or I-2, for nonresidential uses permitted or conditionally permitted in a residential district, or for a legal nonconforming use.

**C. ALL TEMPORARY SIGNS SHALL MEET THE APPLICABLE GENERAL PROVISIONS OF SECTION 801.3 AND SHALL BE COMPLETELY REMOVED FROM THE PROPERTY OR STORED INDOORS, WHEN THE ZONING CERTIFICATE OR THE TIME PERIOD EXPIRES.**

### **SECTION 801.11 ELECTRONIC MESSAGE CENTER (EMC)**

An Electronic Message Center (EMC), which is a sign or portion thereof on which the copy changes automatically and is displayed through electrical or electronic means, shall only be permitted in the S-1 Suburban Office, B-1 Neighborhood Business, B-2 General Business, I-1 Light Industrial and I-2 General Industrial District, and shall meet the following requirements: (amendment #556, effective 8-8-14)

- A. Only one (1) EMC shall be permitted on a single permanent pole or wall sign per lot.
- B. An EMC shall contain no off-site advertising.
- C. An EMC shall only be located on a lot which contains a minimum of seventy-five (75) feet of frontage. (amendment #556, effective 8-8-14)
- D. An EMC shall not exceed fifty (50) percent of the permitted area of the sign face. The overall size and height shall be in conformance with all other applicable sign regulations.
- E. An EMC shall be subject to all other applicable regulations of this Resolution.
- F. An EMC shall be permitted for a public building, church or school in a Residential District and shall not exceed thirty-two (32) square feet. The hours of operation are Monday-Sunday, 6am-10pm. (amendment #556, effective 8-8-14)

### **SECTION 801.12 FEES FOR SIGNS**

As set by Resolution of the Trustees and available at the township zoning office.

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## ARTICLE IX

### PARKING AND LOADING REQUIREMENTS

#### SECTION 901 PURPOSE

The purpose of these regulations is to ensure that all off street parking, loading and access demands associated with new development will be provided for on-site and will not adversely affect other nearby land uses or neighborhood streets.

#### SECTION 901.1 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

##### PRINCIPAL BUILDING OR USE

##### MINIMUM SPACES REQUIRED

##### A. Residential Uses:

Single-Family, Two-Family and Multi-Family Dwellings	Two (2) parking spaces per dwelling unit plus, two (2) additional for each five (5) dwelling units in multi-family dwellings or developments
Licensed Family Home	Two (2) spaces per facility
Licensed Group Home	Five (5) parking spaces
Congregate Living Facility: a) Independent living units	One (1) space per dwelling unit plus two (2) for every five (5) dwelling units
b) Assisted Living, Nursing Home and other Related facilities	One (1) space for every two (2) beds plus one (1) spaces for each two (2) employees
Bed and Breakfast/Lodging and Boarding Houses	One (1) space for each guest room plus requirements for dwelling unit

##### B. Educational Facilities:

Elementary and Junior High Schools	One (1) space for each classroom, plus one (1) space per 200 sq. ft. of office floor area, plus one (1) space for every four (4) seats in the largest assembly hall
Senior High Schools and Colleges/Universities	One (1) space for each classroom, plus one (1) space per 200 sq. ft. of office floor area, plus one (1) space for every two (2) seats in the largest assembly hall
Business and Trade Schools	One (1) space per two hundred (200) sq. ft. of floor area
Library or Museum	One (1) space per 500 sq. ft. of floor area
Meeting Facilities	One (1) space for each two hundred (200) sq. ft. of floor area

**C. Office, Professional Service Uses:**

Business and Professional Offices	One (1) space per 200 sq. ft. of floor area
Medical and Dental Offices	Six (6) spaces for each physician or dentist
Veterinary Hospital or Animal Clinic	One (1) space per 200 sq. ft. of floor area
Financial Institutions	One (1) space per 200 sq. ft. of floor area
Hospitals	One (1) space for every two (2) beds, plus one (1) space for each two (2) employees

**D. Retail and Services Uses:**

Retail Establishments and Personal Service Shops	One (1) space per two hundred (200) sq. ft. of floor area
Restaurant	One (1) space per two hundred (200) sq. ft. of floor area
Bars, Taverns or Lounges	One (1) space per two (2) sq. ft. of bar area in addition to restaurant parking
Laundry	One (1) space for each four (4) washers
Funeral Home	One (1) space per one hundred (100) sq. ft. of floor area
Hotel or Motel	One (1) space for each room plus required additional spaces for other uses – i.e. office, restaurant, recreational facilities
Child Daycare Center, Type “A” Family Daycare Center or Adult Daycare Center	One (1) space for every two (2) employees plus one (1) space for every eight (8) individuals under care based on maximum capacity
Farm Market (Roadside Stand)	One (1) space for each 100 sq. ft. of floor area – Minimum of four (4) spaces
Kennel	One (1) space for each 500 sq. ft. of floor area

**E. Vehicular Services:**

Automobile, Truck, Boat, Trailer and Farm Implement Sales	One (1) space for 200 sq. ft. of floor area
Gasoline Stations	One (1) space for each one hundred (100) sq. ft. of floor area
Automobile Service Station or Repair Garage	One (1) space for 400 sq. ft. of floor area
Car Wash Facilities	One (1) space per one hundred (100) sq. ft. of office space in addition to Section 901.5
Landscaping Vehicle and Equipment Storage	One (1) space for each garage stall
Transportation Agency and Terminal	One (1) space for each 500 sq. ft. of floor area



**F. Recreational/Entertainment Uses:**

Indoor Recreational Uses	One (1) space for 200 sq. ft. of floor area
Outdoor Recreational Uses including Public and Private Parks and Playgrounds	One (1) space for every three (3) bleacher seats or one (1) space for every four hundred (400) sq. ft. of active activity areas
Theaters	One (1) space for each two hundred (200) sq. ft. of floor area
Clubs or Lodges	One (1) per one hundred fifty (150) sq. ft. plus one (1) space for each three (3) seats in the assembly room

**G. Industrial, Manufacturing Facilities:**

One (1) space for each 200 sq. ft. of floor area for office space plus:

Industrial Use	One (1) space for each five hundred (500) sq. ft. of floor area
Warehouse	One (1) space for each two thousand (2,000) sq. ft. of floor area
Mini-Storage Facility	One (1) space for each twenty (20) storage units plus two (2) located by office facilities

**H. Community Facilities:**

Churches and Buildings for Assembly	One (1) space for each three (3) seats based on maximum seating capacity plus as listed for other facilities – i.e. office, daycare facilities
Community Buildings	One (1) space for each three (3) seats in assembly room plus as listed for other facilities

**I. Other Uses:**

Temporary Buildings	One (1) space for 200 sq. ft. of floor area
Model Homes	Four (4) spaces

**SECTION 901.2 DETERMINATION OF REQUIRED SPACES**

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A. **Floor Area:** For the purposes of this section, “floor area” in offices, merchandising and service types of uses shall mean the interior area used for service to the public excluding check-out areas and customer service counters, and areas used principally for non-public purposes such as storage, incidental repair, processing, show windows, restrooms and dressing rooms.
- B. **Seating Capacity:** Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one (1) seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one (1) seat for each twenty (20) square feet of floor area of the main assembly room, excluding other meeting rooms, classrooms, or office areas.

- C. **Employees:** Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two (2) successive shifts.
- D. **Fractional Numbers:** Fractional numbers shall be increased to the next whole number.
- E. **Parking for Mixed Uses:** A building occupied by two (2) or more uses, or one (1) use that has specific parking requirements for different components of the uses, operating normally during the same hours, shall provide space for not less than the sum of the parking spaces required for each use considered separately.
- F. **Shared Parking and Driveway Ingress and Egress:** In the case of shared parking areas, or shared ingress/egress locations, applicant shall provide a written agreement between owners of property and/or lease holders which will assure such parking and access will be guaranteed.
- G. **Parking and Loading Requirements for uses not specified:** When the off-street parking requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be determined by the Zoning Director so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading or servicing shall be permitted on the right-of-way of any publicly dedicated thoroughfare.

### **901.3 DEFERRED CONSTRUCTION OF REQUIRED SPACES**

When the number of parking spaces required in Section 901.1 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, construction of a lesser number of parking spaces may be permitted subject to the following restrictions:

- A. The total number of spaces initially constructed shall not be less than seventy (70) percent of the spaces required by Section 901.1.
- B. The plan submitted with the application for a zoning certificate shall verify that sufficient area is reserved for the construction of the balance of the required spaces, and with landscaping in full compliance with this Resolution.
- C. The Zoning Director, upon review of the project's parking needs, may direct that additional parking spaces be constructed as shown on the applicant's plan.

### **901.4 YARD RESTRICTIONS, LANDSCAPING AND BUFFER YARDS**

- A. Off street parking for residential uses in any R-R, R-1, R-1A, or R-2 district shall occupy no more than one-third (1/3) of any front, side or rear yard area.
- B. Off street parking facilities for more than five (5) vehicles may be located in the required, front, side or rear yard in any R-3 or R-4, R-5 and R-6 district provided that a five (5) foot landscaped strip is located along the property line, subject to buffer yard requirements of Section 603.10.
- C. Off street parking facilities in S-1, B-1, B-2, I-1 and I-2 districts may be located in the required yard setback, provided that at least a ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line and a five (5) foot landscaped strip is located between the side and rear lot lines and the property line. These requirements are further subject to the buffer yard requirements of Section 603.10.

- D. Interior Parking Lot Landscaping: For any parking area designed to accommodate twenty (20) or more vehicles, a portion of the parking lot shall be planted as landscaped island.
1. For the purpose of this section the area of a parking lot shall be the total vehicular surface area including circulation aisles. A minimum of five (5) percent of the lot shall be landscaped.
  2. Such islands shall be developed and distributed throughout the parking lot to provide visual and climatic relief from broad expanses of pavement.
  3. Each island shall be a minimum of ten (10) feet in any horizontal dimension and shall provide at least one (1) major shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
  4. Shrub plantings adjacent to a building, along the perimeter of the parking lot or in any part of a yard, shall not be counted as interior landscaping.

**SECTION 901.5 OFF-STREET WAITING SPACES FOR DRIVE-THRU, DRIVE-IN AND DRIVE-UP FACILITIES**

Establishments which create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces in addition to the required number of parking spaces specified in Section 901.1. Such spaces shall be located on the same lot as the use and shall comply with the following requirements:

DESCRIPTION	SPACES
Establishments serving and/or selling food and/or drinks	8 waiting spaces
Facilities with service windows or service entrances such as banks, ticket booths and other similar facilities	5 waiting spaces per window
Drive-up ATM machines	4 waiting spaces
Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure	8 waiting spaces + 3 per each stall or exit areas
Self-serve car wash facilities	4 waiting spaces per stall
Gasoline stations	2 waiting spaces per gasoline pump island
Automobile service stations that provide service to customers who wait in the vehicle while the service is performed	3 waiting spaces per service bay

**SECTION 902 LOADING AND UNLOADING SPACE REQUIREMENTS**

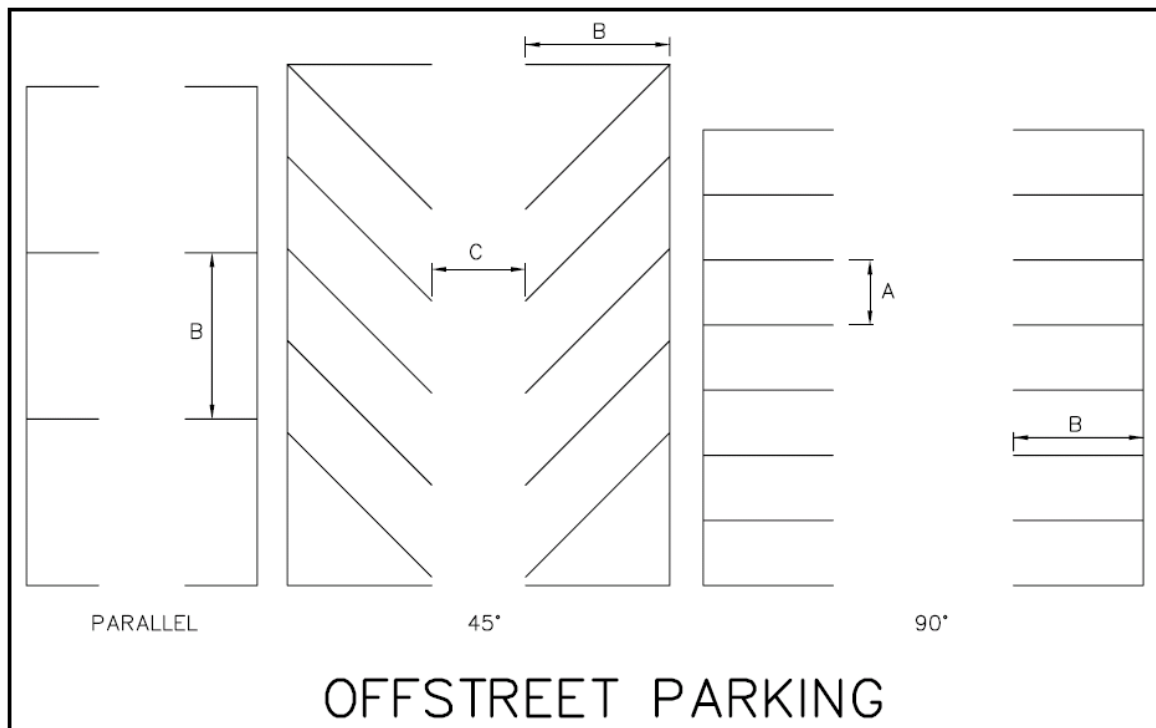
Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading and service purposes on the basis of the following minimum regulations:

- A. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.
- B. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any public or private right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks and other vehicles.
- C. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required under Section 901 and shall not be considered as supplying off-street parking space.

**Section 903            PARKING DESIGN AND CONSTRUCTION REQUIREMENTS**

All required off-street parking, waiting and loading facilities shall be located on the lot and shall comply with the following regulations:

**Parking Space Dimensions:** Parking spaces shall meet the minimum rectangular dimensions in accordance with the following requirements:



**OFF STREET PARKING DIMENSIONAL TABLE**

Designation	Description	Parallel (ft)	45° (ft)	90° (ft)
A	Min. Width of Parking Space	10	9	9
B	Min. Length of Parking Space	23	20	18
C	Min. Width of Driveway Isle	12	13	25

## **A. Parking Area Design and Construction**

1. **Paving:** All required parking spaces together with entrance/exit, driveway and other circulation areas for all uses, except one (1) and two-family residential and extensive recreational uses shall be hard surfaced with a pavement having an asphalt or concrete binder. Where paving is not required, proper dust control measures shall be taken.
2. **Drainage:** All parking spaces together with entrance/exit, driveway and other Circulation areas shall be graded and drained so as to dispose of surface water accumulation within or upon such areas, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto public streets in accordance with the Stark County Subdivision Regulations.
3. **Lighting:** All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources such as the stringing of light bulbs shall be permitted.
4. **Wheel guards or curbs:** shall be provided at the perimeters of all parking lots.
5. **Pavement Marking:** All parking areas for ten (10) or more spaces shall be marked with paint lines, curb stones or some other manner approved by the Zoning Director.

## **B. Entrances and Exits, Driveways:**

2. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. A driveway permit must be obtained from the Plain Township Road Department for new construction or relocation of a driveway that accesses a township road prior to issuance of any zoning certificate. Applicable county and state driveway access permits shall also be required if access is to a county or state highway.
3. There shall not be more than two (2) access ways abutting on anyone (1) street, except that one (1) additional access way shall be permitted for developments with five hundred (500) feet or more of road frontage.
4. Access ways shall not be less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of the street; however, may exceed thirty (30) feet for warehouses, industrial and manufacturing facilities, but shall not exceed sixty (60) feet.
5. Islands and planters shall not be permitted in driveway entrances without approval of township, county or state authorities. Ohio Department of Transportation approved driveway permits shall supersede these regulations where applicable.
6. Residential uses must provide access driveways of not less than eight (8) feet and not more than twenty (20) feet in width at the curb cut line.

## **C. Fire Department Review**

The development plan and general parking lot design for all uses, except single and two-family dwellings, shall be reviewed and approved by the Plain Township Fire Chief, or his designee, and shall comply with applicable State and Local Fire Codes, Rules and Regulations in regard to established fire lanes and the prohibition of parking in these properly marked locations.

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## ARTICLE X

### NONCONFORMING USES

#### SECTION 1001 PURPOSE

The purpose of this section is to provide for the continuation of the use of buildings, structures, and land that does not conform to the existing zoning regulations as now in effect or by virtue of a subsequent amendment, but which were in operation prior to adoption of this Resolution or amendment thereto. The provisions of this chapter shall also apply to a building, structure, or land use hereafter made nonconforming as a result of amendments made to this Zoning Resolution or Zoning Map. Nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the adopted Plain Township Comprehensive Mini-Master Plan; therefore such nonconforming status shall be continued only in conformance with these regulations. A nonconforming lot, use, building or structure does not include nonconformity established pursuant to a variance approved by the township Board of Zoning Appeals.

#### SECTION 1001.1 REGULATIONS

In accordance with law, any nonconforming building, structure, or land use existing at the effective date of this Resolution, or which became nonconforming by virtue of a subsequent amendment to regulations or change in zoning district classification, may be continued although such use does not conform with the provisions of this Resolution. However, any change, alteration or expansion of such nonconforming use shall require determination and approval of the Board of Zoning Appeals in accordance with the following provisions:

- A. **Alterations and Expansion of Nonconforming Use** - The nonconforming use of a building, structure or land may be altered, reconstructed, enlarged or extended provided such change complies with other applicable zoning regulations – i.e. setback, parking - unless the Board of Zoning Appeals approves a variance of such requirement in accordance with Article XII of these regulations. Any such enlargement or extension shall not exceed twenty-five (25) percent of the square foot area in use at the time such nonconforming status occurred. No nonconforming use shall be physically enlarged or extended to displace a conforming use.
- B. **Change of Nonconforming Use** - A nonconforming use shall not be changed or substituted for another nonconforming use unless such change of use is identical or in less conflict with the character and use of the district than the existing nonconforming use, as determined by the Board of Zoning Appeals.
- C. **Nonconforming Parking Facilities** - A building or use existing lawfully at the time of adoption of this Zoning Resolution, or an amendment thereto, which does not comply with off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased, unless a variance of such requirement is approved by the Board of Zoning Appeals.

- D. **Nonconforming Signs** - A sign, lawfully existing at the time this Zoning Resolution or any amendment thereto is adopted, which does not conform to the sign regulations of the district in which it is located, is a nonconforming sign. Nonconforming signs may be maintained and structural and electrical parts may be repaired to a safe condition. However, such nonconforming sign shall not be altered in any other way or moved unless the sign conforms to the regulations of the district in which it is located.
- E. **Nonconforming Lots** – See Section 602.2 Substandard Lots
- F. **Restoration of Damaged Building or Structure** - A nonconforming building or structure damaged or destroyed by fire, collapse, explosion or acts of God, may be restored to the original footprint and floor area of the building or structure. The restoration, reconstruction, repair and continued use of any nonconforming building or structure shall not extend the nonconforming use in square foot area, except as permitted by Section 1001.1, (A). Restoration shall begin within one (1) year and shall be completed and in operation no longer than two (2) years from the date such building or structure was damaged. Any required health, building or other required permits shall be obtained for such restoration.
- G. **Discontinuance or Abandonment of Nonconforming Use** - Discontinuance or abandonment of the nonconforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment of such use. Thereafter, any use of the premises shall conform to the use regulation of the district in which the building or lot is located.
- H. **Determination of Nonconforming Status and Nonconforming Use Certificate** - Whenever it has been determined by the Zoning Director, or upon request and submission of sufficient evidence by the property owner that the use of a building, structure or land is a legal nonconforming use, a nonconforming use certificate shall be issued which shall set forth the use and square foot area devoted to such nonconforming status. A copy shall be forwarded to the property owner and filed in the office of the Zoning Director.
- I. **Completion of Construction when Zoning Certificate issued prior to change of regulations** - Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building, structure or land for which a zoning certificate has been issued before the effective date of a change in the Zoning Resolution. However, construction shall be commenced within ninety (90) days after the issuance of such certificate, and shall be carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and the entire construction or use of the property shall be in operation within one (1) year after the issuance of said zoning certificate.



## ARTICLE XI

# CONDITIONAL ZONING CERTIFICATES

### SECTION 1101 PURPOSE

The purpose of this section is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Resolution.

### SECTION 1101.1 PROCEDURES FOR MAKING APPLICATION

Any application for a Conditional Zoning Certificate for any land, structure, or use permitted under this Resolution shall be submitted in accordance with the following procedures:

- A. **Application Submitted to the Zoning Director** – Application for a Conditional Zoning Certificate shall be made to the Zoning Director and submitted to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by the payment of the applicable fee as set by resolution of the Trustees, which fee shall not be refundable. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant.
- B. **Data Required with Application**
  - i. Form supplied by Board of Zoning Appeals completed by applicant.
  - ii Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their use, and the acreage or area involved, including that for parking.
  - iii. Sufficient plans and specifications for all proposed development and construction, and where appropriate, reclamation.
- C. **Review by the Board of Zoning Appeals** - The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution. Such review and determination shall be completed within forty-five (45) days of the date of submission, and shall be made at a public meeting.
- D. **Hearing** - After adequate review and study of any application, the Board shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.
- E. **Issuance and Revocation of Conditional Zoning Certificates- Violation and Penalty** - Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. This authority shall be in addition to the authority contained in Section 519.14 (d) of the Ohio Revised Code

for the revocation of a conditional zoning certificate.

- F. **Resubmission of Application for Conditional Use Permit** - No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board should be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration. Any new application for a Conditional Zoning Certificate shall be accompanied by the filing fee.
- G. **Termination** - The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the structure, alteration, or land use has begun.
- H. **Continuation of Existing Conditional Uses Permissible** - All known uses existing at the time of passage of this Resolution and conditionally permissible in their respective districts under this Resolution shall be issued Conditional Zoning Certificates by the Zoning Director within one (1) year after the passage of this Resolution.

## **SECTION 1101.2 BASIS OF DETERMINATION**

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

### **General Standards**

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
2. Will not be hazardous or disturbing to existing or future neighboring uses;
3. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. Will be in compliance with state, county, and township regulations;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

**SECTION 1102 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 701.2B, 702.2B, 703.2B, 704.2B, 705.2B, 706.2B, 708.4C, 711.2B, 712.2B, 713.2B, 721.2B, AND 722.2B.**

- 101 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (amendment #553, effective 6-28-13)
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare. Direct access through a residential neighborhood shall be prohibited.
- 104 Signs shall only be permitted in accordance with regulations of Article VIII, Section 801.6.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 108 Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 A buffer yard of twenty (20) feet shall be provided in accordance with requirements of Article VI, General Standards and Special Provisions, Section 603.10.
- 110 All mining operations and related activities shall be located a minimum of:
- a. 50 feet from any adjacent property in an Industrial District I-1 or I-2 not owned or controlled by the operator;
  - b. 300 feet from any property in a S-1, B-1 or B-2 Business District not owned or controlled by the operator;
  - c. 600 feet from any property in an R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District;
  - d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).
- 111 All mining operations and related activities shall be limited when located adjacent to any property zoned R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential according to the following:
- a. Operations on Sundays and recognized Federal Holidays shall be prohibited;
  - b. Operations, including the start-up and/or warm-up of any extraction, processing or related equipment, should not commence before 7:00 a.m. local time and terminate not later than 5:30 p.m. local time;
  - c. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.

- 112 Reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation and a copy of the state permit, as approved by the Division of Reclamation and any revisions of the application over the life of the permit shall be submitted to the Plain Township Zoning Department, within ten (10) days of approval by the State. However, reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation.
- 113 Truck routes shall be established for movement in and out of the development in such a way that wear on public streets and hazards and damage to other properties in the community will be minimized. Access to public roads shall be approved by the applicable state, county or township department and haul roads shall be hard surfaced to provide for dust control and shall be positioned to provide safe access to all public roads. A tire wash facility may be required by the Board if necessary to prevent mud and dirt being carried onto the surrounding streets.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 115 Such uses shall be permitted subject to the following conditions:
- a. The storage of supplies for the home occupation or material, equipment, and/or vehicles used off site may be permitted in an accessory building or garage which is otherwise permitted in the residential district. However, no outside storage shall be permitted.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. There shall be no more than one (1) non-resident employee or volunteer permitted to be engaged in the proposed use.
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
  - e. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
  - f. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
  - g. If additional parking spaces are required for the proposed home occupation they shall be provided off-street; however, only passenger vehicles shall be permitted in a residential district – see Section 603.7.
  - h. All facilities and structures shall meet county and/or State of Ohio health, building, electrical and other applicable regulations and/or permit requirements.
- 116 Special provisions for group dwellings:
- a. The entire group dwelling development shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for the district in which it is located.

- b. The type of dwelling units permitted shall be as listed in the permitted uses in the district in which the group dwelling development is located – i.e., single-family dwelling units only in the R-1A district.
- c. In a group dwelling development, the maximum number of dwelling units permitted shall be no more than permitted under the district in which it is located for dwellings on individual lots. Lot area devoted to private roadways, common parking lots and/or recreational structures shall not be included in the calculations for minimum lot size. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other than twenty (20) feet and all structures shall be set back from private roadways a minimum of twenty-five (25) feet.
- d. A minimum of twenty (20) percent of the total site area shall be reserved as open space as defined by these regulations. Structures and facilities intended for common recreational use such as a pool, clubhouse, picnic shelter, or play equipment, shall not constitute more than ten (10) percent of the required open space, and shall not be located within fifty (50) feet of an adjacent property line. Provisions for the future maintenance of common areas and open space and recreational facilities shall be reviewed and approved by the township Law Director before zoning certificates are issued.

117 Such uses shall be permitted under the following conditions:

- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
- b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
- c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
- d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

118 Such uses should be located on a major thoroughfare, adjacent to non-residential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
- b. Minimum area required for a cemetery site shall be ten (10) acres.
- c. Pavement width of driveways shall be at least twenty (20) feet.
- d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.

- e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
  - f. The location of grave sites shall be in compliance with the provisions of the Ohio Revised Code.
- 120 A planned office or commercial complex, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. Minimum yard requirements, including buffer yards shall be the same as listed in the district in which the complex is located, the group as a unit requiring one (1) front, one (1) rear and two (2) side yards.
  - c. There shall be twenty (20) feet between buildings.
- 121 Accessory uses to the main recreational use may include limited retail activity to serve the customers of the recreational activity, such as refreshment stands, souvenir shops, and concession stands.
- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. The Conditional Zoning Certificate may be renewed annually, provided the Zoning Director determines that the said use has been and is being operated according to the specifications of the zoning resolution and the conditions as set by the Board. The Zoning Director may refer the consideration of the renewal of the Conditional Zoning Certificate to the Board if it is determined that a violation has occurred.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.
- 124 The following regulations shall apply to Wireless Communication Antenna attached to an existing building or existing structure as defined herein.
- a. An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
  - b. Erection shall not exceed a maximum height of twenty (20) feet above the existing building or structure. However, placement of the antenna so that it does not exceed the height of the building or structure is encouraged and it is the responsibility of the applicant to show that such placement is not feasible.
  - c. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for a periodic and necessary maintenance.
  - d. Placement of the antenna must be such as to promote the co-location of other antennas on the building or structure.

- e. Plans shall be submitted with the conditional use application including elevation drawings of existing and proposed structures, buildings, and equipment as well as width, depth, height and statistical use data on the antenna and supporting structure or building.
- f. If the applicant proposes to locate equipment in a separate shelter, the shelter must comply with all the following:
  - 1. The shelter shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district;
  - 2. The maximum size of any equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted;
  - 3. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use;
  - 4. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and an above ground shelter is necessary;
  - 5. Security fencing eight (8) feet in height with an established two (2) feet of barbed wire surrounding the shelter area is mandatory;

The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.

- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes. Airports, airfields and landing strips shall require certification from the Federal Aviation Administration (FAA).
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
- 127 Group Dwelling Developments shall provide on-site circulation designed to facilitate adequate emergency access. Off-street parking and service areas shall be paved with concrete, asphalt, or equivalent, and located no closer than twenty (20) feet from any residential structure. Proposed street construction, grading and surface drainage plans shall be prepared by a registered engineer and shall be reviewed and approved by the township's engineering consultant when the adopted Stark County Subdivision Regulations are not applicable. Private streets shall be designed and constructed in accordance with the following minimum requirements:
  - a. The typical section of the pavement (curb/gutter, cross slope, pavement, width and pavement design) shall be in accordance with the Stark County Subdivision Regulations for local residential streets.



- b. Horizontal and vertical design constraints shall meet the Stark County Subdivision Regulations with respect to minimum intersection sight distance and minimum stopping sight distance.
  - c. Dead-end streets shall not exceed seven hundred fifty (750) feet in length and be provided with an adequate turnaround in accordance with the Stark County Subdivision Regulations.
  - d. The proposed street layout shall be reviewed and approved by the township Fire Chief to assure adequate access by safety vehicles. Proposed developments of more than forty (40) dwelling units shall require more than one (1) entrance/exit onto public streets.
- 128 Extensive Recreational Facilities shall comply with the following restrictions:
- a. A minimum tract of ten (10) acres shall be required.
  - b. Maximum lot coverage for permitted accessory building and parking areas shall not be more than five (5) percent of the total acreage.
  - c. Such accessory building and parking areas shall not have access through a residential neighborhood and shall be located a minimum of one hundred (100) feet from adjacent property lines.
  - d. The Board of Appeals shall consider whether the intensity or type of the recreational use will be compatible to adjoining residential areas and may prohibit those which would detrimentally affect existing residents.
- 129 Proposed accessory uses, structures and activities to a church shall be set forth in the application for the conditional use certificate and may include such activities as daycare, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business.
- 130 All sanitary landfill sites shall be subject to approval by the county and state health departments and subject to their requirements governing landfills. All work connected with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
- 131 Such uses shall not be located adjacent to any Residential District.
- 132 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
  - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use of which the parking is provided, permitted, or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.



- e. Such parking lot shall not have direct access through a residential district and all entrances and exits shall be located at least twenty (20) feet from any adjacent property located in a residential district.
- 133 Outside play areas shall be enclosed by a six (6) foot fence.
- 134 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.
- 135 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business.
- 136 There shall be no outside storage adjacent to any Residential District or uses.
- 137 Storage of explosive or hazardous materials shall be prohibited.
- 138 Outside storage areas shall be completely enclosed by walls, fences, buildings, landscaping, or a combination thereof.
- 139 A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.
- 140 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.
- 141 The scrap or junk yard use shall be permitted only under the following conditions:
- a. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
  - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
  - c. Suitable control measures shall be taken whenever dust or odor is a problem or potential problem.
  - d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any Residential District and/or public street right-of-way line, and shall otherwise have front, side, and rear setback of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:
    - The fifty (50) foot wide strip shall be planted with Pine, Norway Spruce, or other plants of similar screening value.
    - Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
    - The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
    - Trees shall be planted that are at the optimum transplanting size and age while still being as large as possible.
  - f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.

- g. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 142 Minimum lot and yard requirements for a group home shall be the same as listed for "Other Permitted Uses" in Section 705.3 of these Regulations for an R-3 Low Density Multi-family Residential District and in Section 706.3 of these regulations for the R-4 High Density Multi-family Residential District.
- ~~143 No such group home shall be located within a one (1) mile radius of another such facility for the developmentally disabled. (remove amendment #553, effective 6-28-13)~~
- 144 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- 145 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article VIII of these regulations.
- ~~146 The following regulations shall apply to adult entertainment uses as defined herein:~~
- ~~a. Adult entertainment uses shall be located at least one thousand (1,000) feet from any church, public or private school, park, playground, social service facility, neighborhood center, or amusement arcade.~~
- ~~b. Adult entertainment uses shall be located at least five hundred (500) feet from any residence or boundary of any residential district.~~
- ~~c. Adult entertainment uses shall be located at least five hundred (500) feet from any boundary of any residential district in an abutting local unit of government.~~
- ~~d. Adult entertainment uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment use.~~
- ~~e. Advertisements, displays, or other promotional materials that convey or contain adult materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or other public areas.~~
- ~~a. A minimum of one (1) attendant shall be on duty in the on-site parking area provided for the establishment during any and all hours of operation. (remove - Amendment #583, effective 11-9-23)~~
- 147 The following regulations shall apply to Bed & Breakfast Homestay and/or Bed & Breakfast Inn uses as defined herein:
- a. The exterior appearance of the structure or grounds shall not be altered to change the residential character of the property.
- b. Parking spaces shall be provided in accordance with Article IX.
- c. Individual rooms that are rented shall not contain any cooking facilities.
- d. The maximum length of stay for any guest may not exceed fourteen (14) consecutive days and no guest may stay more than sixty (60) days in a one (1) year period.
- 148 A planned industrial complex, which is a grouping of two (2) or more industrial establishments which have common vehicular parking facilities, controlled access to abutting streets, and developed under a unified site plan, shall be permitted provided the

following conditions are met:

- a. Only those uses as permitted in the district in which the complex is located shall be permitted in the planned industrial complex.
- b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
- c. There shall be twenty (20) feet between buildings.
- d. Side yards and rear yards shall be required only on the perimeter of the planned industrial complex and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be one hundred (100) feet on the side(s) abutting the residential zone only.

149 The following regulations shall apply to a Wireless Telecommunication Tower as defined herein:

- a. All buildings, structures, and tower components must be surrounded by an eight (8) foot chain link fence, with an additional three (3) strands of barb wire on top.
- b. Interior ground of all fenced areas will have stone aggregate surface treated with environmentally safe Herbicide.
- c. Applicant shall furnish copy of liability insurance policy showing coverage limitations and volume of insurance.
- d. Tower shall be lighted with standard FAA lighting. Tower is to be painted per FAA specifications with standard red beacon and obstruction lights. No strobe or similar high intensity lighting will be permitted.
- e. Operating frequency of cellular transmission shall have no effect on television or radio reception.
- f. Tower height shall not exceed three hundred (300) feet.
- g. The required setback distance from all adjacent property lines for any buildings, structures, or tower components, except for guy cable anchors, shall be one half (1/2) the height of the tower.
- h. Guy cable anchors shall be located at least ten (10) feet from all adjacent property lines.
- i. Any applicant requesting permission to install a new tower shall provide evidence at the time of making the application of written contact with all wireless service providers who supply service within a close proximity of the proposed facility. The applicant must inquire about potential collocation opportunities at all technically feasible locations. The written contact shall request response from the other providers in writing within thirty (30) days. It is the responsibility of the applicant to present the written responses to the Zoning Board of Appeals as a means of demonstrating the need for a new tower.
- j. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower in this proposed site is technically necessary.

- k. Any applicant requesting permission to install a new tower must allow to the extent possible for the ability of other providers to co-locate on the proposed structure.
  - l. No advertising is permitted anywhere on the facility. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration.
  - m. The facility shall meet radio frequency emission standards as established by the Federal Communications Commission.
- 150 For the purposes of the regulations, “Operations” and Related Activities” shall include but not be limited to: storage of equipment, extraction of minerals, storage, processing and loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator’s mining activities.
- 151 Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding properties. The storage of minerals, peal or coal from other mining operations shall be only permitted on sites in Industrial Districts.
- 152 The applicant shall set and maintain stakes of one (1) color along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
- 153 Existing natural or man-made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.  
(amendment #545, effective 3-26-09)
- 154 Small wind energy systems shall meet the following requirements:
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for sale off the property.
  - b. Minimum lot size of five (5) acres.
  - c. One small wind energy system tower per lot or parcel.
  - d. Small wind energy system shall be located only in the rear yard area.
  - e. Maximum height shall be 100 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - f. Minimum setback from all property lines, structures and above ground utility lines shall be no less than 110 percent of the tower height.
  - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - i. Blade color shall be white or light gray.

- j. Lighting of the tower for all aircraft shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
- k. The tower shall have either:
  - 1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
  - 2. A locked anti-climb device installed on the tower; or
  - 3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
- l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
- o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
- p. No variance shall be issued for the placement of a small wind energy system so close to the property line that it may result in any portion of the system to overhang, cross or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
  - 1. The anticipated life of the project;
  - 2. The estimated decommissioning costs in current dollars;
  - 3. The method and schedule for updating the costs of decommissioning and restoration;
  - 4. The method of ensuring funds will be available for decommissioning and restoration; and
  - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
  - 1. Property lines and physical dimensions of the site.

2. Location of small wind energy system tower, guy wires, setbacks from property lines, above ground and underground utility lines, easements and any structures on the property. Also show location of sewage treatment system.
3. Location of signage.
4. Elevation of the proposed small wind energy system tower.
5. Location of trees within a 100 ft. radius of the proposed small wind energy system.
6. Manufacturer's specifications, including make, model and picture.
7. Scaled drawing no smaller than 1" – 100'.  
(amendment #551, effective 4-13-11)

~~155—All accessory solar energy systems shall meet the following requirements:~~

- ~~1. A solar energy system may be conditionally permitted in all zoning districts as an accessory to a principal use.~~
- ~~2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.~~
- ~~3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.~~
- ~~4. A roof/structure mounted solar energy system:
 
  - ~~a. Shall be flush mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five percent (5%) steeper than the roof pitch on which it is mounted~~
  - ~~b. Shall not extend the perimeter (or edge of roof) of the structure on which it is located~~
  - ~~c. May be mounted to a principal or accessory structure~~
  - ~~d. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached~~~~
- ~~5. A ground/pole mounted solar energy system:
 
  - ~~a. Shall not exceed the maximum height allowed in that zoning district for accessory buildings~~
  - ~~b. Shall not be located within the required front yard setback~~
  - ~~c. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage~~
  - ~~d. The minimum setback distance from property lines for solar energy systems and their related equipment shall be at least one hundred ten percent (110%) of the height of the solar energy system or at least ten (10) feet from the nearest property line, whichever is greater~~~~

- ~~6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.~~
- ~~7. A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.~~
- ~~8. The design of the solar energy system must conform to all applicable industry standards.~~
- ~~9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.~~
- ~~10. A site plan shall be submitted at the time of application and shall include:
  - ~~a. Property lines and physical dimensions of the site~~
  - ~~b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems~~
  - ~~c. Location of any required signage~~
  - ~~d. Elevation of the proposed solar energy system(s) at its maximum tilt~~
  - ~~e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)~~
  - ~~f. Manufacturer's specifications, including make, model and picture~~
  - ~~g. Sealed drawing no smaller than 1" = 100'~~~~

(Remove - amendment #583, effective 11-9-23)

156. All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.



6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.
8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
10. A site plan shall be submitted at the time of application and shall include:
  - a. Property lines and physical dimensions of the site
  - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements, and any structures on the property. Also show location of sewage treatment systems
  - c. Location of any required signage
  - d. Elevation of the proposed solar energy system(s) at its maximum tilt
  - e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)
  - f. Manufacturer's specifications, including make, model and picture
  - g. Scaled drawing no smaller than 1" = 100'  
(amendment #551, effective 4-13-11)



## ARTICLE XII

# BOARD OF ZONING APPEALS AND ZONING COMMISSION

### SECTION 1201

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

#### SECTION 1201.1 COMPOSITION AND APPOINTMENT

The Board shall consist of five (5) members appointed by the Township Trustees in accordance with Ohio Revised Code, Section 519.13, and one (1) alternate member appointed by the Township Trustees.

#### SECTION 1201.2 ORGANIZATION

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

#### SECTION 1201.3 QUORUM

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

#### SECTION 1201.4 MEETINGS

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

#### SECTION 1201.5 WITNESSES

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

#### SECTION 1201.6 PROCEEDINGS

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

#### SECTION 1201.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Director in the enforcement of this Resolution.

- B. In the event that the Zoning Director has made a wrongful interpretation of the code and the Board so finds in favor of the applicant, then all fees paid for the appeal shall be refunded to the applicant. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses as specifically provided in this Resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law Ohio Revised Code 519.14 (D).

## **SECTION 1201.8 APPEALS TO THE BOARD**

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

## **SECTION 1201.9 APPLICATIONS**

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by governmental officer, department, board, and bureau. Such application shall be filed with the Secretary of the Board who shall transmit the same to the Board. The person filing the application shall be known as the appellant and the officer from whose action the appeal is taken shall be known as the appellee.

## **SECTION 1201.10           PROCEDURE**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

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

## **SECTION 1201.11           NOTICE OF HEARINGS**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and other property owners of interest at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

## **SECTION 1201.12           DECISIONS**

A copy of the Board's Decision shall be transmitted to the applicant or appellant and the Zoning Director. Such decision shall be binding upon the Zoning Director and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate or Conditional Zoning Certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall be come final when such decision in made.

## **SECTION 1202**

A PLAIN TOWNSHIP ZONING COMMISSION IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION.

### **SECTION 1202.1           COMPOSITION AND APPOINTMENT**

The Commission shall consist of five (5) members appointed by the Township Trustees in accordance with Ohio Revised Code, Section 519.04 and one (1) alternate member appointed by the Township Trustees.

**SECTION 1202.2 ORGANIZATION**

The officers of the Commission shall be a Chairman, a Vice-Chairman, and a Secretary to be elected at the first meeting of the commission in each calendar year.

**SECTION 1202.3 QUORUM**

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

**SECTION 1202.4 MEETINGS**

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

**SECTION 1202.5 PROCEEDINGS**

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

**SECTION 1202.6 POWERS AND DUTIES**

The Commission shall have the following powers:

1. The Commission shall hear requests or applications for zone changes.
2. The Commission shall hear requests or applications for amendments to the zoning resolution.
3. Upon compliance with the procedure set forth in Section 519.12 of the Ohio Revised Code, the Commission shall within thirty (30) days after its public hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or Regional Planning Commission thereon to the Board of Township Trustees of the Board of Trustees to make a decision thereon.

**SECTION 1202.7 ZONING AMENDMENT PROCEDURE**

There are two (2) kinds of zoning amendments; changes in the zoning text and changes in the zoning map (or district changes); however, the same procedure applies. The following outline has been adapted from the Ohio Revised Code, Section 519.12.

**A. INITIATION OF AMENDMENTS**

1. Who may apply:
  - a. Zoning Commission
  - b. Township Trustees
  - c. Property Owner or Lessee
2. Application Form
  - a. Completed form and filing fee (as set by Resolution adopted by the Board of

Township Trustees) submitted to the Secretary of the Zoning Commission.

- b. Indicates change requested and legal description of property involved (if district change). **PLEASE NOTE THAT WHEN AN APPLICATION TO REZONE PROPERTY TO EITHER AN R-5 RESIDENTIAL CONDOMINIUM PUD DISTRICT, AN R-6 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OR AN R-7 PLANNED MIXED-USE DEVELOPMENT (PMUD) DISTRICT IS FILED, A PRELIMINARY DEVELOPMENT PLAN SHALL BE SUBMITTED AS PART OF THE APPLICATION FOR REZONING. TWO (2) COPIES OF THE PROPOSED PRELIMINARY PLAN SHALL BE SUBMITTED WHICH SHALL COMPLY WITH THE REGULATIONS OF THOSE DISTRICTS, BE DRAWN TO A SCALE OF 1" = 100', AND INCLUDE THE FOLLOWING INFORMATION:**
- Names, addresses and telephone numbers of applicant, owners of all property included in the development, registered surveyor, engineer and/or architect assisting in the preparation of the proposed PUD plan.
  - Accurate boundaries of the proposed PUD and total acreage included.
  - Topography at two (2) foot contour intervals.
  - Existing and proposed street systems including pavement widths, indicating those streets proposed to be public and/or private and the type of construction proposed.
  - Number and type and location of dwelling units proposed and number of parking spaces in accordance with district regulations.
  - Location and acreage of common open space and recreational facilities and proposed method of future maintenance of such areas.
  - Description and location of existing water, sewer facilities and other existing utilities and proposed methods for extension.
  - Existing land use within three hundred (300) feet of the boundaries of the proposed PUD.
  - Summary table showing total acreage of the proposed development, number of acres devoted to each type of use including streets and open space, number of dwelling units by type and the proposed density by dwelling units per acre.
  - A traffic impact statement which identifies the projected peak hour and average daily traffic to be generated by the proposed development. Said projections shall be prepared using the trip generation rates for the proposed uses as contained in the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE) and shall compare the potential traffic generation under the current zoning of the property with that projected for the proposed PUD. When the proposed site development is projected to generate more than two hundred (200) additional directional trips during the peak hour of generation or more than two thousand (2,000)

additional trip ends in an average day, a full traffic impact analysis shall be provided.

- Traffic impact analyses, if required, shall be prepared by individuals qualified in the areas of traffic engineering and/or traffic planning and shall conform to industry and township standards for such reports. Each traffic impact analysis report shall include a Level of Service or Capacity Analysis at the proposed access points for the project and at the nearest major intersections following the procedures set forth in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board (TRB). Such analyses shall also identify any required improvements, such as turning lanes or traffic control devices, required to maintain acceptable levels of service.
- Proposed phases if the project is to be developed in stages. Each phase shall be a minimum of five (5) acres which shall comply with minimum and maximum percentages for types of uses, open space, lot coverage etc. as listed in district regulations.

#### B. PROCESSING OF AMENDMENT BY ZONING COMMISSON

1. Copy of request must be transmitted to the Regional Planning Commission within five (5) days after receipt.
2. Public hearing date to be set not less than twenty (20) nor more than forty (40) days from receipt of amendment.
3. Newspaper notice of public hearing must be published at least ten (10) days prior to the hearing.
4. Written notice to property owners within, contiguous to, and directly across the road from the land to be rezoned must be sent at least ten (10) days before the public hearing if ten (10) or fewer parcels of land are proposed to be rezoned.

NOTE: Section 5511.01 of the Ohio Revised Code requires notification to the Ohio Department of Transportation before any amendment is approved which affects land near proposed new highways or planned improvements.

5. The published and mailed notices shall include the place and time of the public hearing, the nature of the amendment and that after conclusion of the hearing the matter will be forwarded to the county or Regional Planning Commission and to the Board of Trustees as the case may be.
6. Township Trustees have determined to better inform interested property owners when an application for rezoning of property has been filed. Therefore, in addition to the required legal notices, a sign(s) shall be provided and posted by the township on the property in question to notify the public that an application has been filed that could affect the zoning of the property. Such sign shall remain on the parcel(s) in question until the conclusion of the public hearing process.

C. REGIONAL PLANNING COMMISSION ACTION

1. Reviews request at regularly scheduled meeting.
2. Transmits recommendation to approve, deny, or modify the proposed amendments to the Zoning Commission.

D. ZONING COMMISSION ACTION

1. Considers the recommendation of the RPC at their public hearing.
2. Decision must be made within thirty (30) days after the hearing and recommendation sent to township trustees.

E. PROCESSING OF AMENDMENT BY TOWNSHIP TRUSTEES

1. Set date for public hearing within thirty (30) days after receipt of the Zoning Commission's recommendation.
2. Newspaper notice of the public hearing must be published at least ten (10) days before the hearing. Notice must include time and date of hearing and summary of the proposed amendment.

F. TOWNSHIP BOARD OF TRUSTEES ACTION

1. Decision of trustees must be within twenty (20) days after the public hearing.
2. Decision may be to approve, deny, or modify the request. A simple majority vote of the Board is required to affirm the recommendation of the Zoning Commission. However, if the Zoning Commission recommendation is not upheld, a unanimous vote of the Trustees is required. *(Amended 9/22/2008 – Simple Majority)*
3. Any amendment adopted by the Trustees becomes effective in thirty (30) days from the date of their decision unless a petition for referendum is filed.

G. REFERENDUM

1. Residents may submit a petition to Trustees, signed by registered electors equal to eight (8) percent of the total votes cast for governor in the last election within the area of the zoning plan. Such petition, accompanied by an appropriate map of the affect area, shall be in a form as required by Section 519.12 and governed by rules specified in Section 3501.38 Ohio Revised Code.
2. Board of Trustees must submit to the Board of Elections within two (2) weeks of receipt for the issue to be placed on the ballot at a special election to be held on the day of the next primary or general election.
3. Unless approved by a majority of the voters in the township, no amendment for which a referendum vote has been requested is effective.
4. Upon certification by the Board of Elections that the amendment has been approved by the voters, it takes immediate effect.

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## ARTICLE XIII

# ADMINISTRATION, FEES AND ENFORCEMENT

### SECTION 1301 ADMINISTRATION

#### SECTION 1301.1 ZONING DIRECTOR

For the purposes of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Director, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the sole discretion of the Township Trustees.

#### SECTION 1301.2 BOARD OF ZONING APPEALS

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

#### SECTION 1301.3 SUBMISSION OF APPLICATIONS

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

#### SECTION 1301.4 ZONING CERTIFICATES REQUIRED

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

- B. Within thirty (30) days after the receipt of application, the Zoning Director shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee.
- C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning permit.
- D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 1101.1 shall be followed in lieu of the above regulations.

**SECTION 1301.5 FEES**

- A. Fees for all zoning certificates for permitted and conditionally permitted uses and for filing applications to the Board of Appeals and for zoning amendments shall be as set by Resolution adopted by the Plain Township Board of Trustees, which is available at the township office.
- B. Failure to obtain permit before construction or use has commenced - The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void. Where construction is commenced prior to obtaining a zoning certificate, the Zoning Director is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to ensure that the construction already commenced fully complies with the requirements of this Resolution. Where such preliminary inspection is necessary, an additional fee shall be charged for such zoning certificate and special inspection, as set by Resolution adopted by the Plain Township Board of Trustees which is available at the township office.

**SECTION 1302.1 VIOLATIONS**

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

**SECTION 1302.2 PENALTIES**

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than one hundred (100) dollars per occurrence. Each day of continuation of a violation of this Resolution shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law.

**SECTION 1301.5      FEES**

**A.      Zoning Certificate Fee Schedule**

Fees for zoning certificates, application to the Board of Zoning Appeals, Zoning Amendments, Conditional Use Permits, and other zoning fees shall be established by the Resolution of the Plain Township Board of Trustees.

**1.      Residential New Construction Uses**

- a.      Single-family Dwelling.....\$115.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor.
- b.      Two-family Dwelling.....\$165.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor.
- c.      Three-family Dwelling Units or More (Multifamily).....\$200.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor, including apartment units.

**2.      Residential Additions/Accessory Uses**

- a.      Accessory buildings – Including decks, storage sheds, and unattached garages..... \$40.00  
Plus **10** cents per sq. ft. (Children’s play houses, gymnastic equipment, dog houses, kennels and fences/walls not included.)
- b.      Alterations and additions to existing structure including attached garages..... \$40.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor.
- c.      Above-ground or in-ground private swimming pools or other water basins.....\$65.00
- d.      Satellite Dish.....\$40.00

3. Commercial and Industrial Uses

- a. All new commercial and industrial construction.....\$265.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor up to 10,000 sq. ft. Plus 1 cent per sq. ft. for any outside dimensions of the structure of each floor over 10,000 sq. ft.
- b. All alterations, additions, and accessory uses to existing structure.....\$115.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor up to 10,000 sq. ft. Plus 1 cent per sq. ft. for any outside dimensions of the structure of each floor over 10,000 sq. ft.
- c. Hotels, Motels, Inns – per single room.....\$265.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor up to 10,000 sq. ft. Plus 1 cent per sq. ft. for any outside dimensions of the structure of each floor over 10,000 sq. ft.
- d. Certificate of Conformance.....\$55.00
- e. Satellite Dish.....\$40.00
- f. Parking Lots..... \$115.00  
(Principal use, private or public)
- g. Sexually Oriented Business..... \$265.00

4. Churches

- a. All new construction.....\$115.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor up to 10,000 sq. ft. Plus an additional 1 cent per sq. ft. for any sq. ft. over 10,000.
- b. All alterations, additions, and accessory uses to existing structure..... \$40.00  
Plus **10** cents per sq. ft. of outside dimensions of the structure of each floor.

5. Recreational, institutional, governmental, and miscellaneous structures and/or accessory buildings or additions..... \$65.00

Plus **10** cents per sq. ft. of area within the outside dimension of the foundation. Swimming pools included.

- 6. Signs and Billboards
  - a. Signs advertising a business or service other than a home occupation, being operated on the premises:
    - 1. 50 sq. feet or less.....\$65.00
    - 2. 51-200 sq. feet.....\$115.00
    - 3. 201 sq. feet or over.....\$215.00
  - b. Subdivision, apartment, or condominium complex identification signs.....\$65.00
  - c. Temporary and/or portable signs 30 days.....\$65.00
  - d. Billboards & off-premises signs.....\$315.00
  - e. Home occupation sign.....\$40.00
  - f. An additional penalty for any sign erected or installed prior to obtaining sign permit.....\$40.00
- 7. Roadside Stand (Farm Market).....\$40.00
- 8. Other Permitted Uses Not Specified Above for land use not otherwise covered in this fee schedule..... \$115.00
- 9. Application for Board of Appeals..... \$350.00  
 Plus certificate of mailing fees  
 When the Board finds it necessary to maintain a strict record of public hearing procedures, or when the Board deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.
- 10. Zoning Amendment Fee.....\$450.00  
 Plus certificate of mailing and County Recorders fees  
 Application to the Zoning Commission for a change in zoning classification or a text amendment.

11. Conditional Use Permit  
The fee for a Conditional Zoning Certificate as authorized by the Board of Appeals:
  - a. Cemeteries.....\$115.00
  - b. Junkyards.....\$2,015.00 + \$50.00 per acre
  - c. Sanitary Landfills.....\$2,015.00 + \$50.00 per acre
  - d. Extraction of Mineral Deposits.....\$515.00 + \$50.00 per acre
  - e. Home Occupations.....\$65.00
  - f. Extensive Recreational Facilities.....\$315.00
  - g. Child Day Care center.....\$65.00
  - h. Wireless Telecommunication Tower/Antenna..... \$265.00
  - i. Group Dwelling Development.....\$215.00
  - j. Planned Office/Commercial/Industrial Complex.....\$165.00
  - k. Mini-Storage or Mini Warehouse Facilities.....\$165.00
  - l. Churches.....\$215.00
  - m. Other permitted conditional uses..... \$215.00
12. Subdivision of Property Without Plat.....\$30.00
13. Zoning Certification.....\$65.00
14. Zoning Resolution Book.....\$15.00
15. Special Inspection..... \$65.00
16. Zoning Maps
  - a. Large 24" x 36"..... \$10.00
  - b. Small 11" x 17".....\$3.00
17. Transient Vendor.....\$150.00

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

The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any Zoning Certificate issued in conflict with the provisions of this Resolution shall be null and void. Where construction is commenced prior to obtaining a zoning certificate, the Zoning Inspector is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to ensure that the construction already commenced fully complies with the requirements of this Resolution. Where such preliminary inspection is necessary, and additional fee shall be charged for such zoning certificate and special inspection, as set by Resolution adopted by the Plain Township Board of Trustees which is available at the township office (Amendment #525/Effective 1210-03).  
(amendment #20-046, effective 2/1/2020)

#20-0910

01/14/2020

Zon #4

Motion by Haws

**NOW THEREFORE, BE IT RESOLVED**, by the Plain Township Board of Trustees, Stark County, Ohio to accept the attached zoning fees to be enforced by the Plain Township Zoning Department effective February 1, 2020.

Seconded by Sabo

Vote: Mr. Sabo, Y; Mr. Haws, Y; Mrs. Harless, Y

[Signature]  
Law Director

1-14-20  
Date

Reviewed as to form pursuant to O.R.C. 504.15


ZON #3  
11/25/14

#14-625 Motion by Mr. Haws

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to accept the attached zoning fees to be enforced by the Plain Township Zoning Department effective January 1, 2015.

Seconded by Mr. Leno

Vote: Mr. Leno       Mr. Giavasis       Mr. Haws

  
\_\_\_\_\_  
Law Director  
Reviewed as to form  
pursuant to O.R.C. 504.15

11-25-14  
Date



**ARTICLE XIV**  
**VALIDITY AND SEPARABILITY**

**SECTION 1401                      VALIDITY AND SEPARABILITY**

If any section, subsection, or any provision or provisions of this Resolution, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

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**ARTICLE XV**  
**REPEALER**

**SECTION 1501                      REPEALER**

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

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ARTICLE XVI  
EFFECTIVE DATE

SECTION 1601 EFFECTIVE DATE

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

Recommended by the Township Zoning Commission

3/28/06 David J. Poshen  
Date Chairman of the Township Zoning Commission

Adopted by the Plain Township Trustees

3/28/06 Albert P. Leno II  
Date Trustee

3/28/06 [Signature]  
Date Trustee

3/28/06 Pamela J. Bossat  
Date Trustee

Attest by the Fiscal Officer of Plain Township:

3-28-06 Charles W. Furrer  
Date Fiscal Officer

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ARTICLE XVII

MARIJUANA DISPENSARY PROHIBITION RESOLUTION

SECTION 1701 PURPOSE

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

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

SECTION 1701.1

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

- A. As a land use matter, medical marijuana cultivators, dispensaries, and processors, as defined by House Bill 523, are hereby prohibited within the Township, to protect the health, safety, and welfare of the residents of Plain Township.
- B. The Board finds and **determines** that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in open meetings of this Board and that the deliberations of this Board and any committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

BOARD OF TOWNSHIP TRUSTEES OF PLAIN TOWNSHIP,  
STARK COUNTY, OHIO

A RESOLUTION TO PROHIBIT ADULT-USE CANNABIS OPERATORS AND MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES WITHIN THE UNINCORPORATED AREA OF PLAIN TOWNSHIP, STARK COUNTY OHIO

The Board of Township Trustees of Plain Township, Stark County, Ohio met on December 19, 2023 with the following members present:

Scott Haws

John Sabo

Brook Harless

Trustee \_\_\_\_\_ moved that the following resolution be adopted:

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new, Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult-use cannabis in the state of Ohio; and

WHEREAS, R.C. 3780.25 authorizes townships to prohibit or limit the number of adult-use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, Medical marijuana is regulated in Ohio by Chapter 3796 of the Ohio Revised Code; and

WHEREAS, R.C. 3796.29 similarly authorizes townships to prohibit or limit the number of marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the unincorporated area of the township; and

WHEREAS, the board of township trustees finds it to be in the best interest of the township to prohibit adult-use cannabis operators licensed under Chapter 3780, as well as cultivators, processors, and retail dispensaries licensed under Chapter 3796, within the unincorporated area of the township;

Now, therefore, be it RESOLVED, as follows:

- 1) All terms used in this resolution shall be defined in the same manner as R.C. Chapter 3796, as it pertains to medical marijuana, and R.C. Chapter 3780, as it pertains to adult-use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in both chapters.



- 2) Adult-use cannabis operators, as well as cultivators, processors, and retail dispensaries of medical marijuana are hereby prohibited from operating within the unincorporated area of Plain Township, Stark County, Ohio.
  
- 3) It is the intent of the Board of Township Trustees to prohibit the operations described in Section 2 above to the maximum extent permitted by R.C. 3780.25, R.C. 3796.29, and any other applicable provisions of state law. This resolution shall be construed in a manner that gives maximum effect to that intent.

Trustee \_\_\_\_\_ seconded the motion, and the roll call vote proceeded as follows:

Scott Haws \_\_\_\_\_

John Sabo \_\_\_\_\_

Brook Harless \_\_\_\_\_

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY by Eric J. Williams, Law Director,  
Plain Township, Stark County, Ohio.**

**DATE:** \_\_\_\_\_

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## SECTION 1900 WIRELESS COMMUNICATIONS FACILITIES (WCFS)

### SECTION 1900.1 PURPOSE

The Wireless Communications Facilities (WCFs) regulations are intended to achieve the following objectives:

1. To provide a competitive and wide range of communications services.
2. To encourage the shared use of existing WCFs, buildings, and structures.
3. To ensure compliance with federal and state regulations.
4. To promote the health, safety, and welfare of Plain Township residents and businesses with respect to WCFs.
5. To address modern and developing technologies including, but not limited to, distributed antenna systems (DAS), data collection units, cable Wi-Fi, and other WCFs.
6. To establish procedures for design, siting, construction, installation, maintenance, and removal of both tower-based and attached WCFs in Plain Township, including facilities both inside and outside of the public rights-of-way.
7. To protect Plain Township residents and businesses from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

### SECTION 1900.2 DEFINITIONS

For the purposes of this article, the following definitions apply:

1. **Co-location:** The use of a WCFs by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
2. **Height:** means when referring to a tower or other telecommunications structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. **Tower:** means any structure that is designed and constructed to support one or more antennas. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and all other structures for wireless communication or transmission. The term includes the structure and any support thereto.
4. **Lattice tower:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

5. **Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
6. **Telecommunications:** The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
7. **Wireless communications facilities or (WCF):** Also known as the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.
8. **Wireless communications antenna:** The physical device including towers through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
9. **Stealth Technology:** Camouflaging practices and methods applied to wireless communications facilities, communications antennas, towers and other facilities that render them more visually appealing and virtually indistinguishable to the casual observer. Such methods include, but are not limited to, using architectural materials to screen the WCF from view, painting the WCF to match the building or structure they are mounted to, designing and constructing the WCF in a manner to resemble another object such as a flagpole, clock tower, chimney, grain silo, tree, etc.
10. **Backhaul network:** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
11. **Preexisting towers and preexisting antennas:** mean any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the resolution codified in this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
12. **Abandoned:** cessation of use of telecommunications facilities for a period in excess of ninety (90) days.
13. **FAA:** means the Federal Aviation Administration.
14. **FCC:** means the Federal Communications Commission.
15. **ANSI/IEEE STANDARDS:** American National Standards Institute. A private organization that develops widely accepted standards for many pieces of modern day equipment.
16. **PROW:** means Public Right-of-Way.

## Section 1900.3 GENERAL PROVISIONS:

The following regulations shall apply to all wireless communications facilities:

**A. In addition to all other applicable regulations of this chapter, wireless communications facilities (WCFs) shall be regulated as follows:**

1. **Standard of care:** Any WCFs shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower based WCFs shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in Plain Township.
2. **Wind:** Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI, as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry (ANSI EIA/TIA-222-E Code or ANSI EIA/TIA-222-G, as amended).
3. **Public safety communications:** No WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communications services enjoyed by occupants of nearby properties.
4. **Maintenance:** The following maintenance requirements shall apply.
  - a. Any WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - c. All maintenance and activities shall utilize the best available technology for preventing failures and accidents.
  - d. Failure to maintain any WCF in accordance with this section shall, after due notice, constitute abandonment.
5. **Radio frequency emissions:** No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC), 47 U.S.C. Section 332(c)(7)(B)(iv), including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended. The applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the WCF, when measured in conjunction with the emissions from all communications antennas on the tower, does not result in an exposure at any point on or outside such facility that exceeds the lowest applicable exposure standards established by the FCC or the ANSI.

6. **Historic buildings or districts:** No tower based WCF may be located on or within 200 feet of a site that is listed on a historic register, a site listed for inclusion on the historic register, or in an officially designated state or federal historic district.
7. **Identification:** All tower based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The notice shall not exceed two square feet in gross surface area. The nature and content of the notice shall otherwise be subject to approval by the Township.
8. **Lighting:** Any WCFs shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Board of Zoning Appeals. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties. No flag that requires lighting shall be located on the structure.
9. **Noise:** All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under Plain Township Home Rule, Chapter 1200 Noise Ordinance, State or Federal law except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
10. **Retention of experts:** The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCFs and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WCFs shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
11. **A map of proposed facility:** The applicant shall provide a map indicating the proposed facility and extending outward a minimum of a six (6) mile radius surrounding the facility. This map shall have shown all existing WCFs within this radius.
12. **Nonconforming uses:** Nonconforming WCFs that are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this article. Co-location of facilities may be permitted on nonconforming structures.
13. **Removal:** In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Discontinued, unused or abandoned WCFs or portions of WCFs shall be removed, as follows:
  - a. Any WCF that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from Plain Township notifying the WCF owner of such abandonment.
  - b. Failure to remove the WCF within said 90 days shall be grounds to remove the WCF at the expense of the WCF owner. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- c. All unused or abandoned WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
  - d. If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - e. Any unused portions of WCFs, including antennas, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all replacements of portions of a tower based WCF previously removed.
  - f. Applicant shall furnish a bond in such amount as shall be sufficient to cover the costs of removal of the WCF in the case of abandonment.
14. **Inspection:** The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this article and any other provisions found within the Township Zoning Resolution. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
15. **Location:** The applicant shall demonstrate that the WCF must be located where it is proposed in order to service the applicant's service area. There shall be a written explanation of why a WCF in this proposed site is technically necessary.
16. **Indemnification:** Applicants shall defend, indemnify, and hold harmless Plain Township, its Board of Trustees, Commissions, officers, agents, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, whatsoever, including reasonable attorney's fees, regardless of the merit or outcome of any such claim or suit, resulting from the alleged acts or omissions of permittee, its officers, agents, or employees in connection with the permitted work.
17. **Liability:**
- a. Permittee and the WCF owner shall be liable for all risk for liability for damages that may occur to persons or property on account of the proposed work, whether completed by applicant or applicant's agent or contractor completing, installing, or maintaining the work on applicant's behalf. Applicant shall procure and maintain liability insurance to protect the public from injuries occurring as a result of the proposed work and to protect from all liability and damages on account of injuries to workers, as provided by law, and to protect Plain Township from all liability and damages occasioned by the proposed work.
  - b. Permittee shall provide and the WCF owner shall maintain:
    - i. Commercial General Liability insurance covering Plain Township against any and all claims, injury or damage to persons or property, both real and personal, caused by the proposed work, in an amount not less than One Million U.S. Dollars (\$1,000,000.00) per occurrence (combined single limit), including bodily injury and property damage, and in an amount not less than Two Million

U.S. Dollars (\$2,000,000.00) annual aggregate for each personal injury liability;

ii. Statutory workers' compensation and employer's liability insurance in an amount not less than One Million U.S. Dollars (\$1,000,000.00); and

iii. Provide evidence satisfactory to the Township of compliance with this subsection 17.

18. **Conditional Use Permit:** All WCF permit applicants, will be required to obtain a conditional use permit, through the Plain Township Board of Zoning Appeals. This process necessitates a public hearing.

19. **Criteria in Granting Conditional Use Permits:** In addition to the general requirements of this chapter, the Plain Township Board of Zoning Appeals shall consider the following factors in determining whether to issue a Conditional use permit:

a. Design of the WCF, with particular reference to stealth technology and any other design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

b. Location of the WCF on the lot, PROW, or structure, with particular reference to reducing or eliminating visual obtrusiveness;

c. Proximity of the WCF to residential district boundaries;

d. Proposed ingress and egress;

e. Reasons why the WCF cannot be designed using stealth technology.

20. **Application requirements:** A scaled site plan clearly indicating the location, type, and height of the proposed wireless telecommunications tower, adjacent land uses and zoning, comprehensive plan designation of the site and surrounding properties, adjacent roadways, proposed means of access, setbacks from property lines, landscaping, elevation drawings of the proposed tower and antenna array, and any other structures, topography, parking, and any other information, deemed necessary to assess compliance with this chapter.

a. A description of the type of service offered and the consumer receiving equipment.

b. Identification of the provider.

c. The setback distance between the proposed tower and the nearest residentially zoned property.

d. The separation distance from other towers within a 1 mile radius, shall be shown on an updated site plan or map in relationship to the proposed tower. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if applicable.

e. Each applicant for an antenna and/or tower shall provide to Plain Township an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are within one mile of the proposed tower site, including specific information about the location height, and design of each tower.



21. **Severability:** If any provision of this article XIX is found to be unenforceable, the remaining provisions here off shall not be invalidated.

**B. Tower-based wireless communications facilities outside the rights-of-way:** The following regulations shall apply to tower-based WCFs located outside of the public right-of-way (PROW):

1. **Location:** Tower-based WCFs located outside of a public right-of-way shall only be conditionally permitted by the Board of Zoning Appeals in the following zoning districts:
  - a. Rural Residential District (R-R)
2. **Minimum lot area:** No minimum lot or lease area size is required for a tower based WCF, except as to comply with the minimum requirements of the zoning district and the regulations herein.
3. **Setbacks:** No tower-based WCFs shall be located closer than 110% of the proposed tower height, from any existing residential lot line, regardless of zoning district in which the tower-based WCF and associated equipment is located.
4. **Height:** The maximum height of a tower based WCF shall be 300 feet, measured from the average natural grade of the approved facility area to the top point of the tower or antenna, whichever is greater.
5. **Combined with another use:** A tower based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural use, subject to the following conditions:
  - a. The existing use on the property need not be affiliated with the communications facility.
  - b. Minimum setbacks. The tower-based WCF and accompanying communications facility building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCFs shall be located closer than 110% of the proposed tower-based WCFs height, from any existing residential lot line.
6. **Design and construction:**
  - a. Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.
  - b. Any height extensions to an existing tower based WCF shall require prior approval of the Plain Township Board of Zoning Appeals subject to the regulations herein.
  - c. Any proposed tower based WCF shall be designed structurally, electrically, and in all respects to accommodate additional users. Tower-based WCFs must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
7. **Surrounding environs:** A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the tower-based WCFs.

8. **Fence/screen:**

- a. All buildings, structures, and tower components must be surrounded by an eight (8) foot chain link fence, with an additional three (3) strands of barbed wire that runs along the entire top of the fence.
- b. Interior ground of all fenced areas will have a stone aggregate surface treated with environmentally safe Herbicide.

9. **Signs:** No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, that identifies the phone number and contact person in the event of an emergency is required. In addition, "No Trespassing" signs may be placed on the security fencing in accordance with Article VIII Sign Regulations.

10. **Accessory equipment:**

- a. Ground-mounted equipment associated with, or connected to, tower based WCF shall be underground, if possible, or located within a building. In the event, that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, (As defined in Section 1901.2 Definitions).
- b. All buildings and structures associated with a tower based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

11. **Access road:** An access road, turnaround space, and parking shall be provided to ensure adequate emergency and service access to tower based WCFs. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall, at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower based WCF and communications facility building shall meet the applicable standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township Zoning Director that the property owner has granted an easement for the proposed facility.

**C. Tower-based wireless communications facilities in the public rights-of-way:**

The following regulations shall apply to tower-based WCF located in the PROW.

- 1. **Location:** Tower based WCFs shall be located in PROW only if the following conditions are met:
  - a. There is overhead utility infrastructure installed above ground present in the PROW.
  - b. The applicant for a new tower based WCF in the PROW can demonstrate that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole. Any application for approval of a tower based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one mile radius from the point of the proposed tower,

unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

2. **Height:** A tower based WCF shall not exceed the structure height limit in the zoning district in which it is to be placed.
3. **Equipment location:** Tower-based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the PROW as determined by the Township. In addition:
  - a. The applicant shall provide a notarized affidavit by the applicant demonstrating that co-location is not possible because of either: (1) the applicant has made a good faith effort to collocate its facilities on all existing towers in the area to be served, but has been unable to obtain the consent of the owners of such other towers; or (2) co-location is not physically possible for reasons set forth in subsections (3)(b) (1) through (4) of this section.
  - b. The applicant shall provide an engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure within the area recommended by the engineer's report provides an opportunity for collocating, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
    - i. The structure is not of sufficient height to meet engineering requirements;
    - ii. The structure is not of sufficient structural strength to accommodate the facility;
    - iii. Electromagnetic interference for one or both facilities will result from co-location;
    - iv. The radio frequency coverage objective cannot adequately be met.
  - c. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, facilities must be located outside the safe clear zone of the roadway as determined by Plain Township Roads Department Director.
  - d. Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Plain Township Board of Zoning Appeals.
  - e. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Plain Township Board of Zoning Appeals.
  - f. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
  - g. Any underground vaults related to tower based WCFs shall be reviewed and approved by the Plain Township Board of Zoning Appeals.

4. **Design and construction:**

- a. To minimize the visual impact of a WCF, any proposed new WCF or array of antennas shall be mounted on a structure that enables the antennas to be placed inside a new pole. The WCFs shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize the aesthetic impact.

The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Plain Township Board of Zoning Appeals.

- b. Any height extensions to an existing tower based WCF shall require prior approval of the Plain Township Board of Zoning Appeals.
- c. Guy wires are not permitted. The monopole must be self-supporting.

5. **Additional antennas:** As a condition of approval for all tower-based WCFs in the PROW; the WCF applicant shall provide the Township Board of Zoning Appeals with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower based WCF shall not install any additional antennas without obtaining the prior written approval of the Plain Township Zoning Department.

D. **Non-tower-based WCFs in the public rights-of-way:** The following additional regulations shall apply to all non-tower-based WCFs located in the public rights-of-way:

- 1. **Location:** Non-tower-based WCFs shall be permitted in the public right-of-way if there are aboveground utilities present or streetlights to which the non-tower-based WCF can be mounted.
- 2. **Design Requirements:**
  - a. WCF installations located above the surface grade in the PROW, including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b. Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  - c. Non tower based WCFs shall not exceed the structure height limit in the zoning district in which it shall be placed.
- 3. **Equipment location:** Non-tower based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the PROW, as determined by the Plain Township Board of Zoning Appeals. In addition:

- a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, the facility must be located outside the safe clear zone of the roadway, as determined by Plain Township Road Department Director.
  - b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township, that ground-mounted equipment cannot be underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Plain Township Board of Zoning Appeals.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Plain Township Board of Zoning Appeals
  - d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to tower based WCFs shall be reviewed and approved by Plain Township Board of Zoning Appeals.
- E. **Use of public right-of-way:** The following regulations shall apply to those WCFs located within a public right-of-way:
- 1. **Time, place, and manner:** The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all WCFs located in the PROW based on public safety, traffic management, physical burden on the PROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - 2. **Visual and/or land use impact:** The Township retains the right to deny an application for the construction or placement of a WCF located in the PROW based upon visual and/or land use impact. The Township reserves the right to deny such requests based upon aesthetic and land use impact or any other lawful considerations related to the character of the Township.
  - 3. **Compensation for PROW use:** In addition to the applicable permit fees, every WCF in the PROW is subject to Plain Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the PROW. Such compensation for PROW use shall be directly related to the Township's actual PROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other PROW management activities by Plain Township. The owner of each WCF in the PROW shall pay an annual fee to Plain Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual PROW management fee for non-tower based WCFs shall be determined by Plain Township and authorized by resolution of the Plain Township Board of Trustees and shall be based on the Township's actual PROW management costs as applied to such WCF.

4. **Restoration deposit:** Prior to the issuance of a permit, the owner of each individual tower based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by resolution of the Plain Township Board of Trustees. The return of the deposit shall be contingent upon the proper restoration of the PROW and compliance with the terms and conditions of this article. Upon installation of the tower based WCF, the applicant shall notify the Township that the site is ready for inspection. The Plain Township Road Department Director or his designee shall inspect the site, and if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 60 days. The restoration deposit may be forfeited in whole or in part to Plain Township if any work is found to be incomplete or not in compliance with all applicable standards.
5. **Relocation or removal of facilities:** Within sixty days following written notice from Plain Township, or such longer period as the Township determines is reasonably necessary, or such other period in the case of an emergency, an owner of a WCF in the PROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
  - a. The construction, repair, maintenance, or installation of any Township road or other public improvement in the PROW;
  - b. The operations of the Township or other governmental entity in the PROW;
  - c. Vacation of a street or road or the release of a utility easement; or
  - d. An emergency as determined by the Township.

F. **Non-tower-based WCFs outside of public right-of-way:** The following regulations shall apply to all non-tower-based WCFs located outside of the PROW:

1. **Conditional Use Permit:** Non-Tower based WCFs located outside of a public right-of-way shall only be conditionally permitted by the Board of Zoning Appeals.
2. **Location:** An antenna may be attached to a non-residential building or structure that is a permitted or exempted use in a zoning district including but not limited to a church, governmental building or structure, agricultural building or structure and any building or structure owned by a public utility as well as a multi-family dwelling over three (3) stories, that is a permitted use in a zoning district.
3. **Setbacks:** If the WCF applicant proposes to locate the communications equipment in a separate building, said building shall comply with the minimum setbacks required for accessory buildings or structures in the subject zoning district.
4. **Height:** A Non-tower WCF shall not exceed the structure height limit in the zoning district in which it is to be placed.
5. **Design regulations:** Non-tower based WCFs shall be designed in a manner that the antennas and all support equipment match the supporting structure to which they are attached or designed to minimize visibility in order to limit the aesthetic impact:



- a. The non-tower-based WCFs shall be camouflaged using stealth technology as defined in Section 1900.2(9) Stealth Technology, rendering them unnoticeable to the casual observer.
  - b. Placement of equipment underground is encouraged and it is the responsibility of the applicant to show that such placement underground is not feasible and above ground shelter is necessary. Any related equipment placed on the ground shall be located inside a shelter which shall not exceed three hundred (300) square feet, or if there is more than one (1) equipment shelter necessary a maximum total of six hundred (600) square feet shall be permitted. The shelter shall be designed in a manner to resemble other structures typically found within the zoning district where the non-tower based WCF is proposed.
  - c. Vehicular access to the communications equipment building shall not interfere with parking or vehicular circulations on the site for the principal use.
  - d. The applicant shall submit a landscape plan with the conditional use application that indicates how the facility will be screened from adjoining uses. This plan shall include a mix of trees and shrubs arranged to form a permanent natural screen around the facility. All plantings shall be a minimum of four (4) feet in height at the time of planting excluding any ground cover materials not included in the screen itself.
6. Removal, replacement, and modification:
- a. The removal and replacement of non-tower based WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the number of antennas.
  - b. Any material modification to a WCF shall require a prior amendment to the original Board of Zoning Appeals authorization.

**G. Procedure:** As part of the application for a WCF the applicant shall submit to the Plain Township Zoning Department,

1. **Evidence of the need.** Evidence of the need for the tower based WCFs in the proposed location, and that the applicant has exhausted all alternatives to locate within an existing WCF (co-location). In addition, the applicant must demonstrate via written evidence from a qualified, licensed, professional engineer that, in terms of location and construction, there are no existing towers, tower-based WCFs, buildings, structures, elevated tanks, or similar uses able to provide the platform for the antenna within a one-half-mile radius or one-mile radius for tower-based WCFs taller than 50 feet of the chosen location, unless the applicant can demonstrate to the satisfaction of the Zoning Department that a different distance is more reasonable. Co-location is not possible if:
  - a. Capacity diagrams and technical reports demonstrate that co-location on an existing tower based WCF is not technically possible in order to serve the desired need;
  - b. Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers, and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

- c. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
  - d. Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.
  - e. Other reasons can be demonstrated to the satisfaction of the Plain Township Board of Zoning Appeals that make it impractical to place the equipment planned by the applicant on existing and approved towers.
  - f. All applications for the placement of non-tower based WCFs shall not require land development plan approval and only require zoning and building permits pursuant to the application and approval procedures for such.
2. **Site Plan:** A scaled site plan clearly indicating the location, type, and height of the proposed WCF, adjacent land uses and zoning, comprehensive plan designation of the site and surrounding properties, adjacent roadways, proposed means of access, setbacks from property lines, landscaping, elevation drawings of the proposed tower and antenna array and any other structures, topography, parking, and any other information deemed necessary to assess compliance with this chapter.
- a. A description of the type of service offered and the consumer receiving equipment.
  - b. Identification of the provider and backhaul provider, if different.
  - c. The setback distance between the proposed tower and the nearest residentially zoned property.
  - d. The separation distance from other towers within a one (1) mile radius, shall be shown on an updated site plan or map in relationship to the proposed tower. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if applicable.
  - e. Each applicant for an antenna and/or tower shall provide to Plain Township an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are within one mile of the proposed tower site including specific information about the location, height, and design of each tower.