

**Lake Township**

**Stark County, Ohio**

**Amended**

# **ZONING RESOLUTION**

**As recommended  
by the Lake Township Zoning Commission  
to the Lake Township Trustees**

*NOTE: The text on this page is not part of the Zoning Resolution.*

# FOREWORD

## **A Brief History of the Lake Township Zoning Resolution.**

In 1958, Lake Township voters approved a Zoning Resolution, including a zoning map, as authorized by the Ohio Revised Code (ORC). The Zoning Resolution became effective on November 14, 1958.

The Zoning Resolution establishes districts, permitted uses and types of buildings, minimum lot sizes, setbacks, and heights. It also regulates accessory structures, signs, and parking. Rules and procedures are provided for administering, enforcing, interpreting, and amending the Resolution. Appeal procedures are available for instances in which a landowner does not agree with an administrative decision or where a landowner believes strict application of the Resolution causes a practical difficulty or undue hardship.

Since the original adoption, various amendments have been made. These amendments have adjusted the boundaries of zoning districts, provided for new types of development, adopted new zoning tools available to Ohio townships, maintained consistency with changes in the ORC, and responded to changing state and federal laws and court decisions.

During 2002 and 2003, the Township conducted a comprehensive review and update of the Zoning Resolution. This effort required many joint working meetings among the Township Trustees, Township Zoning Commission, Board of Zoning Appeals, and members of the Township Administration. They were assisted by the planning and zoning professionals of Northstar Planning and Design, Inc. and legal counsel. As adopted in 2003, the updated Resolution reflects months of hard work by these participants.

Among the many changes made in this update, the following are most significant:

- The text has been reorganized for ease of use. Easy-to-read tables have been provided for use lists, dimensions, and other subjects.
- Several new districts have been provided, notably an updated planned residential district and special districts for the historic village-like areas of the township. Unused districts have been deleted.
- Certain uses have been classified as “conditional uses” requiring special review and public comment. The standards for these uses have been updated. The Board of Zoning Appeals is authorized to impose special conditions in approving these uses.

## **Contents of the Zoning Resolution**

The table of contents is a useful outline of the Zoning Resolution. Most readers will be interested in the information in the following articles:

Article III: Use Regulations. The tables in this article list the uses permitted in each district. Standards for accessory structures (such as sheds, fences, and pools) are also defined here.

Article IV: Dimension Regulations. This article establishes minimum lot sizes, minimum yards, maximum height, and other dimensional standards.

Article IX: Appeals and Variances. This article details the applications, procedures and standards available to resolve hardships and practical difficulties resulting from the application of the zoning regulations to specific properties – usually properties which have atypical conditions.

Article X: Administration. This article addresses zoning certificates, fees, enforcement, and amendments.

## **Responsibilities of the Zoning Administrator**

The Township employs a Zoning Administrator/Inspector who may be assisted by one or more Assistant Zoning Inspectors. These professionals are responsible for day-to-day administration and enforcement of the Resolution. The Zoning Administrator answers questions about the Zoning Resolution, provides applications and other required forms, issues zoning certificates, maintains township zoning records, enforces the Resolution, and assists the Trustees, Board of Zoning Appeals, Zoning Commission, and other township officials in matters relating to zoning.

*NOTE: The text on this page is not part of the Zoning Resolution.*

**Assistance and Information**

Owners of property and other interested parties are encouraged to contact the Zoning Administrator at:

Lake Township Administration Building  
Zoning Office  
12360 Market Avenue North  
Hartville, Ohio 44632  
330.877.9479

**Amendments**

The Zoning Resolution and Zoning Map may be amended by the Township at any time following procedures required in the ORC. Interested parties are encouraged to obtain the current text and map by contacting the Zoning Administrator.

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**101 TITLE**

This resolution shall be known and may be cited as the “Zoning Resolution of the Township of Lake, Stark County, Ohio.” This Resolution may be referred to herein as “this Resolution” or as “these Regulations”.

**102 PURPOSE**

This Resolution is enacted for the general purposes of promoting the public health, safety, and morals; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to promote the orderly development of the township; to protect the environment; to facilitate the provision of public utilities and public services; to lessen congestion on public roads and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, in the Ohio Revised Code, or under common law rulings.

**103 CONFORMANCE**

- A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Resolution or of any amendment or supplement hereto.
- B. No parcel of real property within Lake Township, Stark County, may be used for medical marijuana cultivation, as a dispensary, and or processing, as defined by House Bill 523 and ORC 3796.29, as amended, and such uses are hereby prohibited within Lake Township, Stark County. *Eff. 12/14/16*

**104 INTERPRETATION**

- A. In interpretation and application, the provisions of the Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.
  - B. Nothing herein shall repeal, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
  - C. Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provision of law, rules, regulations, covenants or agreements, the provision of this Resolution shall control. Nothing herein shall interfere with, abrogate, or annul any easements, covenants, or deed restrictions greater than those imposed by this Resolution. The Zoning Administrator shall not enforce deed restrictions.
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**105 INCONSISTENCIES**

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

**106 VALIDITY AND SEPARABILITY**

If any section, subsection, or any provision or provisions of this Resolution or amendments, are held to be invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Resolution or amendments.

**107 REPEALER**

All existing Zoning Resolutions of Lake Township, Stark County, Ohio, inconsistent herewith are hereby repealed.

**108 EFFECTIVE DATE**

This amended Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

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**ARTICLE II**  
**DISTRICTS AND ZONING MAP**

201 Establishment of Districts  
 202 Purpose of Districts  
 203 Official Zoning Map  
 204 Interpretation of District Boundaries

**201 ESTABLISHMENT OF DISTRICTS**

The unincorporated territory of Lake Township, Stark County, Ohio, is hereby divided into districts. All regulations are uniform for each building, structure, or use within each district. The zoned districts include the following:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- VR Village Residential District
  
- PR Planned Residential District
- PRC Planned Residential Condominium District
- PMU Planned Mixed Use District *Eff. 7-26-07*
- PRT Planned Research and Technology District *Eff. 7-26-07*
  
- C-1 Light Commercial District
- C-2 General Commercial District
- VC Village Commercial District
  
- I-1 Light Industrial District
- I-2 General Industrial District
- OR Office Research District
  
- PF Public Facilities District

**202 PURPOSE OF DISTRICTS**

The purposes of the districts shall be as follows:

- A. R-1 Low Density Residential District. This district is established to accommodate single family residential dwellings. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, roads, schools, and other community facilities.
- B. R-2 Medium Density Residential District. The purpose of this district is to permit single and two-family dwellings at a medium density in areas generally adjacent to the built-up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities.
- C. R-3 High Density Residential District. The purpose of this district is to permit residential development where high-density housing may be desirable. Development is to consist of high-density housing for the efficient utilization of community facilities such as water and sewers, roads, and schools.

Article II:  
Districts and Zoning Map

- D. VR Village Residential District. The purpose of this district is to preserve and protect existing residential dwellings in the village-like areas of the township as well as to encourage infill and redevelopment compatible with those dwellings. This District is established in the older, village-like areas of the community which have smaller lot sizes and shallower setbacks compared to other residential districts of the township. This District provides for uses which are compatible with the historic character of these residential areas.
- E. PR Planned Residential District. The intent of the Planned Residential District is to preserve the rural character, environmental and ecological amenities of Lake Township in accordance with the objectives of the Lake Township Comprehensive Plan and Land Use Report. *Eff. 12/16/05* The PR District is established to provide for progressive and innovative planning and development of land and construction thereon to achieve one or more of the following objectives:
1. To permit the application of modern planning techniques in the development of areas providing:
    - a. A variety of housing types
    - b. A more flexible placing of buildings on the land
    - c. Flexibility in placing accessory facilities such as garages or parking spaces
    - d. Flexibility of architectural design
    - e. The clustering of houses and multi-family dwelling units so that large areas of land can be left in open space
  2. To provide benefits to a developer in a PR District including the following:
    - a. Construction of housing at a greater density
    - b. A wider choice of housing types
    - c. Less extensive and thus more economical road lengths due to clustering of the dwelling units
    - d. Less extensive and more economical extension of water, sewer, and other utilities.
  3. To provide benefits to the community including:
    - a. Open space available for community benefit
    - b. More economical maintenance of sewer, water, and other utilities due to clustering of the dwelling units
    - c. An attractive development option to encourage community development on a planned basis.
- F. PRC Planned Residential Condominium District. The purpose of this district is to provide for a variety of housing and to permit the efficient use of smaller infill parcels. This district is intended to provide design flexibility which will result in more cohesive and attractive developments which complement and protect adjacent properties.  
*Eff. 10/11/06*
- G. PMU Planned Mixed Use District. The purpose of the PMU District is to allow the optional development and redevelopment of land in Lake Township consistent with the design principles of smart growth and mixed use development:
1. Allow a mixture of complimentary land uses that may include housing, retail, offices, commercial services and civic uses, to create economic and social vitality and to encourage the linking of trips;
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Article II:  
Districts and Zoning Map

2. Develop compact commercial and mixed use areas at a human scale that are safe, comfortable and attractive to pedestrians;
  3. Provide a mix of housing types and sizes to accommodate households of all ages, sizes and incomes;
  4. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
  5. Reinforce streets as public places that encourage pedestrian and bicycle travel;
  6. Provide roadway and pedestrian connections to residential areas;
  7. Provide transitions between high traffic streets and neighborhoods;
  8. Encourage efficient land use by facilitating compact, high density development and minimizing the amount of land that is needed for surface parking;
  9. Provide design standards for automobile and truck dependent uses;
  10. Maintain mobility along traffic corridors;
- H. PRT Planned Research and Technology District. The purpose of this district is to provide an environment for, and conducive to, the development and expansion of business and institutions in the field of advanced research, administrative and research technology facilities, academic research facilities, offices, product development and prototyping, to provide opportunities for employment for, and protection to, neighborhood residential areas. The intent of the PRT District is to provide an area to be utilized as part of an overall regional economic development strategy.
- I. C-1 Light Commercial District. 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.
- J. C-2 General Commercial District. 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, light commercial district development, and are best located on major roads.
- K. VC Village Commercial District. The purpose of this district is to preserve and protect historic commercial structures in the village-like areas of the township as well as to encourage infill and redevelopment compatible with those structures. This District is established in the older, village-like areas of the community which have smaller lot sizes and shallower setbacks compared to other commercial districts of the township. This District provides for uses which are compatible with the character of these areas.
- L. OR Office Research District. The purpose of this district is to provide an environment for, and conducive to, the development of administrative and research industries, offices, and limited manufacturing, to provide opportunities for employment for, and protection to, neighborhood residential areas.
- M. I-1 Light Industrial District. The purpose of this district is to provide an environment for, and conducive to, the development and protection of modern industrial and administrative facilities, research institutions and other similar uses. This district shall also provide for light industrial uses in the fields of repair, storage, wholesaling,
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**Article II:  
Districts and Zoning Map**

- distributing, limited manufacturing, assembling and processing, free from the encroachment of all residential uses.
- N. I-2 General Industrial District. The purpose of this district is to create areas where heavy industry can operate and still ensure the protection of the neighboring environment.
- O. PF Public Facilities District. The purpose of this district is to designate certain publicly-controlled properties which are intended for preservation of natural features or resources, for outdoor recreation, for reclamation, or for other public purposes.

**203 OFFICIAL ZONING MAP**

The boundaries of districts and classes of districts are hereby established upon the map which is designated the official zoning map of Lake Township, Stark County, Ohio, and is on file in the office of the Township Trustees. The official zoning map is made a part of this Resolution.

**204 INTERPRETATION OF DISTRICT BOUNDARIES**

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

- A. Where district boundaries are indicated as approximately following the centerline or right-of-way line of a road, alley, or highway, then the district boundaries shall be construed as following the centerline or right-of-way line.
- B. Where district boundaries are indicated as approximately parallel to the center lines or right-of-way lines of roads, alleys or highways, the boundaries shall be construed as being parallel and at the distance from those features as indicated on the map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the zoning map.
- C. Whenever any road or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the road or public way shall be automatically extended to the center of the vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

**Article III**

**SPECIAL DISTRICT PROVISIONS**

- 301 Special Provisions for the VR Village Residential District
- 302 Special Provisions for the VC Village Commercial District
- 303 Special Provisions for the PF Public Facilities District
- 304 Planned Residential (PR) District
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- 306 Planned Mixed Use (PMU) District *Eff. 7-26-07*
- 307 Planned Research and Technology (PRT) District *Eff. 7-26-07*
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**301 SPECIAL PROVISIONS FOR THE VR VILLAGE RESIDENTIAL DISTRICT**  
*(Reserved)*

**302 SPECIAL PROVISIONS FOR THE VC VILLAGE COMMERCIAL DISTRICT**  
*(Reserved)*

**303 SPECIAL PROVISIONS FOR PF PUBLIC FACILITIES DISTRICT**

- A. Uses. The following uses shall be permitted in the PF Public Facilities District:
  - 1. Forest, wildlife preserve, nature preserve, wetlands or other natural, scenic, or historic resources
  - 2. Elevated or paved walking/running trails
  - 3. Public recreation facilities such as sports fields, courts, playgrounds, picnic areas
  - 4. Reclamation sites
  - 5. Public recreation structures and buildings
- B. Plan Required. A PF Public Facilities District shall only be established subject to a plan prepared by the owner and approved by the Zoning Commission and the Township Trustees. The Plan shall, at a minimum, include the following:
  - 1. A description of the nature and extent of all proposed land uses
  - 2. A map indicating the locations and dimensions of all proposed land uses and structures
- C. Exemptions.
  - 1. Properties owned or controlled by Lake Township may be exempted from the requirements for submittal of a plan.
  - 2. The Zoning Commission and Township Trustees may take action to establish a PF Public Facilities District for any existing publicly-owned properties without submittal of a plan.

**304 PLANNED RESIDENTIAL (PR) DISTRICT:****A. PR DISTRICT: DEVELOPMENT REGULATIONS GENERALLY**

1. Notwithstanding any provisions of this Resolution to the contrary, development in a Planned Residential District shall be governed by the provisions of these. **Section 304 and Sections 308 through 310.**
2. As used in this Section, “planned residential development” shall mean an area of land within a Planned Residential District which is subject to an approved development plan.

**B. PR DISTRICT: ESTABLISHMENT**

The following shall govern the establishment of any PR Planned Residential District and any planned residential development within a PR District:

1. A PR District shall only be established subsequent to written application by the owner(s) of land proposed to be included within the District.
2. A PR District shall only be created subsequent to determination by the Zoning Commission and the Township Trustees that the development will be in conformance with the goals and objectives of the Lake Township Land Use Plan.
3. A PR District shall be established on land served by an approved central or public water supply system and an approved central or public sanitary sewer system or with approval by the County or State Health Departments for development with private wells or private septic systems.
4. Each planned residential development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.
5. Minimum Area Required. A planned residential development shall include not less than ten (10) contiguous acres in the same ownership which shall not be divided into parts by: any State or Federal highway; a large area of land not included in the proposed development; a railroad right-of-way; or any other feature or characteristic which inhibits or precludes development of the development or district in a manner which is cohesive, integrated and comprehensive provided, however, that after a district is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.

**C. PR DISTRICT: PERMITTED USES**

1. Within a PR District a building, structure or premises shall only be used, be arranged to be used, or be designed to be used, in whole or in part, for uses specifically identified on and approved as part of the development plan. The uses shall only be one or more of the uses which are permitted, conditionally permitted, or accessory uses in the R-1, R-2, R-3 or VR Districts.
  2. The Zoning Commission and Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Commission and Trustees to be significant in determining the appropriate use or uses for the proposed District. The Commission and Trustees shall have the authority to deny any proposed use determined unsuitable for the location or in the manner proposed.
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## D. PR DISTRICT: DEVELOPMENT STANDARDS

1. Open Space Requirement.
    - a. Forty per cent (40%) of the gross land area of the planned residential development, excluding existing roadways, must be devoted to open space dedicated to public use or for the exclusive use of residents of the development. No single park or open space in a development shall contain less than one (1) acre of contiguous land. *Eff.12/16/05*
    - b. Common open space shall be located and designed to be integrally related to the overall design of the development, to be accessible and beneficial to the residents of the development, and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas. Adding no more than a 30% increase over existing zoning in total number of units (lots).  
*Eff.12/16/05*
    - c. Land areas devoted to roads, drives, parking areas, rights-of-way, required setbacks from roads and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when the areas are contiguous to and part of a larger common open space area.
    - d. Water surface of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may not be included as open space. In addition category three wetlands may not be included as open space. *Eff.12/16/05*
    - e. The proposed ownership of common open space areas shall be identified and a perpetual maintenance plan submitted to the Township for review and approval. The perpetual maintenance plan shall set forth responsibility for maintenance of all common open space areas and describe the method of financing for the maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the County Recorder as a covenant on the land within the development. The perpetual maintenance plan shall identify Lake Township as a beneficial party with rights, but no obligation, to enforce the provisions contained therein.
    - f. The Township may, but shall not be required to, accept dedication of any common open space.
  2. Density. The gross density of a planned residential development shall not exceed six (6.0) dwelling units per acre. The Zoning Commission and the Township Trustees may require a lower gross density in a development where they find that the lower density is necessary to protect the public health, safety, or morals.
  3. Dwelling Types Permitted. The dwellings in a planned residential development shall comply with the following:
    - a. Single family detached structures. *Eff.12/16/05*
    - b. Multifamily dwellings. *Eff.12/16/05*
  4. Lots and Yards.
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**Article III:  
Special District Provisions**

- a. Frontage. No lot shall have less than thirty-five (35) feet of frontage on a public road or a private road approved for frontage in the development plan.
  - b. Minimum Lot Width (ft.) at Building Line sixty (60) feet. *Eff.12/16/05*
  - c. Setbacks and Separations. Building setbacks shall be as established on the approved final development plan. In establishing setbacks, the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, relationships to surrounding developments, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
    - I. No building, structure, or parking area shall be located closer than fifty (50) feet to the right-of-way line of an existing public road.
    - II. No building, structure, or parking area shall be located closer than twenty-five (25) feet to any project boundary line of the planned residential development.
    - III. No building or structure shall be located closer than twenty-five (25) feet to any new public road right-of-way constructed as part of the development.
    - IV. No building or structure shall be located closer than twenty (20) feet to the edge of pavement or edge of easement of any private road.
    - V. The minimum distance between buildings shall be fifteen (15) feet. A multifamily dwelling shall be separated from any other dwelling by a distance at least equal to the height of the multifamily dwelling. *Eff.12/15/05*
    - VI. Where lot lines are created as part of a development, and except as provided above, there shall be no setback requirement from the lot lines provided the proposed setbacks are shown on the development plan and are approved by the Township.
  - d. Minimum Lots.
    - I. A lot on which a single family dwelling is located shall be a minimum of six thousand (6,000) square feet. *Eff.12/16/05*
    - II. A lot on which multi-family dwellings are located shall contain a minimum of three thousand (3,000) square feet per dwelling unit.
  - e. Minimum Floor Area. No dwelling unit within a Planned Residential District shall contain less than twelve hundred (1200) square feet of livable floor area
  - f. Maximum Height. No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.
5. Parking. Off-street parking shall be provided as regulated in Article VII. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
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**Article III:  
Special District Provisions**

6. Access and Road Requirements
    - a. All Planned Residential Districts shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public roads. No dwelling unit or non-residential use shall have a driveway access directly onto an existing public road.
    - b. Private roads may be constructed within a PR District where approved by the Zoning Commission and Township Trustees. Private roads shall comply with the following minimum standards and other requirements deemed necessary for the public health, safety, welfare and morals:
      - I. Two-way road pavement shall be a minimum of twenty-two (22) feet wide.
      - II. Turn-around areas shall be adequate to accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks.
      - III. Base and pavement design shall be the same as required for public roads. Curbs and gutters may not be required unless deemed necessary for control of drainage and maintenance of the pavement.
      - IV. Private roads shall not be constructed where it is determined that existing road rights-of-way should be extended or where private streets would otherwise obstruct the future public road system of the community.
      - V. Culverts shall be designed and installed consistent with the ditch flow line and at such length necessary to ensure protection of the culvert ends.
    - c. Every dwelling unit and every non-residential use shall have access to either a public or private road internal to the District in a manner approved by the Township and the access shall be clearly defined on the development plan.
    - d. Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
  7. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the development plan approval.
  8. Landscaping and Buffers
    - a. All disturbed areas within a development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and road intersections.
    - b. Screening and buffering shall be provided within the required setback from existing public road rights-of-way. Where existing vegetation is
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inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Township Trustees, supplemental landscaping shall be provided to create an adequate screen. The landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.

- c. Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Township Trustees determine that the screening is necessary to mitigate anticipated visual or auditory impacts.
9. Architectural Design. Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Use of excessively similar or excessively dissimilar building treatments should be avoided.
10. Additional Requirements. Any additional conditions deemed necessary by the Zoning Commission and Township Trustees to safeguard the health, safety, welfare and property values of the community may be imposed.

**305 PLANNED RESIDENTIAL CONDOMINIUM DISTRICT**

- A. Permitted Uses. Within a PR-C Planned Residential Condominium District, no building, structure or premises shall be used or designed to be used except for one or more of the following uses:
    1. Detached single family condominium dwellings.
    2. Attached condominium dwelling units, providing no building contains more than four (4) dwelling units.
    3. Attached accessory garages for the purpose of storing private vehicles. Detached garages, carports and storage buildings of any type shall not be permitted.
    4. Recreational structures and meeting facilities to serve the residents of the condominium development.
  - B. Minimum Project Area. PR-C Planned Residential Condominium Districts shall include a gross area of not less than five (5) contiguous acres of land, which land shall not be divided into parts by any state or federal highway, by any large areas of land not included in the proposed development, or by any railroad rights-of-way.
  - C. Project Ownership and Maintenance. PR-C Planned Residential Condominium properties shall be developed as condominium developments in accordance with the provisions of Ohio Revised Code Chapter 5311. Prior to final plan approval, a copy of the condominium declaration and plans pursuant to Chapter 5311 of the Ohio Revised Code must be submitted to Lake Township for review and approval and shall be filed with the approved final development plan. Such documents shall assure the preservation and future maintenance of the property in a manner acceptable to Lake Township.
  - D. A PR-C District shall be established on land served by an approved central or public water supply system and an approved central or public sanitary sewer system or with approval by the County or State Health Departments for development with private wells or private septic systems.
  - E. Maximum Lot Coverage. No more than sixty percent (60%) of the total land area of any
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- PR-C development shall be improved with any impervious surface such as structures, building, or pavement.
- F. Maximum Density. The maximum density of a PR-C shall not exceed five (5) dwelling units per gross acre of land, exclusive of the rights-of-way of any existing public streets.
  - G. Minimum Setbacks and Separations. The minimum building setbacks and separations shall conform to provisions of Subsection 304(D) 4(c) of the Lake Township Zoning Resolution.
  - H. Minimum Floor Area. No dwelling unit within a PR-C shall contain less than twelve hundred (1200) square feet of livable floor area.
  - I. Maximum Height. No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.
  - J. Parking Requirements. A minimum of four (4) off-street parking spaces shall be required for each dwelling unit, two (2) of which shall be within a completely enclosed garage with direct access to the dwelling unit. All parking provisions shall comply with the applicable requirements of Article VII of this Zoning Resolution.
  - K. Street Construction. Street construction shall conform to the requirements of Subsection 307(F) of the Lake Township Zoning Resolution provided however, that all streets constructed within PR-C Planned Residential Condominium Districts shall be privately owned and maintained by the condominium association.
  - L. Landscaping Plan and Buffer Area. Landscaping and buffers shall conform to the provisions of Subsection 307(H) of the Lake Township Zoning Resolution.
  - M. Application Requirements and Procedures. Application requirements and approval procedures for establishment of a PR-C Planned Residential Condominium District shall conform to the provisions of Subsections 308, 309, and 310 of the Lake Township Zoning Resolution.

### **306 PLANNED MIXED USE (PMU) DISTRICT**

- A. PMU District: Regulations Generally
    - 1. Notwithstanding any provisions of this Resolution to the contrary, development in a PMU District shall be governed by the provisions of **Section 306 and Sections 308 through 310.**
    - 2. As used in this Section, “planned mixed use development” shall mean an area of land within a PMU District which is subject to an approved development plan.
  - B. PMU District: Establishment
    - 1. The following shall govern the establishment of any PMU District and any development within the PMU District. A PMU District development is an alternative set of standards for development within Lake Township for new development of twelve (12) acres or more or contiguous to existing development, redevelopment or infill development of ten (10) acres or more.
      - a. A PMU District shall only be established subsequent to written application by the owner(s) of land proposed to be included in the District.
      - b. A PMU District shall only be created subsequent to determination by the Zoning Commission and Township Trustees that the development will be in conformance with the goals and priorities of the Lake Township Comprehensive Plan.
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- c. A PMU District shall be established on land served by an approved central or public water supply system and a public sanitary sewer system.
  - d. Each PMU District development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.
  - e. Minimum Area Required. A planned development shall include not less than twelve (12) semi-contiguous acres in the same ownership which shall not be divided into parts by: a large area of land not included in the proposed development or any other feature or characteristic which inhibits or precludes development of the district in a manner which is cohesive, integrated and comprehensive provided, however, that after the District is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
- C. PMU District: Permitted Uses.
- Within a PMU District a building, structure or premises shall be used or designed to be used, in whole or in part, for uses specifically identified on and approved as part of the development plan one or more of the following uses:
- 1. A mix of residential uses of the following types:
    - a. Detached single family homes;
    - b. Single family attached dwellings, including townhouses, row houses;
    - c. Attached multi-family;
    - d. Attached condominium dwelling units;
    - e. Attached accessory garages for the purpose of storing private vehicles;
    - f. Detached garages and carports;
    - g. Special needs housing, such as community living arrangements and assisted living facilities.
  - 2. Mixed uses of commercial,-civic or institutional and open space uses as identified below.
    - a. Commercial uses:
      - I. Food services (neighborhood grocery stores; butcher shops; bakeries; cafes; coffee shops; restaurants, not including drive-thrus);
      - II. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
      - III. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
      - IV. Accommodations (bed and breakfast establishments, Bed & Breakfast.
    - b. Civic or institutional uses.
      - I. Municipal offices, fire stations, libraries, museums, community meeting facilities and post offices;
      - II. Places of worship;
      - III. Educational facilities.
    - c. Open space uses.
      - I. Neighborhood park;
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## II. Playground.

3. Open space uses identified below should be incorporated in mixed use development as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.
    - a. Environmental corridors;
    - b. Protected natural areas;
    - c. Community parks;
    - d. Streams, ponds and other water bodies;
    - e. Storm water detention/retention facilities.
- D. PMU District: Development Standards
1. Development units. The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:
    - a. In areas devoted to mixed residential uses:
      - I. The number of single family attached and detached units permitted shall be six (6) dwelling units per net acre;
    - b. The number of multi-family units shall not exceed twenty-five (25) dwelling units per net acre.
  2. In mixed use areas: The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten (10) percent of the amount permitted above.
    - a. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten (10) dwelling units or ten (10) percent, whichever is greater.
    - b. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed twenty-five (25) per cent of the PMU development.
  3. Open Space. At least twenty (20) percent of the gross acreage of the PMU Development must be open space. Open space may include un-developable areas such as steep slopes and wetlands, and storm water detention and retention basins. At least twenty-five (25) percent of the initial open space must be common open space reserved for the public. Ninety (90) percent of the lots within the areas devoted to mixed residential uses shall be within a quarter mile or a five (5) minute walk from common open space.
    - a. The Township shall not accept dedication of any open space.
  4. Storm Water Management. The design and development of the PMU development should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained and protected to the maximum extent practicable.
  5. Lot Requirements.
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- a. Lot Widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
  - b. Building Setback, Front - Mixed Use Area. Structures in the mixed use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed use area.
  - c. Building Setback, Front - Areas of Mixed Residential Uses. Single-family detached residences shall have a building setback in the front between ten (10) and twenty (20) feet. Single-family attached residences and multifamily residences shall have a building setback in the front between zero (0) and fifteen (15) feet.
  - d. Setback, Rear - Areas of Mixed Residential Uses. The principal building on lots devoted to single-family detached residences shall be setback no less than thirty (30) feet from the rear lot line.
  - e. Side Setbacks. Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
6. Circulation Guidelines. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development.
- a. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the PMU Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides.  
The following provisions also apply:
    - I. Sidewalks in residential areas. Clear and well-lighted sidewalks, three (3) to five (5) feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
    - II. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.
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- III. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
  - IV. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
  - b. Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, four (4) foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14) feet.
  - c. Public Transit Access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
  - d. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets” (queuing streets are intended for two-way traffic, are comprised of a single traffic lane and a parking lane on one or both sides. When two vehicles meet on a queuing street, one of the vehicles must yield by pulling over into a vacant segment of the adjacent parking lane.), curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
  - I. Street Hierarchy. Each street within a development shall be classified according to the following:
    - (1) Collector. This street provides access to commercial or mixed -use buildings, but it is also part of the township’s major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.
    - (2) Sub collector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is twenty-five (25) mph.
    - (3) Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of twenty (20) mph.
    - (4) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
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- II. Street layout guidelines. The development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
- (1) Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses.
  - (2) The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
    - i. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:
      - (a) In the mixed use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in section
      - (b) A parking lot or garage may not be adjacent to or opposite a street intersection.
      - (c) In the mixed use area, a commercial use must provide one parking space for every five hundred (500) square feet of gross building area.
      - (d) Parking lots or garages must provide not less than one bicycle parking space for every ten (10) motor vehicle parking spaces.
      - (e) Adjacent on-street parking may apply toward the minimum parking requirements.
      - (f) In the mixed residential areas, parking may be provided on-site. One (1) off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
      - (g) Multi - family uses must provide two parking space for every dwelling unit and

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- one additional parking space for every three units.
- ii. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
  - iii. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
7. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- a. Guidelines for New Structures
    - I. Height. New structures within a PMU Development shall be no more than three (3) stories for single-family residential, or for commercial, multi-family residential, or mixed use.
    - II. Entries and Facades
      - (1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
      - (2) The front facade of the principal building on any lot in a PMU Development shall face onto a public street.
      - (3) The front facade shall not be oriented to face directly toward a parking lot.
    - III. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
    - IV. For commercial buildings, a minimum of fifty (50) percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
    - V. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
  - c. Guidelines for garages. Garages may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the unit shall not exceed eight hundred (800) square feet.
  - d. Guidelines for exterior signage. A comprehensive sign program is required for the entire PMU Development which establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed use area, all signs shall be wall signs or projecting signs. *(see Section 607)*
  - e. Guidelines for lighting.
    - I. Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at
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- intervals of no greater than one hundred (100) feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.
- II. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
8. Landscaping and screening guidelines. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this resolution, it shall be at least three (3) feet in height, unless otherwise specified. Required screening shall be at least fifty (50) percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than fifty (50) percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- a. Street tree guidelines. A minimum of one deciduous canopy tree per forty (40) feet of street frontage, or fraction thereof. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- b. Parking area landscaping and screening.
- I. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses shall provide:
- (1) A landscaped area at least five (5) feet wide along the public street or sidewalk.
- (2) Screening at least three (3) feet in height and not less than fifty (50) percent opaque.
- (3) One tree for each twenty-five (25) linear feet of parking lot frontage.
- II. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- III. In large parking lots containing more than two hundred (200) spaces, an additional landscaped area of at least three hundred (300) square feet shall be provided for each twenty-five (25) spaces or fraction thereof, containing one (1) canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- c. Installation and Maintenance of Landscaping Materials.
- I. All landscape materials shall be installed to current industry standards.
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- II. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.
- d. Materials. All plant materials must meet the minimum standards set by the the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:
  - I. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured six (6) inches above ground level):
    - (1) **Plant type minimum size at maturity**
      - Evergreen tree six (6) feet in height
      - Deciduous canopy tree twenty-two (22) inches caliper at dbh
      - Small deciduous tree twelve (12) inches caliper at dbh
      - Evergreen or deciduous shrubs eighteen (18) to twenty-for (24) inches in height
  - II. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
  - III. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.
  - IV. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two (2) years.

**307 PLANNED RESEARCH AND TECHNOLOGY (PRT) DISTRICT**

- A. PRT District: Regulations Generally
  - 1. Notwithstanding any provisions of this Resolution to the contrary, development in a PRT District shall be governed by the provisions of these **Section 307 and Sections 308 through 310.**
  - 2. As used in this Section, “planned research and technology development” shall mean an area of land within a PRT District which is subject to an approved development plan.
- B. PRT District: Establishment
  - 1. The following shall govern the establishment of any PRT District and any development within the PRT District. A PRT District development regulation is an alternative set of standards for development within Lake Township for new development of one hundred (100) acres or more.
    - a. A PRT District shall only be established subsequent to written application by the owner(s) of land proposed to be included in the District.

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- b. A PRT District shall only be created subsequent to determination by the Zoning Commission and Township Trustees that the development will be in conformance with the goals and priorities of the Lake Township Comprehensive Plan.
  - c. A PRT District shall be established on land served by an approved central or public water supply system and a public sanitary sewer system.
  - d. Each PRT District development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.
  - e. Minimum Area Required. A PRT development shall include not less than one hundred (100) semi-contiguous acres in the same ownership which shall not be divided into parts by: a large area of land not included in the proposed development or any other feature or characteristic which inhibits or precludes development of the district in a manner which is cohesive, integrated and comprehensive provided, however, that after the District is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
- C. PRT District: Permitted Uses. Within a PRT District a building, structure or premises shall be used or designed to be used, in whole or in part, for uses specifically identified on and approved as part of the development plan one or more of the following uses:

Table 307C: SCHEDULE OF PERMITTED USES	
Land use categories	PRT DISTRICT
College, University or Technical School – public or private academic research facilities	P
Data processing and computer centers including centers for programming and software development	P
Laser technology application	P
Medical and bio-safety laboratories engaged in genetic testing, experimentation, demonstration, display, testing or the study of contagious materials that do not exceed bio-safety levels one (1) or two (2) as determined by the National Institutes of Health. Certification of lab levels shall be provided to the Township prior to its operation.	P
Office buildings, including accessory uses with the office building which are normally necessary and incidental to research and technology activities. The purpose of the building being to house executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or marketing related to the products developed in the PRT District	P
Research and technology, prototyping and product testing, design and development, processing and assembly, including research in all sciences, product engineering and product market development in such areas as aerospace; telecommunications; automobiles; satellites; medical; computers; electronics; robotics; nano-technology; and film	P
Public service facility	P
Public safety facility	P
Public maintenance facility	P
Retail and restaurant uses (no drive thru) up to ten (10) percent of the total development. Such uses must enhance the overall quality of the development while conforming to the architectural standards and the campus environment of the development	P
Child day care center	P
Recreation Facility; Type A	P
Wireless communications, Antenna, Structures, Towers	P

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1. Open space uses identified below should be incorporated
  - a. Environmental corridors;
  - b. Protected natural areas;
  - c. Community parks;
  - d. Streams, ponds and other water bodies;
  - e. Storm water detention/retention facilities.
- D. PRT District: Development Standards
  1. Open Space. At least thirty (30) percent of the gross acreage of the PRT Development must be open space. Open space may include un-developable areas such as steep slopes and wetlands, and storm water detention and retention basins. At least twenty-five (25) percent of the initial open space must be common open space reserved for the public.
    - a. The Township shall not accept dedication of any open space.
  2. Storm water Management. The design and development of the PRT development should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained and protected to the maximum extent practicable.
  3. Lot and Block Standards.
    - a. Lot Area. Minimum lot area shall be twenty thousand (20,000) square feet
    - b. Lot Widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
  4. Circulation Standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the development.
    - a. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:
      - I. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
      - II. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
    - b. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

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- I. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development.
  - (1) Parking requirements. Parking areas for shared use should be encouraged. In addition:
    - i. A parking lot or garage may not be adjacent to or opposite a street intersection.
    - ii. Adjacent on-street parking may apply toward the minimum parking requirements.
  - (2) Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
  - (3) Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
5. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
  - a. Guidelines for New Structures
    - I. Height. New structures within a PRT Development shall be no more than fifty (50) feet.
    - II. Entries and Facades
      - (1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
      - (2) The front facade of the principal building on any lot in a PRT Development shall face onto a public street.
      - (3) The front facade shall not be oriented to face directly toward a parking lot.
    - III. For commercial buildings, a minimum of forty (40) percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
    - IV. New structures on opposite sides of the same street should follow similar design guidelines.
  - a. Guidelines for exterior signage. A comprehensive sign program is required for the entire PRT Development which establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material).  
*(see Section 607)*
  - b. Guidelines for lighting.
    - I. Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than one hundred (100) feet. Street lighting

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- design shall meet the minimum standards developed by the Illumination Engineering Society.
- II. All exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
6. Landscaping and Screening guidelines. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this resolution, it shall be at least three (3) feet in height, unless otherwise specified. Required screening shall be at least fifty (50) percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than fifty (50) percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- a. Buffers: When the boundary of any Research and Technology District adjoins the boundary of any Residential District, the minimum front, side, and/or rear yard depth as the case may be shall be one hundred (100) feet. Of this, one hundred (100) feet, the fifty (50) feet abutting the Residential District shall be landscaped to minimize the effect on the residential lot, with the remaining fifty (50) feet to be used as parking spaces or open space.
- b. Street tree guidelines. A minimum of one deciduous canopy tree per forty (40) feet of street frontage, or fraction thereof. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- c. Parking area landscaping and screening guidelines.
- I. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses shall provide:
- (1) A landscaped area at least five (5) feet wide along the public street or sidewalk.
  - (2) Screening at least three (3) feet in height and not less than fifty (50) percent opaque.
  - (3) One (1) tree for each twenty-five (25) linear feet of parking lot frontage.
- II. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- III. In large parking lots containing more than two hundred (200) spaces, an additional landscaped area of at least three hundred (300) square feet shall be provided for each twenty-five (25)
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- spaces or fraction thereof, containing one (1) canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- d. Installation and Maintenance of Landscaping Materials.
    - I. All landscape materials shall be installed to current industry standards.
    - II. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.
  - e. Materials. All plant materials must meet the minimum standards set by the the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:
    - I. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured six (6) inches above ground level):
      - (1) **Plant type minimum size at maturity**
        - Evergreen tree six (6) feet in height.
        - Deciduous canopy tree twenty-two (22) inches caliper at dbh.
        - Small deciduous tree twelve (12) inches caliper at dbh.
        - Evergreen or deciduous shrubs eighteen (18) to twenty-four (24) inches in height.
    - II. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
    - III. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.
    - IV. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two (2) years.

**308 PLANNED DISTRICT: APPLICATION REQUIREMENTS AND PROCEDURES**

- A. Property owners who wish to have their land zoned for a Planned District shall make application for both a Zoning Map amendment and general development plan approval. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.
  - B. Applications for rezoning to a Planned District shall be made by filing an application to the Zoning Commission pursuant to the provisions of **Section 1109** of this Zoning Resolution. The application shall be reviewed and action taken in accordance with the procedures and provisions set forth in **Section 1109** and this Article. Applications for rezoning to a Planned District shall also include:
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1. A general development plan conforming to the requirements of this Article.
  2. A traffic impact report projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.
  3. A utility impact report addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs or of the groundwater and soil conditions where private utility systems are proposed.
  4. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
  5. Proposed covenants and restrictions intended to govern the development and future use of the development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private roads, and other commonly owned facilities, and any proposed development agreement proffered as inducement for the rezoning of the property.
- C. After the Board of Township Trustees approves both an application for rezoning to a Planned District and the general development plan for the District, the applicant shall submit a final development plan or plans, if the development is to be accomplished in phases, in conformance with **Section 309E** hereof.

**309 PLANNED DISTRICT: DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES**

- A. Pre-application Meeting. Applicants are encouraged to meet with the Zoning Administrator prior to the submission of a development plan for a Planned District. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the Planned District process, and to acquaint the applicant with the relevant portions of the Lake Township Land Use Plan.
- B. Development Plans Required. Submission of development plans is required for all Planned District developments. A general development plan for the entire development shall be submitted and reviewed simultaneously with the application for rezoning for the Planned District. If the rezoning and general development plan is approved, subsequent development of the property shall be made only in conformance with the approved development plan. After a parcel is rezoned to a Planned District and a general development plan has been approved for the entire project, the applicant shall submit a final development plan for review and approval.
- C. General Development Plan Submission Requirements. Each application for general development plan review shall include twelve (12) copies of a plan for the entire development area, drawn to scale and shall include, at a minimum, the following data:
  1. The name of the development, the name of the owner or developer, north arrow, date and scale;
  2. The owners and zoning classification of adjoining parcels;
  3. A boundary survey;
  4. Existing topography and proposed finished grade with a maximum two foot (2') contour interval;

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5. Proposed building locations;
  6. Location of all minimum setback lines;
  7. Vehicular and pedestrian circulation plans;
  8. All off-street parking areas indicating the number of parking spaces provided and the number required;
  9. A storm drainage plan including preliminary arrangements for storm detention facilities;
  10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
  11. All existing and proposed sanitary sewer facilities;
  12. Location and size of all recreation and open space areas;
  13. A general planting and landscaping plan;
  14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units;
  15. The location, width, names, and grades of existing and proposed roads and their proposed status as public or private roads;
  16. Typical sections for all proposed roads;
  17. Proposed phases if the project is to be developed in stages;
  18. The location and sizes of any proposed fee simple building lots; and
  19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, roads, and contained within lots, and the number of dwelling units by type.
  20. A text conforming to the structure and organization of this resolution clearly relating all standards and guidelines for the development such that those may be adopted as part of this resolution for enforcement by the Township on the specific development in subsequent future reviews of additions or alterations to the structures or facilities therein.
- D. Review Criteria for General Development Plans. When reviewing an application for a planned development, the Zoning Commission and Township Trustees shall consider, but shall not be limited to consideration of, the following characteristics of the proposed development:
1. The comprehensive nature and design of the general development plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts;
  2. The suitability of the site proposed for zoning as a Planned District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and other characteristics as may be deemed important;
  3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
  4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for the facilities and to integrate with existing and planned facilities in the Township;
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5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for the facilities, to integrate with existing and planned facilities in the Township and to promote use of the transportation modes;
  6. The suitability of the location, dimensions, access to roads and utilities of each proposed dwelling unit within the District;
  7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District;
  8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance the features and resources, and the measures taken to mitigate negative impacts on features and resources both on and off site;
  9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
  10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
  11. The nature and extent of proposed landscaping, existing vegetation and landforms to be retained, and of proposed screening and buffering;
  12. The suitability of the proposed separations between buildings, including proposed setbacks or yards;
  13. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
  14. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the planned development and its improvements;
  15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.
- E. Final Development Plan Requirements.
1. Final development plans may be for portions or phases of the entire project and shall be consistent with a previously approved general development plan. Final plans shall be submitted at least ten (10) working days prior to the meeting at which the plans will be reviewed by the Zoning Commission. A minimum of twelve (12) copies shall be submitted. Submission shall include a fee as established by the Township Trustees. Final development plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.
  2. Final development plans shall be prepared by a civil engineer registered to practice in the State of Ohio. Final site plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.
  3. Final development plans shall include detailed design information for all of the items contained on general development plans but shall also include detailed construction drawings for proposed improvements including such items as:
    - a. Detailed road improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
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- b. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
  - c. A detailed landscaping plan including a listing of all plant material by type, size, and number;
  - d. Provisions for the adequate control of erosion and sedimentation;
  - e. The location, type, size and height of all fencing, screening, and retaining walls;
  - f. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
  - g. A site lighting plan;
  - h. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses.
- F. Bonding of Required Improvements. A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, private road improvements, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. The bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period.
- G. Approval of Final Development Plans. The Zoning Commission shall review each final development plan and shall make a recommendation to the Township Trustees within
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- sixty (60) days of the date at which the final development plan is first heard by the Zoning Commission unless the time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, conditions to the approval of a final development plan as may be reasonably required for the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Land Use Plan. The Township Trustees shall act upon each final development plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation unless the time is extended with the consent of the applicant.
- H. Compliance Required. Subsequent to the approval of a Planned District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in compliance with the approved final development plan and any conditions of the approval adopted by the Township in approving the Planned Residential District and final development plan. Any departure from the approved final development plan, or from attached conditions or development agreements, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Administrator determines that a proposed plan, request for permit, development or construction may not be in compliance with the final development plan, the Administrator shall take appropriate action as authorized by this Zoning Resolution to compel compliance.
- I. Amendments to Final Development Plans.
1. The owner of a property within a planned development may submit plans for amendment of the final development plan approved for the District. The Zoning Commission and Township Trustees shall review the amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the general development plan approved for the District as part of the rezoning.
  2. If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved general development plan for the development, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

**310 PLANNED DISTRICT: PROFESSIONAL ASSISTANCE**

The extent and complexity of certain applications for planned developments may require that the Zoning Commission and/or Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, or attorneys. The Zoning Commission and/or Township Trustees shall determine when review assistance, statements of opinion, or reports are necessary to evaluate a proposed planned development relative to the requirements of this Section, shall advise the applicant of the requirement(s), and shall provide an estimate of the anticipated costs of the studies. The applicant shall immediately upon notification deposit with the Township sufficient funds to pay for the assistance, opinions, or reports.

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## ARTICLE IV USE REGULATIONS

- 401 **General Regulation of Uses**
- 402 **Uses in Residential Districts**  
*Table 402: Residential Districts Permitted and Conditional Uses*
- 403 **Uses in Commercial and Industrial Districts**  
*Table 403: Commercial and Industrial Districts Permitted and Conditional Uses*
- 404 **Additional Standards for Specific Uses**
- A. **Agriculture (Agricultural Uses, Roadside Stands, Farm Markets)**
  - B. **Adult Use**
  - C. **Oil and Gas Drilling**
  - D. **General Standards for All Dwellings**
- 405 **Accessory Structures**
- A. **Relation to Principal Building**
  - B. **Residential Districts: Floor area and lot Coverage by Accessory Structures**  
*Table 405A: Accessory Structure Lot Coverage in Residential Districts*
  - C. **Commercial and Industrial Districts: General Standards for Accessory Structures and Uses**  
*Table 405B: Dimension Standards for Accessory Structures*
  - D. **Swimming Pools**
  - E. **Satellite Dish**
  - F. **Home Occupations**
  - G. **Outdoor Waste Storage**
- 406 **Temporary Structures**
- 407 **Prohibitions**
- 408 **Minimum Performance Standards for All Uses**
- 409 **Outdoor Furnace**

### 401 **GENERAL REGULATION OF USES**

- A. **Permitted and Conditional Uses.** The permitted uses and conditional uses which may be established in the districts shall be as provided in this Article.
  - B. **No structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used in a manner which does not comply with all district provisions established by this Resolution for the district in which the building or land is located.**
  - C. **Accessory Uses.** Accessory uses and structures shall be permitted in all districts as provided in these Regulations.
  - D. **Prohibited Uses.** Any use which is not specifically listed as a permitted use or a conditional use for one or more of the districts, or which is not otherwise interpreted and approved as provided by this Resolution, shall be prohibited. A prohibited use shall not be established in any district except pursuant to a use variance approved by the Board of Zoning Appeals.
  - E. **Principal Building.** No more than one (1) principal building shall be permitted on any lot in a residential district except as approved in a development plan for a Planned Residential District or as a conditional use. *See Section 904AA for multiple single family dwellings on one lot.*
  - F. **Except as otherwise provided, all structures and uses shall conform with the intersection visibility provisions of this Resolution. *See Section 502D.***
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**402 USES IN RESIDENTIAL DISTRICTS**

Permitted and conditional uses in residential districts shall be as provided in Table 402.

<b>Table 402 RESIDENTIAL DISTRICTS PERMITTED USES AND CONDITIONAL USES</b>				
<b>Uses</b> P = Permitted Use C = Conditional Use	<b>Districts</b>			
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>VR</b>
Single Family Dwelling	P	P	P	P
Two Family Dwelling		P	P	
Three Family Dwelling			P	
Four Family Dwelling			P	
Multi-Family Dwelling			P	
Rooming house			C	
Family Home	P	P	P	P
Group Home			C	C
Temporary Mobile home or house trailer	C	C	C	
Agriculture, on lots greater than one (1) acre - <i>See Section 404A</i>	P	P	P	P
Agriculture, on lots one (1) acre or less - <i>See Section 404A</i>	C	C	C	C
Farm Market, Roadside Stand <i>See Section 404A</i>	P	P	P	P
Public Facility	P	P	P	P
Place of Worship <i>Eff. 12-12-07</i>	P	P	P	P
School, Public	P	P	P	P
School, Private	C	C	C	C
Child Day Care, Type B	P	P	P	P
Child Day Care, Type A	C	C	C	C
Child Day Care Center	C	C	C	C
Hospital, Clinic	C	C	C	
Nursing Home, Assisted Living	C	C	C	
Other Non-Profit or Philanthropic Institution	C	C	C	
Recreation Facility, Type A <i>Eff. 12-12-07</i>	P	P	P	P
Cemetery	C	C	C	C
Strip Mining, Surface Mining	C	C	C	
Wireless Telecommunication Facility	C	C	C	C
Model Home	C	C	C	C
<i>Specified Accessory Uses – See also Section 405</i>				
Private recreation	P	P	P	P
Home Occupation Type A	P	P	P	P
Home Occupation, Type B	C	C	C	C
Bed and Breakfast Homestay	C	C	C	C
Bed and Breakfast Inn	C	C	C	C



Article IV:  
Use Regulations

403 USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

Permitted and conditional uses in the VC, OR, C1, C2, I1, and I-2 Districts shall be as provided in Table 403:

<b>Table 403: COMMERCIAL AND INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES</b>						
P = Permitted Use C = Conditional Use	Districts					
	VC	OR	C1	C2	I1	I2
<b>SALES &amp; RELATED ACTIVITIES</b>						
Retail Trade	P		P	P		
Accessory Retail Sales: Retail commercial operations directly related to the principal permitted or conditionally permitted use provided that they do not exceed 10% of the gross floor area of the principal use					C	C
Wholesale Trade				P	P	P
Auction, Auctioneer				P	P	P
Farm Market Roadside Stands	P	P	P	P	P	P
Farm Market, Retail Off Premises	P	P	P	P	P	P
Agriculture, on lots greater than one (1) acre -.See Section 404A <i>Eff. 6/22/11</i>	P	P	P	P	P	P
Agriculture, on lots one (1) acre or less -.See Section 404A <i>Eff. 6/22/11</i>	C	C	C	C	C	C
Sales of Fuel/Coat/Wood/Propane					P	P
<b>SERVICES</b>						
Funeral Home, Mortuary	P		P	P		
Crematorium <i>Eff.12/16/05</i>					P	P
Bank, Savings and Loan <i>See Sec 904 for drive-up facilities</i>	P		P	P		
Restaurant, <i>See Sec. 904 for drive-up facilities</i>	P		P	P		
Repair/servicing of appliances, office equipment, electronics, small engines and similar.	P			P	P	P
Dry Cleaner	P		P	P		
Laundromat, Coin Operated Laundry	P		P	P		
Locksmith	P		P	P		
Personal services including but not limited to: beauty salon, hair care, skincare	P		P	P		
Tailor, Seamstress, Shoe Repair	P		P	P		
Message clinic operated by persons medically licensed by the State of Ohio	P		P	P		
Veterinarian Office/Clinic, Animal Hospital			C	C	C	C
Animal Training				C	C	C
Kennel (permitted only on 1 acre or more) <i>See Sec. 404A</i>			P	P	P	P
<b>OFFICE &amp; MEDICAL</b>						
Professional, Administrative or Executive Offices	P	P	P	P	P	P
Medical and Dental Office Buildings and Clinics	P	P	P	P		
Hospital			C	C		
Studios and workshops of artists, photographers, craftspeople, including accessory retail sales	P		P	P	P	P

<b>Table 403: COMMERCIAL AND INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES</b>						
P = Permitted Use	C = Conditional Use	Districts				
		VC	OR	C1	C2	I1
<b><i>EDUCATION, DAY CARE</i></b>						
School Public/Private	P	P	P	P		
Child Day Care, Type A	C	C	C	C		
Child Day Care, Type B (in legal nonconforming dwelling only)	C	C	C	C		
Child Day Care Center	C	C	C	C		
Miscellaneous Educational Use	C	C	P	P		
Other Nonprofit or Philanthropic Institution	C	C	C	C		
<b><i>LODGINGS, SPECIAL DWELLINGS</i></b>						
Bed & Breakfast Homestay (legal, nonconforming dwelling only)	P		P	P		
Bed and Breakfast Inn	P		P	P		
Hotel, Motel	P			P		
Family Home (in a legal nonconforming dwelling only)	P		P	P		
Group Home	C		C	C		
Nursing Home, Assisted Living	C		C	C		
Dwelling units on 2 <sup>nd</sup> or 3 <sup>rd</sup> story only	P					
Village Residential <i>Eff.12/16/05</i>	C					
Single family dwelling <i>Eff.12/16/05</i>			C	C		
<b><i>ENTERTAINMENT, RECREATION</i></b>						
Recreation Facility, Type A			P	P		
Recreation Facility, Type B	C		P	P		
Recreation Facility, Type C	C			C		
Recreation Facility, Type D				C		
Campground, Recreational Vehicle Park				C		
<b><i>VEHICLES &amp; EQUIPMENT</i></b>						
Vehicle sales, rental, leasing				C		
Car wash	C			C		
Gas station	C			C		
Vehicle repair	C			C	C	C
Vehicle body shop					C	C
Vehicle Towing				C	C	C
Impound lot, vehicle storage				C	C	C
<b><i>INDUSTRIAL &amp; RELATED USES</i></b>						
Manufacturing					P	P
Sheet metal fabrication, welding, machining, machine tools, dies					P	P
Print Shop	C			P	P	P
Research and testing		C			C	C
Self-storage facility					P	P
Warehousing, storage					P	P
Distribution Center					P	P

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<b>Table 403: COMMERCIAL AND INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES</b>						
P = Permitted Use	C = Conditional Use	Districts				
		VC	OR	C1	C2	I1
<i>INDUSTRIAL &amp; RELATED USES, cont'd</i>						
Air Cargo, Package Express, Freight Forwarding, Freight Transport, Motor freight garage, truck or transfer terminal					C	C
Shops of contractors, including but not limited to Electrical, Heating and Air Conditioning, Plumbing, Construction/Excavation, Exterminator <i>See Sec 904 for provisions for outdoor storage as a conditional use</i>				P	P	P
Junkyard, Landfill, Sanitary Landfill/Transfer Station, Recycling Center/Processing					C	C
Casting, Foundry						C
Sales of dirt, mulch and similar materials <i>See Sec 904</i>				C	C	C
Processing of dirt, mulch and similar materials <i>See Sec 904</i>					C	C
<i>PUBLIC &amp; SEMIPUBLIC USES</i>						
Cemetery	C		C	C		
Public Facility	P	P	P	P	P	P
Place of Worship	P		P	P		
Strip mining and surface mining		C		C	C	C
Parking lots, accessory to a use permitted in an adjacent zoning district			C	C	C	C
Wireless Communication Antenna, Structures, Towers <i>Eff.12/16/05</i>	C	C	P	P	P	P
Adult Use <i>See standards at Sec. 404B</i>				C		
Similar Use	C	C	C	C	C	C
Special Conditional Use Requirements: The following uses or structures, when proposed as part of a permitted or conditional use listed in this Table, shall only be established subject to a conditional use permit: <ul style="list-style-type: none"> <li>A. Drive-thru, drive-in, or drive up facility</li> <li>B. Outdoor display, sales, or storage</li> <li>C. Outdoor assembly, servicing, repair, testing, or similar activities outside of a completely enclosed building</li> </ul>						

**404 ADDITIONAL STANDARDS FOR SPECIFIC USES**

- A. Agriculture
1. Agriculture Generally *Eff. 6/22/11*  
As authorized in ORC 519.21B, the following provisions are established to regulate the use of land for agriculture in any platted subdivision approved under section 711.05, 711.09, 711.10 or in any area consisting of fifteen or more lots approved under section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. The use of land five (5) acres or greater, when used for agriculture is exempt from these provisions.
    - a. On lots of (1) one acre or less:
      - I. Agriculture is a conditionally permitted use as provided in Tables 402, 403 and subject to the requirements of Section 903.
      - II. A minimum setback of ten (10) feet from the principal building, side and rear lot lines is required for all buildings, structures, pasture/feeding/storing areas incidental to the use of land for agriculture. Buildings, structures, pasture/feeding/storing areas are prohibited in the front yard.
      - III. All buildings and/or structures are subject to the size and height requirements of Section 405BC and Table 405AB.
    - b. On lots greater than one acre (1) but less than five (5) acres:
      - I. A minimum setback of ten (10) feet from the principal building, side and rear lot lines is required for all buildings and structures incidental to the use of land for agriculture. Buildings, structures, pasture/feeding/storing areas are prohibited in the front yard.
      - II. All buildings and/or structures are subject to the size and height requirements of Section 405BC and Table 405AB.
    - c. A pasture/feeding/storing area that is provided for agricultural animals shall be completely surrounded by a fence in accordance with this Zoning Resolution.
    - d. For the purpose of this Section, an agricultural animal is a domestic animal, including but not limited to a horse, cow, llama, goat, hog, mink, fowl, dog or cat.
    - e. Notwithstanding (d) above, the keeping of a kennel, whether harbored for agricultural or other purpose, is prohibited in a residential district on a lot of one (1) acre or less.
  2. Farm Market, Roadside Stand
    - a. Any temporary stand or vehicle used for the purpose of selling seasonal agricultural products may be placed on the property by the owner or tenant of the property in any district, provided that the stand or structure is located a minimum of:
      - I. Ten (10) feet from the rear lot line;
      - II. Ten (10) feet from the side lot line;

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- III. Twenty (20) feet from the road right of way line;
  - IV. Ten (10) feet from the principal building on the property
  - b. The temporary stand or structure shall not exceed eighteen (18) feet in height.
  - c. All farm markets or roadside stands shall provide a minimum of four (4) parking spaces on the lot and not in the public right-of-way.
- B. Adult Use
1. It is the purpose and intent of the provisions of this Zoning Resolution which specifically apply to adult uses to regulate the businesses with the intent of promoting the health, safety, and morals of the citizens of the Township, establishing reasonable and uniform regulations to prevent any deleterious location and concentration of such businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this Zoning Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent nor effect of this Zoning Resolution 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 the effect of this Zoning Resolution to condone or legitimize the distribution of obscene material.
  2. An adult use shall comply with the following supplementary regulations, in addition to compliance with all other requirements of this Zoning Resolution:
    - a. All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened or otherwise treated that views into those parts of the interior of the establishment which are in use as an adult use are not possible from any public or semi-public area, road or way.
    - b. No adult use shall be established within five hundred (500) feet of any place of worship, school, public park, public playground, convent/monastery, recreation facility, public facility, child day care center, or areas where large numbers of minors regularly travel or congregate.
    - a. No adult use shall be located on a lot which is located within five hundred (500) feet of a lot on which another adult use is located.
    - b. No adult use shall be located in a building or other structure any part of which is located within one hundred-fifty (150) feet of a residential district.
    - c. Measurement of required distances in paragraphs c and d above shall be made in a straight line, without regard to intervening structures or objects, between the points of each of the subject properties which are nearest one another.
    - d. No more than one adult use shall be operated, established, or maintained within a building or structure.
    - g. Loud speakers which cause a hazard or annoyance shall not be permitted.
-

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- h. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any road or highway; no lighting shall shine directly on adjacent properties.
- i. Site locations shall be preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area.

C. Oil and Gas Drilling

Nothing in the following provisions or in the entire Resolution shall prevent the use of any land for oil and gas drilling purposes so long as the drilling is in compliance with **Title 1509 of the Ohio Revised Code** and all state regulations of the Department of Natural Resources, Oil and Gas Division. *Eff. 12-12-07*

D. General Standards for All Dwellings

All dwellings shall comply with the following standards:

- 1. The dwelling shall be attached to a permanent frost-proof foundation.
- 2. The dwelling shall be connected to approved water and sewer facilities.
- 3. The dwelling shall have a length of at least twenty-two feet (22') and a width of at least twenty-two feet (22').
- 4. The dwelling unit shall have the floor area required in **Section 506**.
- 5. Manufactured homes shall comply with the "Manufactured Housing Construction and Safety Standards Act of 1974", also known as "the HUD Code".

**405 ACCESSORY STRUCTURES**

A. Relation to Principal Building.

- 1. Any accessory building which is located closer than ten (10) feet to a principal building
  - a. shall be attached to the principal building by means of a roof, walls, and foundation, and
  - b. shall be deemed a part of the principal building and
  - c. shall comply with all regulations, including yards and setbacks, applicable to the principal building.
- 2. Expansion or alteration of a principal building shall not be permitted in a manner which violates the yard or setback requirements for accessory structures.

B. Residential Districts: Floor Area and Lot Coverage by Accessory Structures.

- 1. Any structure attached to a principal building as provided in Section **405A1a** **above** shall not be included in the calculation of maximum accessory floor area and lot coverage as provided herein.
- 2. The total lot coverage of all accessory structures on one (1) lot in a Residential District shall not exceed the dimensions shown in **Table 405A**.

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<b>Table 405A Accessory Structure Lot Coverage in Residential Districts</b>	
<b>Lot size:</b>	<b>Maximum Lot Coverage by Accessory Structures</b>
Up to and including one (1) acre	1,200 sq. ft
Over one (1) acre but less than three (3) acres	1,800 sq. ft. <i>Eff. 6/22/11</i>
Three (3) acres but less than five (5) acres	2,400 sq. ft. <i>Eff. 6/22/11</i>
Five (5) acres or more	3,000 sq. ft. <i>Eff. 6/22/11</i>

4. All accessory structures requiring a permanent and/or temporary foundation require a zoning certificate.
- C. Commercial and Industrial Districts: General Standards for Accessory Structures and Uses
1. When a dwelling is located on a lot in a district other than a residential district, accessory uses and structures for that dwelling shall comply with the standards of the district in which it is located.
  2. All accessory structures requiring a permanent and/or temporary foundation require a zoning certificate.
  3. Business Displays. In all commercial districts, displays of merchandise shall be conducted within a completely enclosed building except as otherwise provided in this Resolution. *See Section 904 for conditional use certificates.*

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**Table 405B:  
DIMENSION STANDARDS FOR ACCESSORY STRUCTURES**

Accessory Structure or Use	Minimum Setback from Right-of-Way (feet)	Minimum Setback from Side and Rear Lot Lines (feet)	Minimum Separation from Main Building (feet)	Minimum Separation from Accessory Building (feet)	Maximum Height (feet)
<b>RESIDENTIAL DISTRICTS</b>					
Accessory structures, except fences, are prohibited in front yard.					
Fence**	0*	0	0	0	3.5
	Front: Same as Required. Table 504A,B Side: 10 Rear: 10	0	0	0	6
Pool, Hot tub, Spa, Jacuzzi		10	0	0	
Deck, detached from main building		5 <i>Eff. 6/22/11</i>	0	0	
Deck, attached to main building		Same as required for main building. <i>See Table 504A</i>	NA	0	
Accessory building (detached from main building), including but not limited to detached garage, shed, cabana, greenhouse gazebo, carport		5	10	10	Lot 3 acres or less: 18 Lot over 3 acres: 35
where the rear or side lot line adjoins a road right-of-way, the required setback is 10 feet <i>Eff. 6/22/11</i>		10			
Satellite Dish exceeding 40-inch diameter		5			
<b>COMMERCIAL AND INDUSTRIAL DISTRICTS</b>					
Accessory structures, except fences are prohibited in front yard.					
Fence**	0*	0	0		3.5
	Front: Same as Required. Table 504C Side: 10 Rear: 10	0	0		8*
Accessory building		Same as required for main building. <i>See Table 504C</i>	10 feet or distance equal to height of wall of accessory building, whichever is greater		
Satellite dish exceeding 40-inch diameter					
*In the front yard and in any side yard abutting a public road right-of-way, the Zoning Administrator may require a shorter fence height where visibility would be adversely affected. ( <i>See Section 502D, Visibility at Intersections.</i> )					
**Fences over 3.5 (feet) in the front yard <b>not</b> permitted to be parallel to road right-of-way.					



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## D. Swimming Pools

1. All swimming pools and accesses to swimming pools shall be constructed to deter unsafe access by children. All swimming pools shall:
  - a. Be entirely surrounded by a wall or fence with a minimum height of forty-eight inches (48"); or
  - b. Have vertical pool walls at least forty-eight inches (48") in height above finished grade; which shall be equipped with a removable ladder (which shall be removed when the pool is not in use) or a platform with steps secured with a self-latching gate or door; or
  - c. Have a combination of walls, fences, or pool walls as provided in a and b above.

Access to pools shall be restricted by self-closing, self-latching gates or doors.

2. All in-ground swimming pools shall require a zoning certificate. All above ground pools with a water depth exceeding 48" and having one hundred (100) square feet of surface area shall require a zoning certificate.
3. No pool shall be filled with water until a permanent fence and gate are completed, unless, for a period not more than sixty (60) days, a temporary fence complying with the requirements of this Subsection is constructed and maintained. *Eff 12/27/04*
4. Provision shall be made for the disposal of chlorinated water in a manner complying with the National Pollutant Discharge Elimination System (NPDES) regulations in effect in the Township.

E. Satellite Dish. All satellite dishes exceeding 40" in diameter shall require a zoning certificate, must be mounted on a permanent foundation, and may not be placed on a roof.

F. Home Occupations. *See 904A for conditional use standards applicable to Type B Home Occupations*

1. Zoning Permit Required. A home occupation shall only be established subsequent to issuance of a zoning permit.
  - a. Home Occupation, Type A: A Type A Home Occupation may be established as a permitted accessory use on a lot on which a dwelling is the principal use provided that it complies with the provisions of **Section 405F2** and a zoning certificate is obtained. The Zoning Administrator is authorized to approve Type A home occupations by issuance of a zoning certificate in compliance with the standards provided herein. When the Zoning Administrator determines that a proposed Type A Home Occupation has or may have unusual or excessive impacts upon surrounding properties due to location, character of the lot or structure, or other circumstances, the Zoning Administrator may require that the application for a zoning certificate be referred to the Board of Zoning Appeals at its next regular meeting. The Board may issue, issue with conditions, or deny the zoning certificate. *Eff 12/27/04*
  - b. Home Occupation, Type B: A Type B Home Occupation may be established as an accessory use on a lot on which a dwelling is the

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principal use provided that it is approved as a conditional use permit by the Board of Zoning Appeals, it complies with the provisions of Section 405F2, it complies with the general and specific standards of Sections 903 and 904 for a Type B Home Occupation as a conditional use, it complies with any additional requirements established by the Board of Zoning Appeals in approving a conditional use permit and a zoning certificate is obtained. *Eff 12/27/04*

- 2) Standards. A Type A or Type B home occupation shall comply with the following standards:
- a. Only residents of the dwelling in which a Type A home occupation is located - and no person who is not a permanent resident of the dwelling – shall own, conduct, participate in, or be employed in the home occupation.
  - b. No more than one (1) passenger car, van, or pickup truck, designed to carry a load of no more than one (1) ton, and used in the conduct of the business shall be parked on the lot. It shall be parked in a garage or on a paved exterior parking area on the lot. *See Section 707, Parking and Storage of Vehicles.* Parking spaces shall be provided off street for any parking demand generated by the use.
  - c. No exterior alteration of the dwelling shall be permitted which is not consistent and compatible with the normal scale, orientation, or appearance of typical dwellings in the neighborhood. A sign may be installed as provided in *Article VI.*
  - d. A home occupation shall not occupy an area greater than twenty five percent (25%) of the floor area of the dwelling, including any storage or operations in that part of the dwelling which is the garage, nor more than fifty percent (50%) of the basement.
  - e. Business visitors and deliveries are prohibited between the hours of 9:00 p.m. and 8:00 a.m.
  - f. There shall be no substantial retailing or wholesaling of stocks, supplies or products conducted on the premises; however, delivery of retail products to the consumer off-premises, such as in the course of a mail order business, shall be permitted.
  - g. Equipment used in the home occupation, in excess of those normally permitted on a lot in a residential district, shall only be stored in a garage which is part of the main building or an approved accessory structure.
  - h. Except for the specific permitted impacts established in (a) through (g) above or other impacts approved by the Board of Zoning Appeals, no home occupation shall cause any impact which is perceptible outside of the dwelling including: noise; electrical or electronic interference; use of utilities in excess of normal residential use; traffic; parking of vehicles upon the lot or upon the public road; exterior storage of materials, equipment or waste; lighting in excess of normal residential lighting; or other impacts dissimilar from normal dwelling use. No use shall be
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permitted which causes or may cause a hazard which exceeds the hazards typical of dwelling use.

- G. Outdoor Waste Storage. In commercial and industrial districts, waste materials shall only be stored outside of a building in compliance with the following standards:
1. Waste materials shall only be those generated on the site as a result of normal operations of the use.
  2. The storage area shall be completely surrounded by a solid fence or wall six (6) feet in height and access gate(s) of equal height.
  3. Waste material shall not be stored at a height exceeding the height of the fence or wall.
  4. Outdoor waste storage exceeding an area of twenty-five (25) square feet shall only be permitted subject to a zoning permit. Outdoor waste storage exceeding an area of one hundred (100) square feet shall only be approved by issuance of a conditional use permit as provided in Section 904.
  5. The storage area fence or wall and gate(s) shall be maintained in good condition and the gates shall be kept shut when waste is not being placed therein or removed therefrom.

**406 TEMPORARY STRUCTURES**

- A. Temporary structures, including construction trailers, for uses incidental to construction work may be erected in any of the zoning districts herein established; however, the temporary structures shall be removed upon the completion or abandonment of the construction work. The temporary structure shall only be erected in compliance with a zoning certificate issued for a period of not more than six (6) months and renewable for not more than two (2) periods of three (3) months each, provided it is determined by the Zoning Administrator that the work is proceeding diligently.
- B. Mobile Facilities. See *Article IX, Conditional Zoning Certificates*.
- C. Tents
1. A tent utilized for commercial purposes may be issued a temporary zoning certificate for a period not to exceed fourteen (14) days, upon proper application to the Zoning Administrator. No more than two (2) temporary zoning certificates for a tent per lot location may be obtained in any one year period; a second certificate may be obtained only after the expiration of sixty (60) days from the date of the last permissible use of the tent for commercial purposes and then only upon a second application and minimum fee payment. Tents to be utilized for commercial purposes may only be located within commercial or industrial districts and shall meet minimum yard requirements as listed for other structures in the districts.
  2. Tents in Residential Districts. No tent shall be erected for a period exceeding fourteen (14) consecutive days and no tent shall be erected for more than twenty-eight (28) days in one year. A zoning certificate is not required for a tent in a residential district.
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**407 PROHIBITIONS**

- A. Fireworks Prohibition. Due to the inherent risk of explosion and fire posed by structures or other storage devices containing fireworks, as evidenced by several fireworks explosions and fires occurring at various locations in the United States during the year 2003 and before, which have caused death, injury and property damage as well as the need to conserve responses to such explosions and/or fires by limited fire fighting assets in the Township which does not have its own fire department, and to discourage the setting off of such devices in the community due to the inherent dangers posed by such devices to users and bystanders, and to help preserve the environment by limiting any increase in air and noise pollution due to the use of such devices, the sale of fireworks, both wholesale and retail is prohibited within the Township.
- B. No parcel of real property within Lake Township, Stark County, may be used for medical marijuana cultivation, as a dispensary, and or processing, as defined by House Bill 523 and ORC 3796.29, as amended, and such uses are hereby prohibited within Lake Township, Stark County. *Eff. 12/14/16*

**408 MINIMUM PERFORMANCE STANDARDS FOR ALL USES**

- A. Uses in all districts, including residential districts, shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES).
  - B. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining premises. However, any use permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:
    - 1. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by fire safety codes enforced in the Township and as required by the Fire Prevention Officer or Fire Chief.
    - 2. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
    - 3. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
    - 4. Smoke. Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.
    - 5. Noise. Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled. Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.
    - 6. Odors. No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.
    - 7. Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
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8. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public road or highway.

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9. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
10. Water pollution. Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
11. Hazardous or toxic chemicals or gases. No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with all local, state, and federal standards and regulations.

**409 Outdoor Furnace** *Eff. 3/29/07*

- A. Any equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises.
- B. An outdoor furnace may be permitted in an R-1 Low Density Residential District. All furnaces shall meet the following requirements.
  1. A zoning permit is required.
  2. Located in rear yard only.
  3. Minimum side yard and rear yard depth (ft); one hundred and ninety (190) feet.
  4. No outdoor furnace shall be utilized as a waste incinerator.
  5. Must comply with Stark County Building Department regulations (building, mechanical, electrical, heating) and Stark County Health Department regulations.
  6. Stack height must be a minimum of twelve (12) feet from the ground at unit base.
  7. Materials that may not be burned.
    - a. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
    - b. Waste oil or other oily wastes.
    - c. Asphalt and products containing asphalt.
    - d. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
    - e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
    - f. Rubber including tires and synthetic rubber-like products.

**410 Temporary Storage Units – to include “PODS”, “Storage and Shipping Containers”**  
*Eff. 12-12-07*

- A. Residential Districts
    - 1. Minimum Yard and Height Requirements
      - a. Front yard setbacks: from edge of pavement thirty (30) feet
      - b. Rear yard setbacks: fifteen (15) feet
      - c. Side yard setbacks: ten (10) feet
      - d. Maximum height: ten (10) feet
      - e. Maximum square footage: one hundred thirty (130) square feet
    - 2. Additional Requirements
      - a. Maximum of one unit per parcel
      - b. To be removed immediately upon expiration of permit
      - c. Maximum of one permit per year
  - B. Commercial Districts
    - 1. Minimum Yard and Height Requirements
      - a. Front yard setbacks: from edge of pavement thirty (30) feet
      - b. Rear yard setbacks: fifteen (15) feet
      - c. Side yard setbacks: ten (10) feet abutting commercial districts
      - d. Side yard setbacks: fifty (50) feet abutting residential
      - e. Minimum of five (5) feet from principal building
      - f. Maximum height: twenty (20) feet
      - e. Maximum square footage: one hundred thirty (130) square feet
    - 2. Additional Requirements
      - a. Requires Conditional Use Permit
      - b. To be removed immediately upon expiration of permit
      - c. Temporary Storage Units are not permitted in areas designated for parking
      - d. All access by emergency vehicles must be maintained
      - e. Not permitted in Village Commercial Districts
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## ARTICLE V DIMENSION REGULATIONS

500	Purpose
501	Lots
501	Yards and Setbacks
502	Height
503	Tables of Lot, Yard, and Height Requirements
504	Buffers Required
505	Minimum Residential Floor Area

### 500 Purpose

The purpose of this article is to establish and define Dimension Regulations for lots located in Lake Township which are to be developed for single family homes. Due to the limited availability of sanitary sewer access and service within the Township, separate dimensions shall be established and defined for lots that have sanitary sewers available to service single family residences to be erected on such lots and those lots which do not have sanitary sewers available for any such residential development. To encourage developers of land within the Township to plat their allotments, separate dimensions are provided for residential lots that A) Do not have sanitary sewer service available to service those lots, but which are located in an area to be platted; and B) for residential lots without sanitary sewer service available to service such lots, which are located in an unplatted area.

Lot dimensions are herein increased for unplatted single family residential lots of land that do not have sanitary sewer available to service those lots. This increase in lot dimensions was done to encourage developers to plat their allotments and submit their plat plans to the Stark County Regional Planning Commission (RPC) for approval. This was also done because large areas of land that are developed without platting and without RPC approval impose additional burdens on Township roads and drainage systems that cannot be addressed prior to development of those areas. By platting developers are permitted to sub-divide their lots and areas without sanitary sewer service into smaller lots provided that RPC has determined that such plans are in compliance with its regulations. *Eff 12/27/04.*

### 501 LOTS

- A. Minimum Lot Width. Except as otherwise provided, all parts of the front yard of a lot shall have a width (measured on a line parallel to the front lot line) at least as great as the minimum lot frontage width required in the district. *Eff 12/27/04*
- B. Preservation of Required Yards and Open Spaces. 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.
- C. Sewage Facilities and Effect on Lot Area Requirements.
  - 1 Where central sanitary sewage facilities are available, the minimum lot sizes are as stated in **Tables 504 A and 504 B.**

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2. Where central sanitary sewage facilities are not available, the following apply:
  - a. Unplatted Lots. Where central sanitary sewage facilities are not available, the minimum lot size shall be two (2.0) acres for a single family dwelling, unless a larger area is required by these regulations and/or the responsible Health Authority. An unplatted lot of record which is smaller than 2.0 acres, but not less than 20,000 square feet, created prior to the effective date of this Resolution, may be utilized for a single family dwelling provided it complies with the requirements of the responsible Health Authority.
  - b. Platted Lots. Where central sanitary sewage facilities are not available, the minimum lot size for a lot approved by the Stark County Planning Commission in a final plat as provided in the Subdivision Regulations of Stark County shall be twenty thousand (20,000) square feet for a single family dwelling. Larger lots may be required by authorities responsible for reviewing and approving the plat as deemed necessary for the purposes of ensuring the public health, safety, and morals.
- D. Frontage Required. Every lot shall have frontage on a public road, or upon a private road, in a Planned Residential District if approved in the development plan.

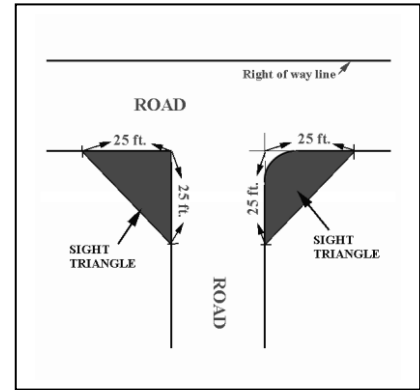
## 502 YARDS AND SETBACKS

- A. Projections into Yard Areas.
    1. Except as otherwise provided in this Resolution, every part of a required yard shall be free from structures except for the ordinary projections of the principal building, including skylights, sills, cornices and ornamental features, projecting not to exceed twenty-four inches. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.
    2. An addition to a main structure shall be in conformance with the provisions of this Resolution regarding setbacks from accessory structures. *See Table 405B.*
    3. A paved terrace or patio may project into the front yard for a distance not exceed ten (10) feet; however, it shall remain open and unenclosed.
  - B. Front Yard Depths or Setbacks Adjacent to Nonconforming Yards.
 

Notwithstanding the minimum front yard requirements of *Table 504A*, in any residential district, a dwelling may be constructed with a front yard equal to or greater than the average depth of the front yards of all existing dwellings on lots having frontage on the same side of the road and located within two hundred (200) feet of the proposed dwelling. The proposed front yard shall not have a depth less than thirty (30) feet and shall not be required to have a depth greater than twenty (20) feet more than an abutting front yard.
  - C. Corner Lots. For corner lots in residential districts, the front yard shall be established abutting the frontage of the road upon which the lot is addressed. A minimum setback will be required on the other road frontage for all structures *as provided in Table 504.*
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- D. Visibility at Intersections. No fence, wall, shrubbery or obstruction over two and one half (2 ½) feet in height above established road grade shall be erected or maintained within the sight triangle of any road or highway intersection so as to interfere with traffic visibility at the intersection. The sight triangle is the area bound by the lines connecting the common point at which two straight right-of-way lines meet at their extension and the points on those right-of-way lines which are twenty-five (25) feet distant from the common point. The Zoning Administrator may, where advised of the necessity for purposes of safety by the County Engineer or the Township Road Superintendent, require a greater clear area at an intersection.
- E. Front Yards in the OR District. Required yards fronting on a public road shall be entirely landscaped except for necessary driveways and walkways. No parking or other use shall be permitted in the front yards. *See also parking standards in Article VII.*
- F. Maximum Dwelling Setback. A dwelling shall not be located at a distance greater than five hundred (500) feet from a public right-of-way except where a paved driveway is constructed and maintained from the road right-of-way to the dwelling so as to permit access to the dwelling from the roadway by fire, police, and other emergency vehicles. The paved area of the driveway shall have a width of not less than ten (10) feet.



### 503 HEIGHT

- A. No structure shall exceed height limitations as specified in **Tables 504A, 504B, and 504C** with the exception of the following incidental parts of the structure, which may be erected no more than fifteen (15) feet above the height limits of a district:
1. Structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building.
  2. Fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television antennas or towers, wireless antenna, wireless masts, water tanks, windmills, or similar structures.
- B. Schools, churches, or other public buildings permitted to be constructed in residential zoned districts, may be built to a maximum height of fifty (50) feet provided the building sets back from every road or lot line three (3) feet for each foot of height of the building in excess of thirty-five (35) feet.
- C. Accessory structures shall comply with the height limits provided in **Section 405.**

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**Table 504A  
RESIDENTIAL DISTRICTS-LOT, YARD, AND HEIGHT REQUIREMENTS  
Where Sanitary Sewage Facility is Available to the Lot**

		VR*	R-1	R-2	R-3
Minimum Lot Area (sq ft)	Single Family Dwelling	6,000	12,000	15,000	15,000
	Two Family Dwelling	na	NA	15,000	15,000
	Multi-Family Dwelling	na	NA	NA	15,000 for three units 18,000 for four units 37,000 sf for 5 units plus 6,000 sf for each add'l dwelling unit
Minimum Lot Width (ft) at Building Line	Interior Lot	60	80	90	100
	Corner Lot	75	120		
Minimum Lot Frontage (ft)	Road	60	80	90	100
	Cul-de-sac Bulb Frontage	35	40		50
Minimum Front Yard Depth (ft)	Single Family Dwelling	15 ft or average of dwellings on each side	35		
	All other dwelling types		50		
Minimum Side Yard Depth (ft)	Interior Side Yard: Single, Two, Three Family <i>Eff.12/16/05</i>	7.5'	10		
	Interior side yard: Four and Multifamily	na	20		
	Road side of corner lot platted before the effective date of this Resolution	15	30		
	Road side of corner lot platted after the effective date of this Resolution	15	Same as the minimum required front yard.		
Minimum Rear Yard Depth (ft)	Single, Two, Three, Four Family Dwelling	30	30		
	Multi family dwelling	na	40		
Maximum Building Height (ft)	Single, Two, Three, Four Family Dwelling	30	35		
	Multi family dwelling	na	5 stories, 50 ft		
Minimum Open Space (excluding area of parking), Multi family only		na	20% of lot area		

**NOTES.**

- The requirements of this table apply to dwellings in PR Districts unless other requirements are specified in approval of the PR District.*
- VR district, Additional Requirements: Maximum lot area: 32,640 sq ft; maximum lot width: 180 ft; minimum lot depth: 100 ft.*

Article V:  
Dimension Regulations

<b>Table 504B SINGLE FAMILY DWELLING LOT, YARD, AND HEIGHT REQUIREMENTS Where Sanitary Sewage Facility is <u>not Available</u> to the Lot (Applicable in All Residential Districts)</b>			
		<b>Platted Lots</b>	<b>Unplatted Lots</b>
Minimum Lot Area (sq ft)		20,000 Sq. ft.	2.0 acres
Minimum Lot Width (ft) at Building Line	Interior Lot	100 feet	200 feet
	Corner Lot	120	200 feet
Minimum Lot Frontage (ft)	Road	100	100 feet
	Cul-de-sac Bulb Frontage	40	100 feet
Minimum Front Yard Depth (ft)		50 feet	50 feet
Minimum Side Yard Width (ft)	Interior Lot or interior side yard	10 feet	10 feet
	Road side of corner lot platted before the effective date of this Resolution	30	30 feet
	Road side of corner lot platted after the effective date of this Resolution	Same as the minimum required front yard.	
Minimum Rear Yard Depth (ft)		30	30
Maximum Building Height (ft)		35	35
<i>The requirements of this table apply to dwellings in PRD Districts unless other requirements are specified in approval of the PR District.</i>			

<b>Table 504C COMMERCIAL, INDUSTRIAL, AND OFFICE-RESEARCH DISTRICTS LOT, YARD, AND HEIGHT REQUIREMENTS</b>					
<b>Requirements</b>		<b>VC</b>	<b>C-1 &amp; C-2</b>	<b>I-1 &amp; I-2</b>	<b>OR</b>
<b>Minimum Lot Area (sq ft)</b>		6,000	15,000	20,000	20,000
<b>Minimum Lot Width (ft)</b>		Interior Lot:60; Corner lot 75	75	100	100
<b>Minimum Lot Frontage (ft)</b>			75	100	100
<b>Minimum Front Yard Depth (ft)</b>	Adjacent to Commercial or Industrial District	3	35	50	50
<b>Minimum Side Yard Depth (ft)</b>	Adjacent to Commercial or Industrial District	0	10	20	20
	Adjacent to a Residential District <i>See buffer requirements Section 505 Eff.12/16/05</i>	0	50	100	100
	Adjacent to Public Road	3	25	25	25
<b>Minimum Rear Yard Depth (ft)</b>	Adjacent to Commercial or Industrial District	0	20	20	20
	Adjacent to a Residential District <i>See buffer requirements Section 505 Eff.12/16/05</i>		50	100	100
	Adjacent to Public Road		25	25	25
<b>Maximum Building Height (ft)</b>		50	50	80	50
NOTES: Additional standards for VC District: Maximum lot area 32,640 sq ft; maximum lot width 180 ft; maximum front yard 15 ft					

**505 BUFFERS REQUIRED**

- A. Office Research District. When the boundary of any Office Research District adjoins the boundary of any Residential District, the minimum front, side, and/or rear yard depth as the case may be shall be one hundred (100) feet. Of this one hundred (100) feet, the fifty (50) feet abutting the Residential District shall be landscaped to minimize the effect on the residential lot, with the remaining fifty (50) feet to be used as parking spaces or open space. Outdoor storage is prohibited within the one hundred (100) foot setback. *Eff. 12-12-07*
- B. Commercial District Light (C-1) or Commercial District General (C-2). When the boundary of any Commercial District Light (C-1) or of any Commercial District General (C-2) adjoins the boundary of any Residential District, the minimum side or rear yard depths, as the case may be, shall be fifty (50) feet. Of this fifty (50) feet, the thirty (30) feet abutting the Residential District shall have a landscaped buffer to minimize the effect on the residential lot. The remaining twenty (20) feet may be used as parking spaces or open space, however, outdoor storage is prohibited in this area. *Eff.12/16/05*
- C. Industrial District Light (I-1) or Industrial District General (I-2). When the boundary of any Industrial District Light (I-1) or of any Industrial District General (I-2) adjoins the boundary of any Residential District, the minimum front, side, and/or rear yard depths as the case may be shall be one hundred (100) feet. Of this one hundred (100) feet, the fifty feet abutting the Residential District shall have a landscaped buffer to minimize the industrial effect on the residential lot, with the remaining fifty (50) feet to be used as parking spaces or open space. Outdoor storage is prohibited in this area.
- D. Village Commercial (VC). A seven and one-half (7.5) foot landscaped parking buffer is required at front, rear and side yards adjacent to streets, alleys, rights-of-way or residential uses. Outdoor storage is prohibited in this area. *Eff.12/16/05*

**506 MINIMUM RESIDENTIAL FLOOR AREA**

The minimum floor areas for dwelling units shall be as follows:

	<b>One Story Building</b>	<b>Two or more Stories</b>
<b>Single family dwelling</b>	1200 sf	First floor not less than 600 sf; minimum 1200 sf total
<b>Two-family dwelling</b>	800 sf per dwelling unit	800 sf per dwelling unit
<b>Three-family, Four-family, Multifamily dwelling</b>	800 sf per dwelling unit	

**ARTICLE VI  
SIGNS**

601	Purpose
602	Limitations
603	General Requirements for All Signs
604	Measurement of Sign Area
605	Signs Permitted in All Districts Without Zoning Certificate
606	Signs Permitted in All Districts With Zoning Certificate
607	Signs in Commercial and Industrial Districts Only
607.1	Signs in Village Commercial District
608	Temporary Signs

**601 PURPOSE**

Sign regulations, including provisions to control the size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

- A. To promote and maintain high value residential districts;
- B. To provide for reasonable and appropriate communication in commercial districts;
- C. To provide for reasonable and appropriate communication within industrial districts;
- D. To protect property values;
- E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions; and
- F. To protect and preserve the aesthetic quality and physical appearance of the Township.

**602 LIMITATIONS**

- A. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations are not regulated by the Lake Township Zoning Resolution.
  - B. Signs along interstate and primary highways, if permitted by this Resolution, shall conform to the requirements of the **Ohio Revised Code Chapter 5516**, and regulations adopted in addition to any more stringent standards of this Resolution.
  - C. As provided in the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for commercial or industrial use, or lands used for agricultural purposes; subject, however, to additional requirements as listed in this Resolution.
-

**603 GENERAL REQUIREMENTS FOR ALL SIGNS**

The following regulations shall apply to all signs in all districts:

A. Sign Characteristics Generally.

1. Any illuminated sign or lighting device shall employ only an emitting 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 a electronic message center. Electronic message centers must employ automatic dimming technology to eliminate glare as outlined in Article IV, Section 408B8. *Eff. 6/22/11*
2. No sign shall include or employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention.
3. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in the wind.
4. Guide wire shall not be permitted to be attached to secure a freestanding sign.

B. Sign Location Generally.

1. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than six (6) feet including those projecting from the face of any theater, hotel or motel marquee and excluding awning and canopy signs. The bottom of a projecting sign shall be at least eight (8) feet above the ground or pavement level adjoining the building unless the sign extends in such a manner from the building that no passage way exists for pedestrians or vehicles
2. No sign shall be placed on the roof of any building. A wall sign may be placed on a parapet wall provided the highest point of the parapet wall is not higher than the highest point of the roof.
3. No sign shall project over or obstruct any windows or doors of any building, or attach to or obstruct a fire escape.
4. No sign shall be located closer than five (5) feet to any side or rear property line, except directional signs for ingress and egress of parking areas.
5. Signs placed on motor vehicles, trucks, or trailers which are parked or located for the primary purpose of displaying the sign are prohibited.
6. An application for a zoning certificate for a sign shall be signed by or include written authorization of the owner of the property on which the sign will be located.

C. Public Right-of-way; Interference with Traffic.

1. Signs shall not be constructed so as to obstruct traffic sight lines or control lights at road intersections or signals at railroad crossings.
  2. No sign shall be located within any public right-of-way except as otherwise required by law or by this Resolution.
  3. Signs shall not in any way resemble traffic directional or governmental signs.
  4. Signs attached to any object in the public right-of-way, including but not limited to trees, utility poles, public benches, street lights or street sign poles are prohibited.
-



Article VI:  
Signs

- D. Maintenance Required.
1. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintenance.
  2. Every sign and all supports and attachments shall be maintained at all times in compliance with the following standards:
    - a. All surfaces shall be maintained to prevent peeling of paint, wearing of surface materials, rust and other corrosion, staining, fading, and other deterioration of the original surfaces.
    - b. All parts shall be maintained in a manner which is structurally sound and sufficient to ensure that the sign will remain securely in place as originally permitted and shall not pose a hazard to persons on or near the property.
    - c. All electric elements, including all lights, shall be maintained in working and safe order.
  3. Any sign constructed of materials such as paper, cardboard, cloth, soft woods or other materials unsuitable for extended outdoor use, or erected or installed in a manner which is clearly unsuitable for long-term use, shall be removed when the earliest of the following events occurs:
    - a. At the time as any parts of the sign have apparently deteriorated in a manner which makes the sign illegible, causes it to fall or be in danger of falling, causes a public hazard or nuisance, or otherwise does not comply with the requirements of this Resolution; or
    - b. Ninety (90) days after its installation; or
    - c. Upon receipt of notice from the Zoning Administrator that the period of ninety (90) days has elapsed, that the sign has deteriorated and must be removed or replaced, or that the sign otherwise does not comply with the requirements of this Resolution.
  4. The Zoning Administrator shall be authorized to enforce these maintenance requirements in the same manner as all other provisions of this Resolution.

**604 MEASUREMENT OF SIGN AREA**

- A. 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 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.
  - B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces are joined back to back, are parallel to each other, and are not more than twelve inches apart, or form a V-angle equal to or less than 45 degrees. Only the area of the larger of two display faces shall be included in the calculation.
  - C. Where a sign consists of individual letters or symbols affixed to the wall of a structure, the surface area of the sign shall be the entire area within a regular, geometric form surrounding all of the letters or symbols.
-

**605 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT ZONING CERTIFICATE**

The following signs are permitted in any district of Lake Township and will not require a zoning certificate:

- A. Dwelling Nameplate. One nameplate not exceeding four (4) square feet in area shall be permitted for each dwelling.
- B. No more than two (2) signs per driveway directing and guiding traffic may be located on the premises of the business for which the sign is used and shall not exceed six (6) square feet in size with a maximum height of three and one half (3 1/2) feet above established road grade and shall not be located closer than road right-of-way line.
- C. Window signs. Signs may be installed inside windows, intended to be viewed from the outside, provided no sign shall cover more than 50% of the window surface upon which it is installed.
- D. Commemorative plaques not more than twelve (12) square feet in size.
- E. Signs posted on private property related to private parking, no dumping or warning the public against trespassing or dangerous animals or other elements. Maximum size shall be twelve (12) square feet and shall not be located closer to the road right-of-way than five (5) feet.
- F. Flag Pole. One flag pole, in addition to poles with governmental flags thereon, shall be permitted.
- G. Handicapped parking signs. Signs shall be permitted identifying the locations of parking complying with the Americans with Disabilities Act.

**606 SIGNS PERMITTED IN ALL DISTRICTS WITH ZONING CERTIFICATE**

The following signs are permitted in any district of Lake Township, but require a zoning certificate and are subject to the following requirements:

- A. Institutional sign. One freestanding sign of not more than thirty-two (32) square feet in area shall be permitted for any church, school, community center, or other public or institutional building. The sign shall be located on the premises of the institution and shall not be located closer to any road right-of-way line than ten (10) feet. Also, one (1) wall sign not to exceed thirty two (32) square feet in area shall be permitted.
- B. Home occupation. One unlighted name plate not more than four (4) square feet in area announcing the name and occupation shall be permitted for a Home Occupation. The sign shall not be located closer than five (5) feet from any road right-of-way line.
- C. Farm Market. One unlighted sign not more than thirty-two (32) square feet in area in conjunction with a roadside stand or farm market, which shall be used to advertise seasonal agricultural sales. The sign shall be located at least ten (10) feet from all road right-of-way lines and shall be removed at the conclusion of the seasonal sales.
- D. Subdivision Identification. Two (2) subdivision identification signs shall be permitted per entrance into a subdivision or development, not to exceed thirty-two (32) square feet each in sign area and located ten (10) feet from road right-of-way. A subdivision identification sign may be erected and maintained in an "island" or other part of a public road right-of-way provided:
  1. The applicant shall apply for and obtain a conditional use permit approving the sign.

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2. The application shall include a statement explaining the manner in which the sign will be permanently maintained, including responsible parties, sources of funds for maintenance, repair, and replacement.
  3. The application shall include a statement that the applicant understands, and accepts for all future owners of the sign, the authority of the Board of Zoning Appeals and the entity responsible for the maintenance of the right-of-way to remove the sign or to order the removal of the sign due to lack of maintenance or for other reasons of public health, safety, and welfare.
  4. The application shall demonstrate that the materials and finishes which will be used to construct the sign are sufficiently durable to ensure minimum maintenance requirements for a reasonable period of time.
  5. The application shall include written authorization to install and maintain the sign from the entity responsible for operating and maintaining the right-of-way.
- E. Apartment or Condo Identification. Two identification signs per apartment complex or condominium complex, not to exceed thirty-two (32) square feet each in sign area and located no closer than five (5) feet from road right-of-way.
- F. Civic Organizations. Communal type signs are permitted at entrances to township or township communities. The intent is to provide for signs for nationally recognized nonprofit civic organizations. These signs are limited to one (1) at each boundary of the township or township communities. Community cooperation is required by all organizations when placing the sign. The following apply:
1. No charge for zoning certificate;
  2. No sign shall interfere with traffic visibility including private driveways;
  3. Shall not be in road right-of-way;
  4. Letter of authorization from property owner required;
  5. Permitted in any zoning district;
  6. If the sign is to be placed on a state and/or county highway, permission from the appropriate state and/or county agency must be obtained;
  7. Maximum size shall be thirty-six (36) square feet with a maximum height of eight (8) feet above established road grade;
  8. All communal type signs shall be reviewed by the Board of Zoning Appeals in order to determine that all civic organizations are given the opportunity to participate in the sign.

**607 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS ONLY**

- A. Wall Signs. One or more wall signs may be installed on the front wall of a building or other wall which is parallel to a lot line collinear with the public right-of-way. The area of all wall signs for any single business enterprise may have an area not greater than one (1) square foot of sign area for each lineal foot of building width or part of a building occupied by the enterprise but shall not exceed a maximum area of two hundred fifty (250) square feet.

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- B. Freestanding Sign.
1. One freestanding sign per lot, advertising goods and/or services, placed adjacent to the public road, is permitted on a lot in a commercial or industrial district. *Eff 12/27/04*
  2. The sign shall not exceed an area of fifty (50) square feet.
  3. No sign shall be closer than five (5) feet to any side property line. Sign height shall not exceed eight (8) feet. Setback from the road right-of-way shall be at least five (5) feet. *Eff. 6/22/11*
- C. Plaza Sign. On a lot having frontage of not less than three hundred (300) feet and on which three (3) or more uses are independently operated in separate structures or separate units within a building or buildings, one (1) freestanding sign may be erected in lieu of any other freestanding sign and complying with the following:
1. Maximum Height: Twelve (12) feet
  2. Minimum setback from public road right-of-way: twenty-five (25) feet
  3. Minimum setback from all other property lines: fifty (50) feet.
  4. Maximum Sign Area: one hundred fifty (150) square feet.
-

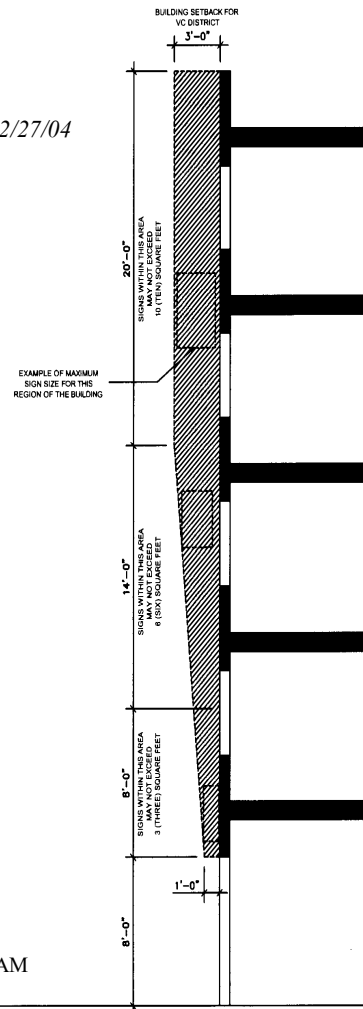
**607.1 SIGNS IN VILLAGE COMMERCIAL DISTRICT** *eff 12/27/04*

**A. Projecting Signs**

1. For buildings that meet the front setback in Village Commercial Districts wall anchored projecting signs may be attached to the front of the building provided it meets or exceeds structural design criteria for such signs as given in the Ohio Building Code. The size and locations for such bracketed signs may not exceed the dimensions and limits of the diagram provided (right).

**B. Wall Signs**

1. One or more wall sign may be installed on the front wall of a building or other wall which is parallel to a lot line collinear with the public right-of-way.
2. The area of all wall signs for any single business enterprise may have an area not greater than three (3) square foot of sign area for each lineal foot of building width or part of a building occupied by the enterprise, but shall not exceed a maximum area of two hundred fifty (250) square feet.



**C. Freestanding Ground or Pole Signs**

1. One freestanding sign per lot, adjacent to the public road, is permitted on a lot in a village commercial district.
2. The sign shall not exceed an area of thirty (30) square feet.
3. No sign shall be closer than five (5) feet to any side property line. Signs shall not be closer to the front property line than the established three (3) feet front setback
4. The sign shall not exceed six (6) feet in height.
5. Exceptions:
  - a. On a lot having frontage not less than two hundred (200) feet and on which two or more uses are independently operated in separate structures or separate units within one structure, a maximum of three (3) freestanding signs may be erected provided each sign conform to the freestanding sign dimensions listed for the V.C. district. Each sign may be no closer than forty (40) feet to another.

**D. Roof Signs are not permitted.**

**608 TEMPORARY SIGNS. (Including but not limited to political signs.)**

In addition to signs otherwise permitted by this Resolution, the following temporary signs may be installed and maintained.

- A. Small Temporary Signs, Any District. No more than two (2) small temporary signs may be installed on a lot in any district and on lands used for agricultural purposes as follows:
1. A zoning certificate is not required.
  2. Maximum aggregate sign area is sixteen (16) square feet. *Eff. 12-12-07*
  3. Maximum height is four (4) feet.
  4. No setback from public right-of-way required.
  5. Minimum four (4) feet setback from any property line other than the public right-of-way.
- B. Large Temporary Sign, Commercial and Industrial Districts. In addition to the small temporary signs permitted in Section 608A above, one (1) large temporary sign may be installed on a lot in an industrial or commercial district and on lands used for agricultural purposes as follows:
1. A zoning certificate is required. The certificate shall authorize the sign for a period not longer than ninety (90) days. No more than one (1) zoning certificate for a temporary sign may be issued for a lot in each six (6) month period. The application for a zoning certificate must be accompanied by a letter from the property owner giving consent to placement of the sign on the owner's property.
  2. Maximum sign area is thirty-two (32) square feet.
  3. Maximum height is six (6) feet.
  4. Minimum setback from public right-of-way is ten (10) feet.
  5. Minimum six (6) feet setback from any property line other than the public right-of-way.

**ARTICLE VII  
PARKING AND LOADING**

- 701 Purpose
- 702 Compliance Required
- 703 Parking Spaces Required
- 704 Location of Parking and Loading Areas
- 705 Dimensions of Parking and Aisles
- 706 Parking Areas; Improvement and Maintenance
- 707 Parking and Storage of Vehicles
- 708 Access Standards
- 709 Loading Requirements

**701 PURPOSE**

It is the purpose of this Article to establish comprehensive parking provisions to effectively regulate the design of parking areas and establish the number of parking spaces required for various uses. The standards for parking areas are intended to ensure sufficient parking to meet the parking demand generated by land uses and to promote vehicular and pedestrian safety. The standards are also intended to promote compatibility between parking areas and surrounding uses by providing such amenities as landscaping and setbacks.

**702 COMPLIANCE REQUIRED**

In all districts, off-street automobile parking facilities permitted and required by this Resolution shall conform to the requirements set forth in this Article.

**703 PARKING SPACES REQUIRED**

- A. Calculation of Parking Spaces Required.
  - 1. The number of off-street parking spaces to be provided for a structure or use in any district shall not be less than required in **Table 703**. The number of spaces shall not exceed the requirements of **Table 703** by greater than 10% unless approved by the Board of Zoning Appeals.
  - 2. Where more than one use or a combination of uses is (are) located on a single lot or in a single structure, then the total required parking spaces shall be calculated by determining the number of spaces required for each use individually and summing those individual requirements.
  - 3. In the case of a use not specifically mentioned in **Table 703**, the requirements for off street parking facilities for the use shall be determined by the Board of Zoning Appeals, taking into consideration the standards provided in **Table 703** for any similar use and information or studies provided by the applicant which the Board finds reasonably projects the parking demand for the use.
  - 4. Notwithstanding the number of spaces required by this Resolution, and except as otherwise provided, every owner of a lot shall be responsible to provide sufficient parking spaces on the lot to serve the parking demand generated by any use established on the lot.

**Article VII:  
Parking and Loading**

<b>Table 703: Parking Spaces Required</b>	
<i>Use</i>	<i>Off-Street Parking Spaces Required</i>
Dwelling, Single Family, Two Family, Three Family, Four Family	Two (2) parking spaces for each dwelling unit
Dwelling, Multi Family	Two (2) parking spaces for each dwelling unit plus 1 additional parking space for each three (3) dwelling units in the development
Rooming	Two (2) parking spaces plus one (1) parking space for each guest room
Adult Congregate Living Facility	One (1) parking space for each dwelling unit or equivalent.
Hotel, Motel, Bed and Breakfast Inn	One (1) parking space for each one (1) sleeping room plus two (2) additional parking spaces.
Nursing Home	Four (4) parking spaces plus one (1) parking space for every two (2) beds
Farm market	<b>See Section 404A</b>
Retail Trade	One (1) parking space for each 200 square feet of floor area
Personal Service Establishment	One (1) parking space for each two hundred and fifty (250) square feet of floor area
Banks and Financial Institutions	One (1) parking space for each 250 square feet of floor area plus six (6) off street queue spaces per drive thru facility
Medical and Dentist Office or Clinic or Laboratories	Four (4) parking spaces plus one (1) parking space per 200 square feet of floor area
Professional or Business Office	Four (4) parking spaces plus one (1) parking space for every 200 square feet
Restaurants, Fast Food Restaurants, Night Clubs or Bars	Four (4) parking spaces plus one (1) parking space for each 150 square feet of floor area. Uses in this item with over 100 seats: one (1) parking space for each 50 square feet in public rooms used for eating, drinking or waiting. Restaurants with drive thru facilities shall be required to show an eight (8) car queue.
Drive thru convenience stores	Six (6) queue spaces
Any other drive thru facility	A minimum of three (3) queue spaces
Private Clubs and Lodges	Four (4) parking spaces plus one (1) parking space for every 200 square feet
Gas Station	One (1) parking space per 300 square feet of floor area plus two (2) waiting spaces per accessible side of gasoline pump island.
Automatic Car Wash	Car Washes in which vehicles are mechanically moved through the production line shall have and maintain ten (10) paved off street queue spaces on the premises for each production line. In addition there shall be provided at the exit at least two (2) off street parking spaces per exit lane; the parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles entering or exiting the washing facility
Manual Car Wash	Car washes in which vehicles are manually washed and provide their own power through the production line shall have and maintain on the premises at least three (3) paved off street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least two (2) off street parking spaces per exit lane; the parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or exiting the washing facility
Funeral Home	Four (4) parking spaces plus one (1) space for each 100 square feet of floor area.
Manufacturing plants, research, or testing laboratories	One (1) space for each two (2) employees in the maximum working shift, or one thousand two hundred (1,200) square feet of floor area, whichever is greater
Child Care Center	One (1) parking space for each employee plus one (1) parking space for every 250 square feet of building floor space plus adequate and safe provisions for loading and unloading children from off the road and road right-of-way
Dance, Art, Music and Photographic Studios	One (1) parking space for each 250 square feet of floor area
Place of Worship	One (1) parking space for each three (3) seats in auditorium or chapel area



**Article VII:  
Parking and Loading**

- B. Measurement.
- 1 In hospitals, bassinets shall not count as beds.
  - 2 In stadiums, sports arenas, churches, and other places of public assembly in which occupants utilize benches, pews, or other similar seating arrangements, each twenty four (24) lineal inches of seating of facilities shall be counted as one (1) seat for the purpose of computing off street parking requirements.
- C. Parking Reserve Areas. An applicant for a zoning certificate may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required in Table 703. The request shall include a detailed drawing of a complete parking layout complying with these Regulations and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Through review and approval of the plan, the Board of Zoning Appeals may approve a total parking layout which complies with the requirements of Table 703, but which permits a portion of the required parking area to be reserved and temporarily retained in landscaped open space. Prior to approval of the plan, the applicant shall make a written and binding contractual commitment to construct the additional parking at the time the Board of Zoning Appeals determines that the parking is necessary for the operation of the use. If parking is not constructed according to the terms of the contract, then the Township may take enforcement action.

**704 LOCATION OF PARKING AND LOADING AREAS** *(See also Section 709)*

- A. Exclusive Areas. Required parking and loading spaces shall be designed and constructed exclusively for such purposes. No parking or loading space shall include areas otherwise required for parking, loading, aisles, pedestrian areas, or access drives. Except as otherwise provided in this Resolution, display of merchandise is not permitted in areas designed for parking and loading spaces.
- B. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Zoning Appeals may permit the parking spaces to be on any lot within three hundred (300) feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.
- C. Joint Use. The Board of Zoning Appeals may approve a parking lot which is used by two (2) or more uses and which provides fewer spaces than the sum of the spaces required for each use, where it is demonstrated to the satisfaction of the Board of Zoning Appeals that the parking lot will satisfy the parking demands for each use due to varied times of use between two or more uses or other characteristics. The Board of Zoning Appeals may impose conditions to require hours of operation or other factors which may change demand.
- D. OR District, parking in front yard: *See Section 502E.*

**705 DIMENSIONS FOR PARKING AND AISLES**

A. An area of not less than two hundred (200) square feet, exclusive of access drives, aisles, and other areas required for non-parking purposes, shall constitute a parking space. Parking spaces for trucks, tractors, trailers and other vehicles shall be made adequate for the specific purpose. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided, maintained, and improved in the manner required by these zoning regulations.

B. Parking spaces and aisles shall comply with the dimensions in the following table:

<b>Dimensions for Parking Spaces and Aisles</b>				
	<b>Angle of Parking</b>			
	<b>90 Degrees</b>	<b>60 Degrees</b>	<b>45 Degrees</b>	<b>Parallel</b>
<b>Minimum Width of Space</b>	10 feet	10 feet	10 feet	9 feet
<b>Minimum Length of Space</b>	20 feet	20 feet	20 feet	23 feet
<b>Minimum Aisle Width: One Way</b>	22 feet	18 feet	12 feet	12 feet
<b>Minimum Aisle Width: Two Way</b>	24 feet	24 feet	22 feet	20 feet

C. Handicapped Parking. The number and size of handicapped spaces shall be in compliance with current Americans with Disability Act standards.

**706 PARKING AREAS; IMPROVEMENT AND MAINTENANCE**

- A. Parking Area Design.
1. Parking areas shall be of usable shape, improved with asphalt, asphaltic concrete, bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the Subdivision Regulations. Pervious pavements designed to absorb storm water are encouraged.
  2. All paved parking areas shall be appropriately marked. Striping and other pavement markings shall be installed and maintained in all parking and loading facilities, except those in conjunction with dwellings, as approved by the Zoning Administrator.
  3. Pedestrian Walkway. Any drive to and from a drive thru or drive up window must have a clearly marked and identified pedestrian walkway to and from facility visible to both pedestrian and vehicles.
  4. All lighting used to illuminate parking areas shall be so arranged as to direct the light away from adjoining premises or roads, and no open light sources such as the stringing of light bulbs shall be permitted. Except as approved by the Board of Zoning Appeals due to location, height, or other mitigating circumstance, only parking lot light fixtures which are adequately shielded or of a cutoff or downlight design are permitted.
  5. The parking area and all required improvements as approved in the zoning certificate shall be completed before occupancy of premises.

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- 6. Gravel parking lots established prior to the adoption of this Resolution shall be maintained by periodic reapplication of gravel and regrading in order to prevent ponding, ruts, muddy areas, and off-site tracking of mud.

**B. Screening and Landscaping of Parking Areas**

- 1. **Small Lots.** Lots designed for five (5) to thirty (30) parking spaces shall include the following landscaping areas:
  - a. One (1) tree shall be planted for every ten (10) parking spaces. The tree shall either be planted within twenty (20) feet of the parking lot or within a planting island within the parking lot.
- 2. **Large Lots.** Large parking lots (lots designed for thirty (30) or more parking spaces) in any district shall provide landscape areas, including planting islands and perimeter areas, as follows:
  - a. **Planting Islands.**
    - I. Planting islands shall be constructed within the boundaries of the paved area of the parking lot. The total area of planting islands shall be at least one hundred fifty (150) square feet for every ten (10) parking spaces.
    - II. Planting islands shall be surrounded on at least three sides by paved areas of the lot. Planting islands shall be curbed and shall have a minimum of seven (7) feet in width, as measured from back of curb to back of curb.
    - III. Planting islands shall be distributed in the parking lot in a manner which contributes to the reduction of heat gain and other health, safety, and welfare benefits.
    - IV. One tree shall be planted in the planting islands for every ten (10) parking spaces.
  - b. **Perimeter Landscaping.** Perimeter landscaping shall be installed within twenty (20) feet of the parking lot pavement as provided in the following table:

<b>Perimeter Landscaping Requirements</b>			
	<b>For Parking Lot in a Front Yard</b>	<b>For Parking Lot in a Side or Rear Yard</b>	
		<b>Abutting a Residential District</b>	<b>Abutting a District other than Residential</b>
<b>Minimum Setback between Parking Lot and Lot Line</b>	15 feet	30 ft.	10 feet
<b>Minimum Required Plant Material</b>			
<b>Shrubs*</b>	3 shrubs per 10 linear feet of landscaped area. Minimum height at time of planting: 2 feet.		
<b>Ornamental Trees or Shade Trees</b>	1 tree per 50 linear feet of landscaped perimeter area	Not Required	
<b>Fence, Wall, or Earth Berm</b>	Not Required	Required, at least 4 feet in height	

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- C. All required landscape areas, plants, fences, and earth berms shall be maintained in good condition. The property owner shall replace any dead or damaged materials.
- D. Shrubs must be maintained at a height not greater than 2.5 feet for safety and visibility where vehicles enter or exit public right-of-way.

**707 PARKING AND STORAGE OF VEHICLES**

- A. General.
    - 1. No person shall park, store or leave, or permit the parking or storing of any-junk vehicle, whether attended or not, upon any property within the township unless the same is completely enclosed within a building, or unless otherwise specifically permitted by these regulations
    - 2. All vehicles shall be currently licensed or be completely enclosed within a building.
    - 3. Vehicles for Sale. On a lot in any district, except where the sale of vehicles is a use authorized by these provisions and a zoning certificate has been issued, no more than one (1) vehicle may be displayed for sale. A vehicle shall only be displayed for sale on a lot which is the property of the owner of both the lot and the vehicle.
  - B. Residential Districts.
    - 1. The outdoor parking of one (1) semi tractor without trailer shall be permitted on a lot area of one (1) acre or greater in a residential district. *Eff. 6/22/11*
    - 2. The parking of semi-trailers whether used for storage or not shall be prohibited in a residential district.
    - 3. In a residential district, camping trailers, recreational vehicles and/or boats, may be parked in the driveway or side or rear yard, provided that no living quarters shall be maintained or any business conducted in connection therewith. All on-road recreational vehicles which require licensing by the State of Ohio must be currently licensed.
    - 4. No more than one (1) automobile, van, or pickup truck which is used for business purposes may be parked on a lot. A commercial truck or panel van shall not exceed twenty-five (25) feet in total length.
    - 5. No commercial vehicle, as defined by this Resolution, shall be parked in a lot in a residential district, except as necessary during construction on the lot or stored as approved for a Type B Home Occupation.
  - C. Commercial and Industrial Districts.
    - 1. In a commercial or industrial district, no vehicle owned by or used in the operation of a business shall be parked in the front yard or in the side yard abutting a public right-of-way (including a side yard abutting a limited access highway) of the lot on which the business is located.
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**708 ACCESS STANDARDS**

A. Curb Cuts.

1. Ingress and egress from a lot shall only be through approved access drives and curb cuts. Curb cuts shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at road intersection corners. Curb cuts shall be separated as far from the intersection of the roads as possible, giving due consideration to traffic safety, the locations of other curb cuts, and the configuration of the road.
2. In a residential district, no more than one (1) curb cut shall be permitted for each lot. In all other districts, there shall not be more than two (2) curb cuts per lot on any one (1) road. One (1) additional access way shall be permitted for developments with five hundred (500) feet or more of road frontage provided the proper approvals are obtained from Township, County, or State authorities.

B. Driveways.

1. Driveways shall comply with the following standards, except as otherwise approved by the Board of Zoning Appeals. *Eff 12/27/04*

<b>Dimensions for Driveways</b>			
<b>Use of Lot</b>	<b>Driveway Width at the Right-of-Way Line (feet)</b>		<b>Minimum Setback from Lot Line (feet)</b>
	<b>Minimum</b>	<b>Maximum</b>	
<b>Single Family Dwelling</b>	10	20	0
<b>Two-Family Dwelling</b>	10	20	0
<b>All other uses: one-way access</b>	10	14	5
<b>All other uses: two-way access</b>	20	24	5
<b>VR (Village Residential)</b>			0
<b>VC (Village Commercial)</b>			0

2. Access to parking and truck loading and unloading spaces shall be provided directly from a public road or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of the trucks. All parking and loading spaces shall be designed and located so that vehicles using the spaces:
  - a. Enter and exit the lot in a forward-facing direction; and
  - b. Have sufficient space to be parked or loaded/unloaded on the lot and completely outside of the right-of-way.

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**709      LOADING REQUIREMENTS**

The minimum off street loading spaces, each twelve (12) feet by forty (40) feet in size, shall be provided and maintained as follows:

<i>Use</i>	<i>With an aggregate floor area of:</i>	<i>Required Loading Spaces:</i>
Retail store	Over 5,000 but not over 25,000 square feet	1
Storage warehouse	25,000 but not over 60,000 square feet	2
Wholesale establishment	60,000 but not over 120,000 square feet	3
Industrial plant	120,000 but not over 200,000 square feet	4
Factory	200,000 but not over 290,000 square feet	5
Freight terminal		plus one (1) additional off street loading space for each additional ninety thousand (90,000) square feet over two hundred ninety thousand (290,000) square feet or major fraction thereof
Market		
Restaurant		
Mortuary		
Laundry		
Dry cleaning establishment or similar use		
Auditorium convention hall	Over 10,000 but not over 40,000 square feet	
Exhibition hall		plus one (1) loading space for each additional (60,000) square feet over (40,000) square feet or major fraction thereof
Museum		
Motel		
Hotel		
Office building		
Sports arena		
Stadium		
Hospital		
or similar use		
Multiple dwelling	at least 20 but not over 50 dwelling units	1
	over 50 dwelling units	1 plus one (1) loading space for each additional fifty (50) dwelling units, or major fraction thereof

**ARTICLE VIII**  
**NONCONFORMITIES**

- 801 Purpose
- 802 Nonconforming Use
- 803 Nonconforming Structure
- 804 Nonconforming Lot
- 805 Completion of Approved Construction
- 806 Jurisdiction
- 807 Certificate of Nonconforming Use

**801 PURPOSE**

- A. The purpose of this section is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution.
- B. Lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution.
- C. While it is the intent of this Resolution to permit nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district in which it exists and with the adopted plans of the Township and shall be discouraged, especially where the nonconformity constitutes a nuisance or hazard.

**802 NONCONFORMING USE**

- A. Continuance of Lawful Nonconforming Use. The lawful use of any building or land existing at the effective date of this Resolution or amendments may be continued, although the use does not conform with the provisions of this Resolution subject, however, to the provisions of this **Article VIII**.
- B. Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with provisions of this Resolution. A nonconforming use which has been abandoned shall not be replaced by a nonconforming use. Among other causes, a nonconforming use shall be deemed abandoned when the use has been replaced by a conforming use.
- C. Change in Use. When a nonconforming use has been changed to a more restricted use or to a conforming use, the use shall not hereafter be changed to a less restricted or nonconforming use. A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming 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.
- D. Displacement. Except as provided in **Subsections 802E and 803A below**, no nonconforming use shall be extended to displace a conforming use.
- E. Enlargement of Use. A nonconforming use may be altered or enlarged to expand the area of the use in one or more additions, provided that the total area of the expansions does not

Article VIII:  
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- exceed twenty-five percent (25%) of the area of the use as it existed at the time the use became nonconforming and provided that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties or the community.
- F. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

**803 NONCONFORMING STRUCTURE**

- A. Alterations or Enlargements. A nonconforming structure may be altered or enlarged to extend such structure to a total area not to exceed twenty-five percent (25%) more than the area of the structure as it existed at the time it became nonconforming.
- B. Restoration of Damaged Structure. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided that:
1. not more than fifty percent (50%) of the value of the structure was lost in the damage event; and
  2. provided the replacement or repair does not extend the nonconformity except as permitted in Section 802E above; and
  3. provided the reconstruction or restoration is completed within two (2) years after the date of destruction.

When more than fifty percent (50%) of the value of the structure is lost in the damage event, the structure and use shall not be reconstructed except in a manner conforming with these Regulations.

- C. Unsafe Structures. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- D. Repairs and Maintenance. Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.
- E. Notwithstanding (B) above, any nonconforming structure that is being lawfully used under this Resolution for residential purposes at the time of damage may be reconstructed, repaired, rebuilt and continually used, even if more than fifty-percent (50%) of its value is lost in the damage event, provided that the conditions of (B)(2) and (3) above are met. *Eff. 7/28/04.*

**804 NONCONFORMING LOT**

- A. When a nonconforming lot of record can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming.
- B. When conforming use of a nonconforming lot of record cannot reasonably be established due to the yard or setback requirements of the district in which the lot is located, the Board of Zoning Appeals may grant variances to yard or setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Resolution.



**805 COMPLETION OF APPROVED CONSTRUCTION**

Nothing in this Resolution shall prohibit the completion of construction and the use of a nonconforming structure for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment, provided that construction is commenced within one (1) year after the zoning certificate was issued.

**806 JURISDICTION**

- A. Whenever an application is submitted to the Zoning Administrator for a zoning certificate for:
1. a use or structure which displaces a nonconforming use or structure;
  2. for the use of a nonconforming lot in a manner which is in compliance with the provisions of this Zoning Resolution; or
  3. for an alteration to a dwelling which does not increase the nonconformity of the dwelling,
- the Zoning Administrator shall take action upon the application as provided for any zoning certificate.
- B. Except as provided in **Section 806A** above, whenever an application is submitted to the Zoning Administrator for a zoning certificate for the alteration, expansion, substitution, reconstruction, or replacement of a nonconforming use or of a nonconforming structure, or for a use or construction upon a nonconforming lot, the land owner shall submit the application to the Zoning Board of Appeals for review and action. The Board shall take action to direct the Zoning Administrator to issue or deny the application not later than sixty (60) days after the date of the meeting at which the application was first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
- C. The Zoning Board of Appeals shall have the authority to establish reasonable conditions and requirements as it deems necessary to carry out the purposes of this Zoning Resolution. Reasonable conditions and requirements may include but are not limited to:
1. regulation of the locations and dimensions of uses and structures;
  2. regulation of the manner and times of operation of the use;
  3. requirements for architectural and landscaping design features including necessary buffer features;
  4. requirements for fees or exactions necessary to mitigate the impacts of the approved changes in the nonconforming use or structure.

**807 CERTIFICATE OF NONCONFORMING USE**

The Zoning Administrator shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property.

- A. In accordance with the provision of this section, no uses of land, buildings or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless in conformance with the provisions of this Resolution.
- B. A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Zoning Administrator.
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# ARTICLE IX CONDITIONAL ZONING CERTIFICATES

**901 Purpose**

**902 Applications and Procedures**

**903 General Standards**

**904 Specific Standards**

<p>A. Home Occupation Type B.</p> <p>B. Private School.</p> <p>C. Hospital, Clinic, , Nursing home, Assisted Living Facility, Other Non-Profit and Philanthropic Institution.</p> <p>D. Strip Mining, Surface Mining.</p> <p>E. Recreation Facility.</p> <p>F. Mobile Home, House Trailer.</p> <p>G. Child Day Care Center, Type A Day Care Home.</p> <p>H. Cemetery.</p> <p>I. Bed and Breakfast Home Stay, Bed and Breakfast Inn.</p> <p>J. Group Home.</p> <p>K. Rooming house.</p> <p>L. Wireless Telecommunication Facility in a Residential District.</p>	<p>M. Vehicle Sales, Rental, Leasing.</p> <p>N. Processing of dirt/materials, mulch sales.</p> <p>O. Sanitary Landfill Site.</p> <p>P. Junk yard.</p> <p>Q. Motor freight garage, truck or transfer terminal including office, warehouse, and storage.</p> <p>R. Outdoor sales, display, storage.</p> <p>S. Drive-up/drive in/drive thru facility, Car wash.</p> <p>T. Vehicle Repair, Vehicle Body Shop, Gas Station.</p> <p>U. Similar Use.</p> <p>V. Model Home.</p> <p>W. Agriculture on Lots of less than One (1) acre.</p> <p>X. Veterinarian office/Clinic, Animal Hospital.</p> <p>Y. Specialized Mobile Facilities.</p> <p>Z. Semi-trailer Parking in Commercial District.</p> <p>AA. Multiple Residential Buildings.</p>
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**901 PURPOSE**

The purpose of this Article is to establish standards and procedures for regulating uses which have the potential to be made compatible with the districts in which they are listed as conditional uses but which, due to the nature of their operation, appearance, or other characteristics, require individual review and control of their design, intensity, configuration, and impacts upon the district and the community in order to ensure compatibility with and preservation of the district and the community.

**902 APPLICATIONS AND PROCEDURES**

Any application for a Conditional Zoning Certificate for any land, structure, or use listed as a conditional use under this Resolution shall be submitted in accordance with the following procedures:

- A. Application.
  1. An application for a Conditional Zoning Certificate shall be submitted to the Zoning Administrator on a special form for that purpose. The Administrator shall transmit the application to the Board of Zoning Appeals.
  2. An application may be submitted by a tenant with written permission of the property owner.
  3. Data Required with Application. A complete application shall include:
    - a. An appeals application which contains a complete description of the uses proposed, including hours of operation, and locations of uses upon the site.

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- b. Site plan review application and site plan.
  - c. Plans and specifications for all proposed development and construction, and where appropriate, reclamation.
  - d. Each application shall be accompanied by payment of a nonrefundable fee.
4. Review for Application Completeness. The Zoning Administrator shall review each application to determine if all forms and fees required by this Resolution have been submitted. Within five (5) days of receipt of the application, the Zoning Administrator shall inform the applicant if the application is complete. A complete application includes all items listed in **Section 902A3** above. Applications must be complete in order to be submitted to the Board of Zoning Appeals.
- B. Review by the Board of Zoning Appeals.
1. The Board of Zoning Appeals shall review the proposed development as represented on the submitted plans and specifications in terms of the standards established in this Resolution. Review by the Board of Zoning Appeals shall be completed after the date of the meeting at which the application was first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
  2. The Board of Zoning Appeals 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.
  3. The Board of Zoning Appeals may also impose additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for insuring that the intent and objective of this Resolution will be observed. A bond may be required to ensure that the provisions of the conditional use certificate will be met, particularly as necessary to prevent nuisance or injury to any single property, or to the community in general.
  4. In addition, the Board of Zoning Appeals, 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 the report shall be at the expense of the applicant, and the report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.
  5. Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate.
- C. Notice of Hearing.
1. After receipt of an application, the Chair of the Board shall set a date for a hearing and the Board shall publish notice one time in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. The notice shall indicate the place, time, and subject of the hearing.
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2. The applicant shall, within five (5) days of the receipt of the application, post a sign made available by the township at a location approved by the Zoning Administrator, which sign shall remain upon the parcel until the public hearing of the application is concluded. The sign shall contain the following language:

**“ZONING NOTICE**

**An application has been filed with the Board of Zoning Appeals that could effect the use of the property. For further information, contact the Lake Township Zoning Administrator.”**

Failure by the owner to permit posting of this notice as required herein shall invalidate the application of appeal. The same application may be reconsidered by the Board upon posting.

3. Mail Notice. Written notice to property owners contiguous to and directly across the road from the parcel must be sent at least ten (10) days before the public hearing. Notification to the property owners shall be sent by regular mail. If multiple adjoining parcels are owned by the applicant, then the outermost perimeter of the adjoining parcels shall be used as the basis to determine who is to be considered contiguous property owners.
- D. Hearing. The Board of Zoning Appeals shall hold a public hearing or hearings prior to taking action on any application for a conditional zoning certificate. The hearing shall be held not more than sixty (60) days after the application is submitted to the Zoning Administrator.
  - E. Violation and Penalty. The breach of any condition, safeguard, or requirement shall constitute a violation of this Resolution. The Zoning Administrator may issue a stop work order and the Board may revoke the permit as provided in Article XI of this Resolution.
  - F. Resubmission of Application for Conditional Zoning Certificate. No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application each re-application shall be accompanied by the required fee.
  - G. Expiration of Permit. 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.
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- H. Annual Review and Recertification.
1. All Conditional Use Certificates shall be reviewed on an annual basis by the Zoning Administrator to determine compliance or non-compliance with the certificate.
  2. A fee shall be paid as provided by Resolution.
  3. If the Zoning Administrator determines that the use is operating in compliance with the conditional use certificate, a notice of recertification shall be issued.
  4. If the Zoning Administrator determines that the use is not operating in compliance with the conditional use certificate, then the Zoning Administrator shall take action to enforce the certificate as provided in this Resolution.
- I. Amendment of Conditional Use Certificate. After the issuance of a conditional use certificate, no use which is not authorized by the certificate, or otherwise authorized by this Resolution, shall be established on the lot or lots which are subject to the certificate unless authorized by the Board of Zoning Appeals.

**903 GENERAL STANDARDS**

The Board of Zoning Appeals will review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use on the proposed location:

- A. 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 and that the use will not change the essential character of the same area.
  - B. Will not be hazardous or disturbing to existing or future neighborhood uses.
  - C. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
  - D. Will be serviced adequately by essential public facilities and services such as highways, roads, 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.
  - E. Will be in compliance with State, County and Township regulations, including applicable health, building, and electrical codes and subdivision regulations.
  - F. Will have vehicular approaches to the property so designed as not to create an interference with traffic on surrounding public roads which differs in nature or volume from other uses permitted in the district.
  - G. Will be in compliance with any provision of **Section 904** which establishes certain minimum requirements for vehicular access for a specific conditional use, except when the Board of Zoning Appeals determines, on the basis of recommendations by a qualified traffic engineer, that other vehicular access arrangements are more appropriate to ensure public health and safety and the functioning of roads affected by the proposed use.
  - H. Will, where the proposed use generates traffic which differs in nature or volume from other uses permitted in the district, or where conditions of access to the lot on which the use is proposed create undue interference with traffic or an undue hazard, or where other characteristics of the traffic generated or the access conditions necessitate, provide for the
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- improvements necessary to mitigate the traffic impacts.
- I. Will not employ loud speakers which cause a hazard or annoyance or disrupt the quite of the quiet of the surrounding residential areas. *Eff 12/27/04*
  - J. Will not employ lighting, including floodlights, which constitutes a nuisance, impairs safe movement of traffic on any road or highway, or interfere with the surround residential area. *Eff 12/27/04*
  - K. Deleted. *Eff 12/27/04*
  - L. Deleted. *Eff 12/27/04*
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**904 SPECIFIC STANDARDS**

- A. Home Occupation Type B *See Section 405F for general home occupation standards.*  
Home Occupation Type B may be permitted subject to the following conditions:  
*Eff 12/27/04*
1. Only residents of the dwelling in which a Type B home occupation is located - and no more than one (1) person who is not a permanent resident of the dwelling - shall own, conduct, participate in, or be employed in the home occupation.
  2. Trailers stored on the lot and used in the home occupation shall be stored in an enclosed building or in another screened location approved by the Board. *See also Section 707B5.*
- B. Private School
- 1 In residential districts, all structures shall be located at least one hundred (100) feet from all lot lines. All uses located outside of structures shall be located at least twenty-five (25) feet from lot lines or a greater distance required by the Board of Zoning Appeals based on the nature and impact of the use and buffering elements provided.
  - 2 Access:
    - a. Except as provided at **Section 903G**, vehicular entrance or exits shall be located no closer than one hundred (100) feet to the intersection of two (2) major roads or no closer than fifty (50) feet to the intersection of a major road and a local collector road.
    - b. The development shall be located on major roads or at intersections of major and/or collector roads.
  3. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagramed to meet the approval of the Board of Zoning Appeals.
- C. Institutions, Hospital, Clinic, Nursing Home, Assisted Living Facility, Other Non-profit or Philanthropic Institution
- 1 In a residential district, all structures shall be located at least one hundred (100) feet from all lot lines. All uses located outside of structures shall be located at least twenty-five (25) feet from lot lines or a greater distance required by the Board of Zoning Appeals based on the nature and impact of the use and buffer elements provided.
  2. Access:
    - a. Except as provided at **Section 903G**, vehicular entrance or exits shall be located no closer than one hundred (100) feet to the intersection of two (2) major roads or no closer than fifty (50) feet to the intersection of a major road and a local collector road.
    - b. The development shall be located on major roads or at intersections of major and/or collector roads.
  3. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagramed to meet the approval of
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the Board of Zoning Appeals.

D. Strip Mining, Surface Mining

1. No excavation or storage of coal, sand, gravel, clay, limestone, sandstone or other mineral deposits shall be conducted within two hundred fifty (250) feet of any lot line not owned or controlled by the developer or operator of the business or his agent.
  2. No excavation or storage of coal, sand, gravel, clay, limestone, sandstone, or other mineral deposits shall occur within one hundred (100) feet of the center line of the right-of-way of a public road except this provision shall not limit the rights of the operator under the provisions of the Ohio Revised Code.
  3. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Area shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. The operations shall be conducted so as not to leave or cause to exist spoil banks. The applicant shall submit a plan for reuse, and evidence of its feasibility in compliance with township zoning or land use plan.
  4. Truck routes shall be established for movement in and out of the development in a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the community.
  5. Processing equipment shall be located at the site in a way that will minimize adverse noise impact upon surrounding dwellings.
  6. Requirements:
    - a. Reclamation is required within one (1) year in each section or phase of the project area as approved in the conditional use permit.
    - b. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation.
    - c. A copy of the state application as approved by the Division of Reclamation and any revisions to the application over the life of the permit shall be submitted to the Board of Zoning Appeals.
    - d. Applications or revisions submitted to the Division of Reclamation subsequent to the issuance of a Lake Township Conditional Use Certificate for strip mining shall be presented to the Board of Zoning Appeals within ten (10) days of approval by the Division of Reclamation.
  7. A Conditional Zoning Certificate shall be issued for one (1) year or on a continuing basis. After the one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued/and or renewed provided that the use has been and is being operated according to the specifications of the Zoning Resolution and the applicable laws and regulations of the State of Ohio as well as the specifications set forth in the previous Conditional Zoning Certificate. A Conditional Zoning Certificate issued on a continuing basis shall not require an annual renewal application or fee unless specifications of the original application
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have been changed. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.

E. Recreation Facility

1. In residential districts, all structures shall be located at least one hundred (100) feet from all lot lines. All uses located outside of structures shall be located at least twenty-five (25) feet from lot lines or a greater distance required by the Board of Zoning Appeals based on the nature and impact of the use. Uses shall be positioned on the property so that the majority of the activity, including bleachers, spectators and players, are centrally located on the property. *Eff 12/27/04*
2. Access:
  - a. Except as provided at **Section 903G**, vehicular entrance or exits shall be located no closer than one hundred (100) feet to the intersection of two (2) major roads or no closer than fifty (50) feet to the intersection of a major road and a local collector road.
  - b. The development shall be located on major roads or at intersections of major and/or collector roads.
3. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagramed to meet the approval of the Board of Zoning Appeals.
4. Retail uses which are customarily accessory or incidental to the main recreational use may be permitted, and may include such uses as refreshment stands, souvenir stands and concession stands.
5. Screens shall be placed to protect the surrounding properties from foul/stray balls if deemed necessary by the Board of Zoning Appeals. *Eff 12/27/04*

F. Mobile Home, House Trailer

A mobile home or house trailer shall be permitted subject to the following conditions:

1. The mobile home or house trailer shall be for the purpose of providing temporary housing while permanent housing is constructed.
  2. The applicant must apply at the same time for a temporary zoning certificate and also a permanent zoning certificate for the permanent dwelling. The certificates must be issued for the same lot or parcel of land. Trailer must be located on the lot or parcel of land.
  3. A temporary trailer must be removed from the lot or parcel of land within three (3) months after occupancy of the dwelling.
  4. A temporary zoning certificate shall be required for every mobile home or house trailer for a period of one (1) year and may be renewed for one (1) year only if construction has actually begun on the permanent housing and shall be issued by the Zoning Administrator only after it has been established that all applicable requirements of this Resolution and the State and County Health Department regulations are met.
  5. All house trailers shall have adequate health facilities available, including running
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water inside trailer and toilet facilities connected to an approved sanitary sewerage system. These health facilities may be connected to available approved facilities of a permanent residence and/or business, or if not so available, proper facilities must be established and must conform to requirements for a residence, including lot area, location on lot, and all other applicable requirements of this resolution.

- G. Child Day Care Center, Type A Day Care Home
1. All points of vehicular entrance or exits shall be located no closer than one hundred (100) feet from the intersection of two (2) major roads or no closer than fifty (50) feet from the intersection of a major road and a local collector road .
  2. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagrammed to meet the approval of the Board of Zoning Appeals.
  3. Outside play areas shall be enclosed by a six (6) foot fence set back a minimum of twenty (20) feet from the property line.
  4. Sufficient parking and “drop off and pick up” areas shall be provided off the public roadway.
  5. Applicant must provide evidence of a state license or of submitted application for a state license. State license must be obtained before conditional use certificate will become effective.
- H. Cemetery
1. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located. All uses located outside of structures shall be located at least twenty-five (25) feet from lot lines or a greater distance required by the Board of Zoning Appeals based on the nature and impact of the use.
  2. Access:
    - a. Except as provided at **Section 903G**, vehicular entrance or exits shall be located no closer than one hundred (100) feet to the intersection of two (2) major roads or no closer than fifty (50) feet to the intersection of a major road and a local collector road.
    - b. The development shall be located on major roads or at intersections of major and/or collector roads.
  3. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  4. Minimum area required for a cemetery site shall be ten (10) acres.
  5. Pavement width of driveways shall be at least twenty (20) feet.
  6. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
  7. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.
  8. No grave sites shall be located within one hundred (100) feet of the right-of-way
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9. lines of any public road and not within fifty (50) feet of an adjacent property line.
- I. Bed and Breakfast Home Stay, Bed and Breakfast Inn
- Where a conditional use permit is required for a Bed and Breakfast Home Stay or Bed and Breakfast Inn, the use shall comply with the following requirements:
1. The facility shall be compatible with surrounding land use and the residential character of the neighborhood. The exterior appearance of the structure or grounds shall not be altered from its single family dwelling character.
  2. The maximum length of stay shall not exceed fourteen (14) consecutive days and rooms will be rented only on an overnight basis. No guest shall stay more than sixty (60) nights in any one (1) year period.
  3. The only meals provided at a Bed and Breakfast Homestay shall be breakfast and/or brunch and it shall be served only to guests taking lodging in the facility. Individual rooms that are rented shall not contain cooking facilities.
  4. Bed and Breakfast Inns must obtain all required commercial licenses, may have a commercial kitchen and a minimum of four (4) and a maximum of twelve (12) guest rooms where compensation is paid for guests overnight.
  5. A Bed and Breakfast Inn may only be located in a residential district on a lot which contains at least ten (10) acres. The Inn shall be located not less than one hundred (100) feet from all property lines.
  6. A Bed and Breakfast Inn in a residential district may include a full-service restaurant that caters to the general public as well as to overnight guests provided the restaurant complies with all applicable requirements of this Resolution.
- J. Group Home
1. The uses shall be properly landscaped to be harmonious with surrounding residential uses.
  2. The facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
  3. Minimum lot and yard requirements for a group home shall be as required for a multi-family dwelling in the R-3 District.
  4. The architectural design and site layout of family or group home licensed under **Ohio Revised Code Section 5123.19** and the height of any walls, screens, or fences connected with the group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
  5. Applicant must provide evidence of a state license or of submitted application for a state license. State license must be obtained before conditional use certificate will become effective.
- K. Rooming House
1. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagramed to meet the approval of the Board of Zoning Appeals.
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- L. Wireless Telecommunication Facility in Residential District. As provided in the Ohio Revised Code, any telecommunications tower proposed to be established in a Residential district, and for which the Board of Trustees sends written notice to the person proposing to construct the tower, shall be subject to the provisions of this Resolution including the following requirements:
1. An application for a conditional use permit for a wireless telecommunication facility which includes a new tower shall include:
    - a. A site plan at a scale not less than one inch equal to 100 feet shall be provided to the zoning department, showing location of tower, antenna, fencing, lighting, landscaping and any accessory structures required to house transmitting maintenance equipment. A report prepared by a licensed professional engineer shall be included which shall contain the height, design, proof of compliance with nationally accepted structural standards and a description of the facility's capacity, including the number and types of government emergency services communication equipment necessary to provide for the public health, safety and welfare of the community. Site plan shall also include location of any buildings located within 500 feet of proposed placement of wireless telecommunication facility. Accessory buildings shall be limited to one building per provider and square footage shall not exceed 250 square feet;
    - b. A landscaping plan to screen the facility from adjacent uses;
    - c. Information regarding the proposed service area for the facility and the necessity or demonstrated need for the proposed location;
    - d. Information regarding the feasibility of collocation on an existing tower;
    - e. An elevation drawing of the proposed tower;
    - f. A statement that the applicant will reasonably make space available on the tower for collocation by other providers.
  2. Wireless provider must show proof that they have exhausted all avenues for sharing space on existing facilities before receiving permission to construct a new facility. Construction of the tower shall be the minimum height necessary to promote the co-location of other providers. No tower shall exceed the height of 200 feet unless the provider demonstrates the need for additional height to facilitate co-location.
  3. An antenna may be attached to a nonresidential 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, or a structure and any building or structure owned by a public utility that is a permitted use in a zoning district. Erection and placement of the antenna shall not exceed a maximum height of twenty feet above the existing building or structure.
  4. The wireless telecommunication facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. A telephone number shall be clearly posted in the event of an emergency.
  5. The setbacks for wireless telecommunication facilities are the following:
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- a. The tower shall be setback 500 feet from any dwelling and not be less than the height of the tower, front, side and rear.
  - b. All equipment, buildings and structures required or proposed as part of a wireless telecommunication facility, except the tower itself, shall conform to the height and setback requirements of the district.
  6. The construction, erection, operation, and maintenance shall meet all guidelines as set forth by the FCC/FAA, State of Ohio, and the County of Stark. All strobe marker lighting shall utilize red light in lieu of strobes whenever permitted under regulations.
  7. Facility, and each guy cable anchor, must be surrounded by an eight (8) foot chain link fence, with an additional three (3) strands of barbed wire on top. Interior of all fenced areas shall have stone aggregate surface and be maintained to eliminate all noxious weeds and unsightly conditions. The area directly outside the fencing shall be landscaped with an appropriate hedge or shrubbery which shall within two (2) years of the initial zoning certificate, reach a minimum height of six (6) feet.
  8. Tower shall be of monopole design only and shall be painted or colored to camouflage or minimize its visibility unless otherwise required by federal or state law. Tower shall not bear advertising and shall not be illuminated unless required by state or federal law.
  9. Tower shall be designed and certified by a registered design professional.
  10. A wireless provider proposing to establish a telecommunications tower in a Residential district shall submit evidence which demonstrates that (a) it is not feasible to provide service for the intended service area on sites in non-residential districts and (b) it is not feasible to provide service for the intended service area on another site in a residential district having lesser impacts on residential areas.
  11. Abandoned Towers Prohibited. Notwithstanding any other section of this Resolution, no property owner may maintain upon his or her property an abandoned wireless communications tower as defined in this Resolution. All towers shall have a performance bond in the amount of not less than \$50,000.00, submitted to township prior to construction of tower, which bond shall remain in effect during the life of the structure. A structure that is deemed to be abandoned, i.e. its original intended purpose has been discontinued for a period of six months or more, shall be dismantled and removed from the parcel, along with any related structures. If there is a failure to remove the tower and related structures, the performance bond shall be utilized by Lake Township Board of Trustees to affect the removal of the structures. Failure to promptly notify the township of any discontinuance of usage shall result in the forfeiture of the performance bond. Cessation of use for a period in excess of twelve (12) months shall constitute abandonment.
- M. Vehicle Sales, Rental, Leasing
1. The proposed project shall conform to all requirements and conditions as the Board may deem necessary to meet the following criteria:
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- a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public roads.
  - b. Paved, off street parking and service areas shall be required. All parking and service areas shall be paved with concrete, or asphalt. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
2. A clearly marked, paved area shall be reserved for parking for customers and shown on the site plan.
  3. The applicant shall demonstrate compliance with all requirements of the Bureau of Motor Vehicles
  4. The area for vehicle display shall be clearly indicated on the site plan. No vehicle display, parking or storage will be permitted in any area of the lot other than as approved on the site plan.
  5. Vehicles shall only be displayed in a showroom or on a paved level surface at finished grade.
  6. Other uses, such as vehicle service, repair, or washing, shall comply with applicable provisions of this Resolution.
- N. Processing and sales of dirt, mulch, and similar bulk materials
1. Processing and sales of dirt, gravel, mulch and similar materials shall only be authorized subject to a conditional use permit. Districts in which the conditional use permits may be issued are listed in **Table 403**.
  2. Processing and sales of dirt, gravel, mulch and similar materials shall also be subject to the requirements of this Resolution for outdoor sales or display and outdoor storage.
  3. Truck routes shall be established for movement in and out of the processing and sales area in a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the community.
  4. Processing equipment to be located at the site in a way that it will minimize adverse noise impact upon surrounding dwellings.
  5. Site locations shall be preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area.
  6. All ingress and egress shall be paved so as not to create nuisance dust and to prevent tracking onto public roads. Business operator shall be responsible for cleaning public roads of materials produced on the site. Ingress and egress drives shall be cleaned every day of operation.
  7. Materials shall not be stored at a height greater than fifteen (15) feet above finished grade.
  8. Materials shall not be stored in the front, side, or rear setback areas.
  9. Materials shall not be stored closer than one hundred (100) feet to a residential district.
  10. Operator shall submit a plan for the control of odors from materials and shall,
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within five (5) days of receipt of written notice from the Zoning Administrator, remove from the lot any material which is the source of odors detectable more than one hundred feet from the lot.

11. In a C2 District, no more than one hundred (100) cubic yards of dirt, gravel, mulch and similar materials shall be stored on a lot.

**O. Sanitary landfill sites**

1. All points of vehicular entrance or exits shall be located no closer than one hundred (100) feet from the intersection of two (2) major roads or no closer than fifty (50) feet from the intersection of a major road and a local collector road.
2. Truck routes shall be established for movement in and out of the development in a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the community.
3. 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 the operations shall be done between the hours of 7:30 A.M. to 5:00 P.M.
4. A Conditional Zoning Certificate for the operation of a sanitary landfill or dump shall be issued for a one (1) year period. After the one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the Board and the Zoning Administrator determine that the use has been and is being operated according to the specifications of the Zoning Resolution and the previous Conditional Zoning Certificate. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.
5. Site locations shall be preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area.
6. All structures and activity areas shall be located at least one thousand (1,000) feet from all property lines.

**P. Junk yard**

1. All points of vehicular entrance or exits shall be located no closer than one hundred (100) feet from the intersection of two (2) major-roads or no closer than fifty (50) feet from the intersection of a major road and a local collector road.
2. There shall be no more than one (1) sign located on each abutting road identifying the activity.
3. The scrap or junk yard use shall only be permitted 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 area of use shall be completely enclosed by a six (6) foot fence of uniform material approved by the Board of Zoning Appeals. The fence shall be erected prior to setting up of the establishment and shall be

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- painted a uniform color and shall be kept in good repair at all times.
- c. Fencing shall be closed type.
  - d. The fence shall be set not less than one hundred (100) feet from all public highways, roads, and alleys. The open area surrounding the fenced enclosure shall, at all times, be properly maintained, mowed, and kept free of debris.
  - e. Burning of any junk, rubbish or refuse within the confines of the fence enclosure or in connection with the operation of the establishment is prohibited.
  - f. At least quarterly, the Zoning Administrator shall make an inspection of the operating junkyard to ascertain whether the operation is in compliance with the Conditional Use Certificate, and with State and County regulations and report any violations to the appropriate authorities.
  - g. Temporary structures, such as tents, shall not be used for the storage of junk.
- Q. Motor freight garage, truck or transfer terminal including office, warehouse, and storage
- 1. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping to be plotted and diagramed to meet the approval of the Board of Zoning Appeals.
  - 2. Truck routes shall be established for movement in and out of the development in a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the community.
  - 3. The proposed project shall conform to all requirements and/or conditions as the Board may deem necessary to meet the following criteria:
    - a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public roads.
    - b. Paved, off street parking and service areas shall be required. All parking and service areas shall be paved with bituminous concrete, asphalt or equivalent. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
- R. Outdoor Sales or Display, Outdoor Storage, accessory to a permitted use or approved conditionally permitted use.
- 1. Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan. No activity shall be located closer than fifty (50) feet to a residential district boundary or road right-of-way abutting any residential district or within ten (10) feet of any road right-of-way. The activities shall not occupy any required sidewalk, parking area or driveway.
  - 2. Any outdoor sales, storage, or display area located closer than one hundred (100) feet to a residential district shall, if determined to be visible from the district, be
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- screened by a landscape buffer strip or other means indicated on the approved site plan.
3. Outdoor displays shall be maintained in a neat and orderly fashion.
  4. The site plan submitted with an application for a conditional zoning certificate shall indicate the types of merchandise to be displayed, and, if applicable, any seasonal changes of display.
  5. Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of the activity is specifically identified in the application and approved in the conditional zoning certificate.
  6. In the OR District, outdoor sales, displays and storage are prohibited in the front yard.
- S. Drive-up Facility, Car wash.
1. Drive-up facilities which utilize microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses. Hours of operation shall be as approved with the site plan.
  2. Lanes required for vehicle access to and waiting for use of a drive thru or drive up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting roads and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Board of Zoning Appeals the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Resolution.
  3. Conditions may be established restricting the hours of operation in order to reduce inappropriate impacts on abutting uses and on road traffic and to ensure compatibility with normal vehicular activity in the district.
  4. The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.
  5. Drive-up facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting residential districts. Where site conditions necessitate locating a drive-through facility near to the district, the area between the uses shall be screened as directed by the Board of Zoning Appeals.
  6. Drive up facilities, their stacking areas, and routes of access shall be located to not interfere with or cause interference with vehicles or pedestrian movement on the public road or within the site. Stacking areas for drive-through facilities shall not be the sole or primary site egress route. Stacking areas shall not utilize parking or aisles required for access to parking.
  7. Business establishments with drive-up facilities, such as banks and restaurants shall provide a minimum of twelve (12) waiting spaces, but not less than eight (8) spaces per drive-up facility. *(See Table 703 for car wash requirements.)*
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- T. Vehicle repair; Vehicle body shop; Gas station
1. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved in the conditional use certificate. Vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall not be stored on the site for more than twenty-one (21) days. Parking and storage of vehicles not related to the principal use of the site, or to an approved accessory use, shall not be permitted.
  2. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.
  3. Retail sales of products other than vehicular fuels shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking.
  4. Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection and disposal shall only be permitted within a storage area completely surrounded by a solid wood or masonry fence six (6) feet in height or other screening approved in the site plan. The screening shall be set back from residential districts at least ten (10) feet and landscaped according to the approval in the conditional zoning certificate.
  5. Air compressor pumps (e.g, for tire inflation) and other outdoor equipment shall be identified in the conditional use certificate and shall be located and screened in a manner which minimizes noise impacts on residential districts.
  6. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per road.
  7. Gas stations shall provide no less than two (2) waiting spaces per accessible side of a gasoline pump island.
  8. Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of the activity is specifically identified in the application and approved in the conditional use certificate.
  9. Outdoor storage areas shall not cover more than fifteen percent (15%) of the site area.
  10. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in conformance with **Section 904** for Outdoor Sales or Display, Outdoor Storage.
  11. Outdoor storage shall be screened by walls, fences and landscaping as may be determined by the Board of Zoning Appeals to be adequate to appropriately screen the materials and equipment from outside the boundaries of the lot. Screening of outdoor storage areas shall be by buildings housing the principal use, or by ornamental face brick wall or by a completely obscuring ornamental fence of wood or other material.
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12. A site plan of the area proposed for outdoor storage shall be submitted for review and approval with the conditional use certificate. The plans shall show the type of materials or equipment to be stored, all principal buildings on the site, property lines, abutting roads and proposed screening methods.

U. Similar Use.

An applicant may submit an application for a conditional zoning certificate for a building or use which is not specifically listed as a permitted use or a conditionally permitted use in a district. The Board of Zoning Appeals shall interpret this Resolution to determine if the proposed use is a similar use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution:

1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
2. Whether the establishment of the use in the district will significantly alter the nature of the district.
3. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
4. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.
5. The Board of Zoning Appeals shall decide whether or not the proposed use shall or shall not be a similar use for the subject district and whether the conditional zoning certificate should be approved.

V. Model Home

1. In a residential district
  - a. A model home shall only be established subject to a conditional use permit issued for a limited period of time, not to exceed two (2) years.
  - b. The permit may be renewed for a period of one (1) year per renewal, provided that the primary purpose of the occupancy is sales of vacant lots or new homes in the subdivision in which the model home is located. The Board of Zoning Appeals may deny a renewal when it is determined that the number of lots or homes or the rate or volume of sales activity is insufficient to justify continuation of the use.
  - c. No more than ten percent (10%) of the floor area of the model home shall be used for the storage of construction materials or equipment, as a contracting office, or for other activities which are not directly associated

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with the sales of homes in the subdivision.

2. In a commercial district, a model home may be used for any use permitted in the district, provided that the structure shall not be converted to a dwelling.
- W. Agriculture on Lots of Less than One (1) Acre. *See standards in Section 404A1a*
- X. Veterinarian Office/Clinic, Animal Hospital
1. Outdoor confinement areas shall be located at least fifty (50) feet from all property lines.
  2. Applicants shall present evidence demonstrating the manner in which abutting properties are protected from nuisances such as noise and odor.
- Y. Specialized Mobile Facilities.  
The Board of Zoning Appeals may grant a conditional use certificate for specialized mobile facilities, such as facilities for specialized medical equipment, provided:
1. The certificate shall be time-limited or authorized for automatic renewal subject to conditions established by the Board.
  2. The facility shall be located in a manner which presents a suitable appearance from surrounding properties and shall be screened with landscaping, fences, or other structures as the Board deems necessary given the location, appearance, and duration of the mobile facility.
  3. The mobile facility shall not displace any parking required for the uses on the site.
- Z. Semi-trailer parking in Commercial District.  
The Board of Zoning Appeals may grant a conditional use permit for parking of one or more semi-trailers on a lot in a commercial district. At a minimum, the parking shall comply with the following standards:
1. Trailers shall not be parked in the front yard or in any side yard which abuts a public road.
  2. Trailers shall not be stored on a vacant lot.
  3. A trailer shall only be stored on a lot if used in the operation of, or delivering material to, or removing material from a business which is located on the same lot.
  4. Semi trailers shall not be stored closer than one hundred (100) feet to any residential district.
  5. Semi-trailers shall not be used for storage.
- AA. Multiple Single Family Dwellings on One Lot.  
Where more than one (1) single family dwelling is proposed on a lot in a residential district, other than as approved in a development plan for a Planned Residential District, the following standards shall apply:
1. The site plan shall indicate the locations of all existing and proposed buildings including the separation between all buildings.
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**Article IX:  
Conditional Zoning Certificates**

2. Separation between buildings shall be at least equal to the minimum separations or setbacks which would be required if the buildings were on separate lots with required yards and minimum lot areas.
  3. Paved access shall be provided to all building entrances to support daily vehicular use and for emergency vehicles. The Board may require submittal of construction specifications and plans to document access.
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**ARTICLE X**  
**APPEALS & VARIANCES**

- 1001 Appeals
- 1002 Variances
- 1003 Applications and Procedures

**1001 APPEALS**

- 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 Administrator in the enforcement of this Resolution.
- B. The appeal shall be taken within twenty (20) days after the decision by filing, with the office of the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the basis of the appeal. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**1002 VARIANCES**

- A. The Board shall have the power to authorize, upon appeal, in specific cases, the 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 practical difficulty or unnecessary hardship, depending on whether the request is for an area variance, where the practical difficulty standard as provided herein shall be utilized in evaluating the request, or a use variance, where an unnecessary hardship standard as provided herein shall be utilized in evaluating the request, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose 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.
- B. Area Variance. Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:
  1. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
  2. Whether the variance is substantial.
  3. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
  4. Whether the variance will adversely affect the delivery of governmental services.
  5. Whether the property owner purchased the property with knowledge of the zoning restriction.

**Article X:  
Appeals & Variances**

6. Whether the property owner's predicament can be obviated through some method other than a variance.
  7. Whether the spirit and intent of the Ordinance will be observed and substantial justice done by granting the variance.
  8. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- C. Use Variance. Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:
1. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
  2. Whether the variance is the minimum variance which will afford relief to the property owner.
  3. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
  4. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
  5. Whether the hardship condition was created by actions of the applicant.
  6. Whether the spirit and intent of the Zoning Ordinance will be observed and substantial justice done by granting the variance.
  7. Whether the use requested is similar in character to the permitted uses in the subject district.
  8. Whether the subject property is adequate to meet the needs and requirements of the proposed use.
- D. Findings Required. A variance shall not be granted unless the Board makes specific findings of fact based on the evidence presented to it.
- E. Supplementary Conditions and Safeguards. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution.

### **1003 APPLICATIONS AND PROCEDURES**

- A. Application.
1. An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, including but not limited to applications for
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**Article X:  
Appeals & Variances**

variances and for conditional zoning certificates, may be taken by any property owner, including a tenant (provided that the tenant is authorized by the owner to make application), or by governmental officer, department, board or bureau.

2. 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 application shall include a complete site plan as required by the Board.
  3. The application shall be filed with the Zoning Administrator who shall transmit the same to the Board.
  4. Review for Application Completeness. The Zoning Administrator shall review each application to determine if all information required by this Resolution has been submitted. Within five (5) days of receipt of the application, the Zoning Administrator shall inform the applicant if the application is complete. A complete application includes all items listed in **Section 902A**. Applications must be complete in order to be submitted to the Board of Zoning Appeals.
- B. Re-Application. No appeal or application which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application each re-application shall be accompanied by the required fee.
- C. Public Notice
1. Notice Sign. Upon filing of an application to the Board of Zoning Appeals, the Zoning Administrator shall, within five (5) days of the receipt of the application, post a sign upon the parcel until the public hearing is concluded. The sign shall be 14" x 28" and clearly visible from the roadway. The sign is to be made from weather resistant material. The sign shall contain the following language:

**“ZONING NOTICE**

**An application has been filed with the Board of Zoning Appeals that could effect the use of the property. For further information, contact the Lake Township Zoning Administrator.”**

Failure by the owner to permit posting of this notice as required herein shall invalidate the application of appeal. The same application may be reconsidered by the board upon posting.

2. Mail Notice. Written notice to property owners within, contiguous to, and directly across the road from the parcel must be sent at least ten (10) days before the public hearing. Notification to the property owners shall be sent by regular



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mail. If multiple adjoining parcels are owned by the applicant, then the outermost perimeter of the adjoining parcels shall be used as the basis to determine who is to be considered contiguous property owners.

- D. Hearing. The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of an application for an appeal or variance.
  - E. Board Action.
    - 1. The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution.
    - 2. Every decision of the Board shall be by motion.
    - 3. The Board shall take action not later than sixty (60) days after the date of the meeting at which the appeal or variance was first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
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**ARTICLE XI  
ADMINISTRATION**

- 1101 Board of Zoning Appeals
- 1102 Zoning Commission
- 1103 Zoning Administrator
- 1104 Zoning Certificates
- 1105 Certificate of Use Required
- 1106 Fees
- 1107 Violations
- 1108 Penalties
- 1109 Amendment of Zoning Resolution and Zoning Map

**1101 BOARD OF ZONING APPEALS**

- A. Board Created. A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.
- B. Composition and Appointment.
  - 1. The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated area of Lake Township.
  - 2. Each member shall serve until his successor is appointed and qualified.
  - 3. Members shall be removable for nonperformance of duty, misconduct in office, or other causes by the Trustees, upon written charges being filed with the Trustees, after public hearing has been held regarding the charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving a copy at his usual place of residence. The member shall be given an opportunity to be heard and answer the charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.
- C. Organization. The Board shall elect a Chairperson from its membership; and shall prescribe rules for the conduct of its affairs.
- D. Quorum. Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of the majority of members present shall be necessary to effect an order, take action, make decisions, or act on any authorization.
- E. Meetings. The Board shall meet at the call of its Chairperson. All meetings of the Board shall be open to the public.
- F. Witnesses. The Board Chairperson or Acting Chairperson shall administer oaths or affirmations, and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

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- G. Record of 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 the 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 be a public record.
- H. Powers and Duties. The Board of Zoning Appeals shall have the following powers:
1. Appeals. The Board shall have the power to hear and decide appeals as provided in **Article X**.
  2. Variances. The Board shall have the power to authorize variances as provided in **Article X** and as otherwise provided in this Resolution.
  3. Conditional Zoning Certificates. 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 the plans and nonconforming uses as specifically provided in this Resolution. The Board of Zoning Appeals shall have the power to administer **Article IX, Conditional Zoning Certificates of this Resolution**, and shall have the powers as specified in **Article X of this Resolution**.
  4. The Board shall have authority 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 their right to a hearing before the Board within thirty (30) days of the mailing of the notice, if they so request. 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 be represented in person, by their attorney or other representative, or they may present their position in writing. They may present evidence and examine witnesses appearing for or against them. 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.
- I. The Board shall have the other authorities as are specifically stated in this Resolution.

**110 ZONING COMMISSION**

- A. Zoning Commission Created; Membership.
5. A Zoning Commission is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.
  6. Membership of the Zoning Commission shall be as provided in the Ohio Revised Code.
- B. Powers and Duties. The Lake Township Zoning Commission shall have the following powers:
1. The Commission shall hear requests or application for zone changes.
  2. The Commission shall hear requests or applications for amendments or

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supplements to the zoning resolution.

3. Upon compliance with the procedure set forth in 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 and submit the recommendation together with the application or resolution, the applicable text and map, and the recommendation of the regional planning commission to the Board of Township Trustees.

**C. Rules of Procedure****1. Meetings.**

- a. The regular sessions designated as meetings of the Lake Township Zoning Commission shall be held at the discretion of the Chairperson or by the request of any two Zoning Commission members.
- b. Special sessions may be called by the Chairperson, or at the request of two members, provided that notice of the same has been given by mail or in person to each member at least twenty-four (24) hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of the meeting.
- c. All meetings and hearings shall be open to the public.
- d. A quorum of the Commission shall consist of three (3) members.
- e. The members of the Commission shall attend the meetings in person.

**2. Action by the Commission**

- a. Every decision of the Commission shall be by motion.
- b. The Board may, on motion of any member, review any decision that it has made and may reverse, or modify the decision by resolution.
- c. Provided a quorum is present, the favorable vote of a majority of Commission members present shall constitute approval of any action.

**3. Officers, Responsibilities and Authorities, Rules**

- a. The officers of the Commission shall be a Chairperson and vice-Chairperson, to be elected at the first meeting of the Commission in each calendar year.
- b. The Chairperson shall preside at meetings. The Chairperson may designate any member of the Commission to preside and perform the duties of the chair at any public hearing.
- c. The Chairperson, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by the vote of a majority of the Commission in session at that time.
- d. The Chairperson shall unless otherwise directed by the vote of three members of the Commission appoint any committee that may be deemed necessary.
- e. The Chairperson shall report at each meeting on all pertinent official transactions that do not otherwise come to the attention of the Commission.
- f. Subject to these rules and the direction of the Chairperson, the

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Commission shall conduct all official correspondence, compile the required records, maintain the necessary files and generally supervise the clerical work.

- g. A complete tape recording of all meetings and hearings shall be made for the files. The record of each meeting shall show the vote of each member on every question, or if absent or failing to vote, indicating the fact and it shall also include a record of examinations and other official actions.
- 4. Public Hearing
  - a. Public hearings shall be held as determined by the Commission.
  - b. Every person before the rostrum shall abide by the order and direction of the chairperson. Discourtesy or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the chairperson deems proper.

**1103 ZONING ADMINISTRATOR**

For the purposes of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Administrator, together with assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other conditions shall be set by the Township Trustees.

**1104 ZONING CERTIFICATES**

A. Zoning Certificate Required.

- 1. Before constructing or altering any structure or building (including but not limited to accessory structures, such as signs, one satellite dish over three foot diameter per residence and/or other structures) a zoning certificate shall be obtained.  
*Eff 12/27/04*
- 2. Before establishing or expanding any use, including an accessory use, and before changing a use, a zoning certificate shall be obtained.

B. Application.

- 1. Applications for zoning certificates shall be submitted to the Zoning Administrator.
- 2. The applications shall include the following information:
  - a. A site plan, drawn to scale, showing the exact dimensions and area of the lot to be built upon and all other applicable information required by the site plan review application form(s).
  - b. The location, dimensions, height, and bulk of structures to be erected (construction plans)
  - c. The proposed use
  - d. The proposed number of sleeping rooms, dwelling units, occupants, and employees and other uses
  - e. The yard, open area, and parking space dimensions
  - f. House Numbering Slip issued by Stark County Tax Map Department, if applicable

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- g. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution
  - h. Septic Tank Permit from the Stark County Board of Health, (*County Office Building, Canton, OH*), or Sanitary Sewer Permit from the County Sanitary Engineer's Office, (*1701 Mahoning Road, N.W., Canton, OH*).
  - i. One (1) set of construction plans and one (1) plat plan for new structures and alterations and additions for single family residence, two family residence, three-family or multiple family residence, commercial, and industrial structures.
  - j. Site topography and drainage information as required by the Zoning Administrator to determine compliance with National Pollution Discharge Elimination System (NPDES) requirements.
- C. Issuance; Conditions.  
The Zoning Administrator shall issue a zoning certificate within thirty (30) days after receipt of an application provided that:
- 1. The application complies with the requirements of this Resolution;
  - 2. The application is accompanied by the fee(s) required by this Resolution;
  - 3. Final site plans have been submitted and approved in accordance with the requirements of Lake Township and Stark County Subdivision Regulations, if the approval is applicable;
  - 4. Approval for sanitary sewerage facilities has been obtained from the State or County Health Department as applicable. A zoning certificate shall not be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the certificate has been requested.
  - 5. A permit has been obtained from the Ohio Department of Transportation, in accordance with regulations adopted by that department, for any structure which has ingress or egress to a state highway.
- D. Temporary Zoning Certificate. The Zoning Administrator may issue a temporary zoning certificate as specifically authorized by these Regulations or as directed by the Board of Zoning Appeals.
- E. Expiration. A zoning certificate shall become void at the expiration of one (1) year after the date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of zoning certificate, a new zoning certificate is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning certificate.
- F. Prior Certificate Valid. Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where a zoning certificate was previously issued and construction has started before the zoning certificate expiration date, and provided further that the building shall be completed within two (2) years from the date
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of passage of these regulations.

- G. Failure to Obtain Certificate before Construction or Use is Commenced.
1. The zoning certificate required shall be obtained before any location, erection, construction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this Resolution shall be null and void.
  2. Where construction is commenced prior to obtaining a zoning certificate, the Zoning Administrator is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to insure that the construction already commenced fully complies with the requirements of this Resolution. Where special preliminary inspection is necessary, an additional fee shall be charged for the zoning certificate and special inspection.
- H. Stop Work Order; Revocation of Certificate.
1. Stop Work Order. The Zoning Administrator may issue a stop work order for any certificate or approval for any of the following reasons:
    - a. Whenever there is a violation of any of the provisions of this Zoning Resolution; or any statute of the State of Ohio relating to the same subject matter; or any violation of the regulations of the Department of the County to which this Zoning Resolution refers jurisdictional authority.
    - b. Whenever the continuance of any work becomes dangerous to life or property.
    - c. Whenever there is a violation of any condition on which the issuance of the certificate or approval was based.
    - d. Whenever any false statements or misrepresentations have been made in the application plans on which the issuance of the certificate or approval was based.
  2. Revocation.
    - a. The Zoning Administrator may revoke any certificate or approval issued under the provisions of this Zoning Resolution.
    - b. The Zoning Administrator shall not revoke a certificate issued subsequent to Board of Zoning Appeals approval until the Board holds a hearing and orders revocation.
    - c. The Notice of the Revocation of the certificate shall, in every case, be in writing and shall be served upon the owner, his agent or the person having charge of the work. A revocation notice shall also be posted upon the building or operation in question by the Township Zoning Administrator. After the notice is received or posted it shall be unlawful for any person to proceed with any operation for which the certificate was issued. No part of the fees for the certificate shall be returned.

## **1105 CERTIFICATE OF USE REQUIRED**

- A. Purpose. The purpose of these provisions is to determine, prior to the establishment or
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operation of proposed uses, the compliance of the uses with the provisions of this Resolution and to document the compliance for the benefit of the property owner, occupants, and the township by issuance of a certificate of use.

- B. A certificate of use shall be obtained from the Zoning Administrator before occupancy of any permitted or conditionally permitted use in all Commercial and Industrial Districts and for any use in a residential district other than a dwelling or use accessory to a dwelling. Any change in use from one use to another or from one owner/tenant to another will require a new Certificate of Use to be issued.
- C. It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of use is issued by the Zoning Administrator stating that the proposed use, structure, or land conforms to the requirements of this Resolution.
- D. Temporary Certificate. A temporary certificate of use may be issued by the Zoning Administrator for a period not exceeding six (6) months, during alterations or partial occupancy of a structure or land, pending its completion.

**1106 FEES**

Fees shall be paid for applications, permits, certificates, and other matters addressed in this Resolution as provided by a Resolution adopted by the Board of Township Trustees.

**1107 VIOLATIONS**

In case any structure is or is proposed to be located, erected, constructed, enlarged, changed, maintained, or used, or any land or structure is or is proposed to be used in violation of any provisions of this Resolution or supplements or amendments, the board of township trustees, the prosecuting attorney of the county, additional legal counsel for the township, or the township zoning administrator, 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 the unlawful location, erection, construction, enlargement, change, maintenance or use.

**1108 PENALTIES**

Any persons violating any provisions of this Resolution or supplements or amendments shall be fined not more than one hundred (100) dollars. Each day of continuation of violation of this Resolution shall be deemed a separate offense. This fine shall be in addition to all other remedies which are provided by law.

**1109 AMENDMENT OF ZONING RESOLUTION AND ZONING MAP**

- A. The Board of Township Trustees may amend or supplement this Resolution and Zoning Map as provided by the Ohio Revised Code.
  - B. Notice of proposed zoning change. *Eff 10/28/04*
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1. The notice requirements as established in the Ohio Revised Code will be followed for all proposed zone changes.
2. For applications to change the zoning of a parcel, a sign, made available by the township and placed at a location approved by the Zoning Administrator, will be located upon the parcel within five (5) days of the receipt of the application. The sign shall be three (3) feet high by four (4) feet wide. If at all possible, the sign shall be clearly visible from the roadway. The sign is to be made from weather resistant material and contain the following language:

**ZONING NOTICE**

**An application has been filed that could affect the zoning of this property.  
For further information, contact the Lake Township Zoning Administrator.**

*The words "Zoning Notice" shall be a minimum of two (2) inches in height. The balance of the text is to be a minimum of one (1) inch in height. All letters are to be red in color with a white background.*

The failure by the owner and/or lessee to permit posting of this notice as required shall invalidate the zoning application if the owner and/or lessee is the applicant. The same application may be reconsidered by the board upon posting.

3. Where a zone change is initiated by the Zoning Commission and/or the Lake Township Trustees, the Zoning Notice as stated in (B)(2) above is not required. If possible, the Zoning Administrator will direct the placement of one (1) or more signs on one (1) or more of the parcels in order to provide additional notice of the application for rezoning. **The failure to post signs on these properties will not invalidate the application for rezoning.**

**ARTICLE XII**  
**DEFINITIONS**

1201 Rules of Construction  
1202 Definitions

**1201 RULES OF CONSTRUCTION**

The following shall be applicable to all provisions of this Resolution.

- A. Words used in the present tense shall include the future tense.
- B. The singular number shall include the plural. The plural number shall include the singular.
- C. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- D. The word “structure” shall include the word “building”.
- E. The word “used” or “occupied” shall include the words “arranged, designed, constructed, altered, converted or intended to be used or occupied”.
- F. A “person” shall mean, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings.
- G. The word “herein” means “this Resolution”.
- H. The provisions of this Resolution shall be construed to achieve the purposes and intent for which they are adopted.
- I. Nothing in this Resolution is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the provisions of this Resolution are more restrictive or impose higher standards or requirements than the easement, covenant, deed restriction, or other private agreement, the requirements of this Resolution shall govern.
- J. In the event of a conflict between the text of this Resolution and any caption, figure, illustration, table, or map, the text of this Resolution shall control. In the event of any conflict between a chart and an illustration, the chart shall control. All illustrations included in this Resolution are for illustrative purposes only.
- K. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- L. An act authorized by this Resolution to be carried out by a specific official or agency of the Township is impliedly authorized to be carried out by a designee of the official or agency.
- M. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
- N. Any reference to the Ohio Revised Code or to other state or federal statutes or rules or those of other agencies having jurisdiction shall be construed to be a reference to the most recent enactment of the statute or rule, and shall include any amendments as may from time to time be adopted.
- O. Words written in italics are provided only for the purposes of reference and are not part of the adopted Zoning Resolution.

**1202 DEFINITIONS.**

**ACCESSORY STRUCTURE.** A structure, subordinate to the principal building on a lot or tract, serving a purpose incidental to the use of the principal building and which requires a temporary and/or permanent foundation. Accessory structures include, but are not limited to: swimming pool; shed; gazebo; free standing deck (detached from principal structure); fence; detached garage; sign.

**ACCESSORY USE OR BUILDING.** A subordinate building or use customarily incidental to and located upon the same lot occupied by the principal building or use.

**ADULT USES.** Adult uses include adult arcades, adult book stores, adult novelty store, adult video store, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult health clubs, and adult cabarets and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the performance, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by the members of the public.

*Adult Uses, terms relating to:*

**ADULT ARCADE.** A commercial use where, for any form of consideration, one or more still motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their depiction or description of specified sexual activities.

**ADULT BOOK STORE, ADULT NOVELTY STORE, ADULT VIDEO STORE.** A commercial use in which 50% or more of its revenues or 50% or more of its interior business or advertising is devoted to the sale, rental, and/or for any form of consideration, of any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representation which are characterized by the depiction of specified sexual activities or specified anatomical areas;
- B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

**ADULT CABARET.** A nightclub, bar, restaurant, bottle club, or similar commercial use, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.

**ADULT MASSAGE PARLOR, HEALTH CLUB.** A massage parlor or health club which restricts minors by reason of age, or which provides the service of “massage”, if the service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT MOTEL.** A motel, hotel or similar commercial use which:

- A. offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign

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- visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. offers a sleeping room for rent for a period of time less than ten (10) hours; or
  - C. allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

**ADULT MINI-MOTION PICTURE THEATRE.** A commercial use where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial use which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

**ADULT SAUNA.** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ESCORT AGENCY.** A commercial use which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**ESCORT.** A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**MASSAGE PARLOR.** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing the treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of therapeutic massage in any licensed hospital, nor by a licensed chiropractor or osteopath licensed massotherapist, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

**NUDE MODEL STUDIO.** Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. “Nude model studio” does not include: a proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or in part by public taxation; or a use where classes are held in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing, where a student must enroll at least three days in advance of the class in order to

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participate and where no more than one nude or semi-nude model is on the premises at any one time.

**SEXUAL ENCOUNTER ESTABLISHMENT.** A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**NUDITY OR STATE OF NUDITY.** The showing of either of the following:

- A. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- B. The female breast with less than a fully opaque covering on any part of the nipple.

**SEMI-NUDE.** A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

**SPECIFIED SEXUAL ACTIVITIES.** The phrase “specified sexual activities” means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as a part of or in connection with any of the activities set forth in subdivisions (1) through (4) above.

**SPECIFIED ANATOMICAL AREAS.** The phrase “specified anatomical areas” means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**AGRICULTURE.** Farming; ranching; aquiculture; 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, husbandry or production. \*

\*Agriculture shall not include a vegetable garden, fruit bearing plants, or ornamental shrubs, ornamental trees, trees or flowers intended for use solely upon the residential lot by the occupants thereof.

\*Agriculture shall not include harboring pets within the principal residential structure on the residential lot; including not more than four (4) pets housed, kenneled, kept or harbored outside the principal residential structure. *Eff. 6/22/11*

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**ALLEY.** A narrow thoroughfare upon which abuts, generally, the rear of the premises and which is not more than twenty (20) feet wide.

**ANIMAL GROOMING.** A place used for the grooming of animals. No animal shall be kept on the premises for longer than one (1) day. *See also "animal hospital" and "kennel".*

**ANIMAL HOSPITAL.** A place used for care, grooming, diagnosis and treatment of sick, ailing or injured animals, including overnight accommodations and boarding if incidental to the primary activity. The meaning of this term is not included and does not include the meaning of the term "hospital" which is a facility for human medical care.

**AWNING.** A temporary hood or cover projecting from the wall of a building for the purpose of shielding a doorway, window, or pedestrian walkway and which is periodically retracted onto the wall of the building. *See also "canopy".*

**BASEMENT.** A story having more than one half its height below the average finished grade. A basement shall not be construed as a story for the purpose of height regulations.

**BED AND 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 AND BREAKFAST INN.** A facility that provides overnight accommodations and is operated primarily for a business even though the owner may live on the premises.

**BOARD.** The Board of Zoning Appeals as created by this Resolution.

**BUILDING.** Any permanent structure having a roof, supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

**BUILDING LINE.** The line, parallel to a lot line, extending across the full width of a lot at which the nearest portion of a principal building is situated.

**CANOPY.** A permanent, roof-like structure projecting from the wall of a building or freestanding . Any roof overhang extending more than five (5 feet) from the wall of a building shall be considered a canopy. *See also "awning".*

**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.

**CAR WASH.** A permanent facility for washing the exterior of vehicles by machine, by employees of the business, or by customers, and may include facilities for waxing, drying, or vacuuming vehicles. A

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car wash is a drive-up facility.

**CEMETERY.** Land used for or intended to be used for the burial of humans or animals and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

**CERTIFICATE OF USE.** A certificate required to be obtained from the Zoning Administrator for a change of occupancy or use as provided in this Resolution. *See Section 1105.*

**CHILD DAY CARE,** *terms relating to:*

**CHILD DAYCARE.** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child daycare facilities:

**CHILD DAYCARE CENTER.** A "child day-care center" as defined in Chapter 5104 of the Ohio Revised Code.

**CHILD DAYCARE, TYPE A.** A "Type A family day-care home" as defined in Chapter 5104 of the Ohio Revised Code.

**CHILD DAYCARE, TYPE B.** A "Type B family day-care home" as defined in Chapter 5104 of the Ohio Revised Code.

**CLINIC.** Any building or other structure devoted to the medical diagnosis and treatment and care of human outpatients.

**COMMERCIAL PARKING LOT.** An off street parking area where the principal use of the tract or lot is for the parking of commercial and/or passenger vehicles or equipment.

**COMMISSION.** The Township Zoning Commission.

**COURT.** An open, unoccupied space other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

**CUL-DE-SAC.** A vehicular turning circle at the end of a road.

**CURB CUT.** A location where vehicular ingress or egress is permitted between property and an abutting public road.

**DECK.** An outdoor horizontal floor which is not covered by a roof or surrounded by walls and is mounted above the ground on posts. A deck may have railings and may be comprised of several levels. A deck is typically constructed of lumber. The meaning of the term does not include a patio or other wood or stone floor installed upon the ground and having a surface no higher than one foot (1') above the finished grade.

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**DISTRICT.** An area of the Township, comprised of one or more contiguous lots, within which the provisions of this Resolution governing structures and the uses of land are uniform. Boundaries of the districts are shown on the Zoning Map which is part of this Zoning Resolution.

**DISTRICT, RESIDENTIAL.** Any district in which a dwelling is a permitted use, including the R1, R2, R3, and VR Districts. The term “residential district” shall generally include the PR District in its meaning provided that any requirements or standards approved as part of a PR District shall supersede a conflicting provision of these Regulations generally applicable to residential districts.

**DISTRICT, COMMERCIAL.** Any district in which retail establishments, offices, and services are the predominant uses, including the following districts: VC, C1, C2, and OR.

**DISTRICT, INDUSTRIAL.** A district in which industries are the predominant permitted uses, including the following districts: I-1 and I-2.

**DRIVE-THRU, DRIVE-IN, DRIVE-UP.** Any use which involves sales or services to customers in or on vehicles or a facility where vehicles are lined up or queued for service such as washing or oil change. Examples include drive up food windows at restaurants, drive up bank tellers, drive up ATMs (Automatic Teller Machines), book or videotape drop-offs, car wash, and parcel or material pick up facilities for retail businesses.

**DRIVEWAY.** An area located primarily on private property to provide ingress and egress for motorized and other vehicles from a curb cut on a public right-of-way onto the private property and to parking spaces, a garage, dwelling or other structure, and/or to access other areas of a lot. A paved driveway is one which is constructed of concrete, blacktop, stone, or other material capable of supporting a fire truck or other emergency vehicle which, at some point, may be required to access the private property upon which the driveway is located.

**DWELLING.** A building which contains one or more dwelling units. The term “dwelling” includes traditional “site built” dwellings, modular, and permanently sited manufactured homes. The term “dwelling” does not include a recreational vehicle or a mobile home as defined herein and does not include a hotel, motel, or other building used for transient residents. All dwellings shall comply with the requirements of [Section 404D](#).

**DWELLING UNIT.** One or more rooms within a building arranged, intended, designed and equipped for independent occupancy by a family, or by an individual or a group of individuals, for living and sleeping purposes and containing cooking, bathing, and toilet facilities for the exclusive use of the occupants. A room or rooms or structure which does not comply with or has not been approved according to the occupancy regulations of the building and health codes effective in Stark County and the Township shall not be deemed a dwelling unit.

**DWELLING, SINGLE FAMILY.** A detached, individual dwelling unit which accommodates one family. The type of construction of the units shall conform either to the OBOA, or CABO one and two family dwelling code, or other applicable building code, or be classified as an *Industrialized Unit* under the Ohio Basic Building Code, or conform to the Ohio Revised Code. [\(ORC 303.212-counties, ORC 519.212 Township\)](#)

**DWELLING, TWO FAMILY.** A dwelling designed for or used exclusively by two (2) families living independently of each other.



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**DWELLING, MULTI-FAMILY.** A dwelling designed for or used exclusively for residence purposes by three or more families living independently of each other including townhouses row-houses, garden apartments and similar types of multi-family dwelling units.

**MANUFACTURED HOME.** Any non-self-propelled building unit or assembly of closed construction:

- A. which is fabricated in an off site facility, and
- B. which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and
- C. that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

A manufactured home is transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more length or, when erected on site, is 1,200 square feet or larger, and which is built on a permanent chassis, designed to be used as a dwelling with a permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections containing interior space, but do not include bay windows. (ORC 4502.01)

**INDUSTRIALIZED UNIT.** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of the intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein. (ORC 3781.06(CO(3))).

**MOBILE HOME.** A non self propelled building unit or assembly of closed construction:

- A. that is fabricated in an off-site facility, and
- B. built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, and
- C. which when erected on site is 320 or more square feet.

A mobile home is transportable in one or more sections and does not qualify as a manufactured home or an industrialized unit. A mobile home is also pre-HUD code (ORC 4501.01(O)).

**MODULAR HOMES.** A structure which is pre-fabricated consisting of units or parts that are then assembled at the property site and erected to have a permanent location on the ground. For purposes of this Zoning Resolution, a modular home comes within the definition of a dwelling.

**PERMANENTLY SITED MANUFACTURED HOUSING.** Constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, (422 U.S.C.A. 88 stat. 700,5401, and 5403) after January 1, 1995. It must:

- A. have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- B. Have no indicia of mobility (temporary axles, trailer tongue, running lights) when placed upon its foundation.
- C. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings. (See Section 404D).

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**FAMILY.** An individual, or two or more persons, related by blood, adoption, or marriage, or up to five unrelated individuals living as one housekeeping unit.

**FAMILY HOME.** See also "*Group Home*". A residential facility, licensed by the State of Ohio, that provides room and board, personal care, habilitation services, and supervision in a family setting. A family home is limited to one of the following:

- A. An adult family home, licensed by the Ohio Department of Health, providing accommodations for three (3) to five (5) adults.
- B. A foster family home, licensed by the Ohio Department of Mental Retardation and Developmental Disabilities, for not more than five (5) mentally retarded or developmentally disabled persons; or a family home for six (6) to eight (8) mentally retarded or developmentally disabled persons.
- C. A foster home or family foster home for juveniles.

**FARM MARKET.** See definition of "*Roadside Stand*".

**FENCE.** A structure serving as an enclosure, barrier, or boundary usually made of posts, boards, wire or rails.

**FLEA MARKET.** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public.

**FINANCIAL SERVICES.** Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

**FLOOR AREA.** The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, garage, elevator, and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

**FRONTAGE.** That part of a lot line which is coincident with a public right-of-way line or coincident with a road or right-of-way otherwise approved for frontage.

**GARAGE, AUTO SERVICE SHOP.** A building or portion of a building in which commercial repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.

**GARAGE, PRIVATE GARAGE.** A private garage is a building or space used as an accessory to a principal building permitted in any Residential District and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**GARAGE, PUBLIC.** A building, or portion of a building, in which more than four (4) motor vehicles

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are, or are intended to be, housed under arrangements made with patrons for renting or leasing the space and accommodation, and in which no repair work is carried on.

**GAS STATION.** A use involving the retail sale and dispensing of fuel or oils into vehicles.

**GRADE.** The ground elevation established for the purpose of regulating the number of stories and the height of structures.

**ESTABLISHED ROAD GRADE.** The elevation of the centerline of the road on which a lot has frontage.

**FINISHED GRADE.** The natural grade of ground undisturbed by man-made alterations provided that, where an altered grade has been approved in a zoning certificate, site plan, or other approval authorized by this Resolution, the finished grade shall be the grade of the ground or pavement conforming to the approval.

**GROUP HOME.** *See also "Family Home".* A residential facility, licensed by the State of Ohio, that provides room and board, personal care, habilitation services, and supervision in a family setting. A group home is limited to one of the following:

- A. An adult group home, regulated by the Ohio Department of Health, providing accommodations for six (6) to sixteen (16) adults.
- B. A group home, regulated by the Ohio Department of Mental Retardation and Developmental Disabilities, for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.

**HEIGHT.** *See also "Grade".*

**HEIGHT OF BUILDING -** The vertical distance measured from the average finished grade of all faces of the building to the highest point of the roof surface if a flat roof; to the deck line on a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

**HEIGHT OF SIGN.** *See Sign, Height of Sign.*

**HEIGHT OF STRUCTURE OTHER THAN BUILDING OR SIGN.** Except as otherwise provided in this Resolution, the height of a structure shall be the vertical distance from the finished grade at the base of the structure to the highest elevation at the top of the structure.

**HOME OCCUPATION.** An activity, profession, occupation, service, craft, or revenue-producing hobby conducted within a dwelling, carried on by the inhabitants thereof, which use is clearly incidental to the use as a dwelling and does not change the character thereof, and complying with the applicable provisions of this Resolution. For purposes of this Resolution, Home Occupations are of two types:

**HOME OCCUPATION TYPE A.** A home occupation involving any of the following activities:

- A. Office
  - B. Instruction in music, dance, or similar arts
  - C. Tailor, seamstress
  - D. Home party sales, provided sales events in which customers come to the dwelling for purposes of viewing, ordering, or purchasing goods do not occur more frequently than one (1) time in any seven (7) day period.
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**HOME OCCUPATION TYPE B.** A home occupation involving any of the following activities:

- A. Maintenance or construction services, including but not limited to contractor offices for landscaping, plumbing, electrical
- B. Barber shops, beauty parlors
- C. Production of crafts or goods, art studio
- D. Activities not listed as Type A Home Occupations and which are determined by the Board of Zoning Appeals to be similar in nature and impact to listed home occupations and in compliance with the standards for home occupations.

**HOSPITAL.** A building devoted to the medical diagnosis, treatment, and care of human patients, and including facilities for overnight or longer periods of care. The term does not include in its meaning “nursing home” or “animal hospital”, which are separately defined.

**HOT TUB.** Any indoor or outdoor artificial structure, chamber, or tank, 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, containing less than one thousand gallons of water, and heated at or above ninety degrees Fahrenheit.

**HOTEL.** A building in which lodging is provided and offered to the public for compensation and which is designated primarily for use by transient guests as distinguished from a boarding house or a lodging house.

**INDOOR PARKING.** To park in a completely enclosed building (roof, doors and walls).

**INSTITUTION, OTHER NON-PROFIT OR PHILANTHROPIC.** A building occupied by a non-profit corporation or non-profit establishment for public use. The meaning of the term does not include “public school”, “private school”, “hospital”, “clinic” and other uses which are specifically defined and regulated by this Resolution.

**JACUZZI.** See definition of “hot tub.”

**JUNK YARD.**

- A. Land or structure used for the collecting, storage, processing and sale of scrap metal, an excess of two (2) abandoned motor vehicles not displaying a current motor vehicle license, parked or stored primarily for the purpose of collecting worn out inoperative parts, dismantling and selling same; or the collection and/or storage of machinery, equipment, waste paper, glass, rags, containers, junk, and other discarded materials. It shall not include, however, refuse and garbage kept in a proper container for the purpose of prompt disposal
- B. An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. Junk is old or scrap copper, brass, ropes, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or non-ferrous materials, but does not include scrap tires. **ORC 4737.05B**

**KENNEL.** A place where dogs are boarded, bred, or trained for compensation. *See also “Animal*

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*Hospital” and “Animal Grooming”.*

**LANDSCAPE.** The art of gardening by placing sod, seeds, shrubs, or decorative stone of uniform size on a plot of ground to make it more attractive.

**LANDSCAPED BUFFER.** The purpose of this buffer is to minimize the negative visual and audible impact of incompatible uses between districts. It is to consist of one of the following or a combination of two or more, as approved by the Zoning Administrator or the Board of Zoning Appeals, in the event of an appeal, variance or conditional use:

- A. A landscaped, solid fence or wall of materials compatible with the principal building.
- B. A mix of trees and shrubs that is expected to form a six (6) foot high screen within three years of planting.
- C. A landscaped earthen mound not less than four (4) feet in height nor more than six (6) feet in height.
- D. Maintenance of existing natural vegetation which, in its natural state, forms a six-foot high screen.

The landscaped buffer shall be implemented within one year of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.

**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 of materials, and which abuts upon a road, alley or other appropriate means of access.

**LOT.** A single parcel of land, not divided by any lot line, occupied or intended to be occupied by a principal building or a group of buildings and accessory uses, including open space and frontage on a public road, or other road approved for frontage, 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 road 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 abutting upon two or more roads at their intersection provided the angle at which the roads intersect does not exceed one hundred thirty-five (135) degrees.

**LOT COVERAGE.** The area of a lot covered by structures.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two (2) non-intersecting roads as distinguished from a corner lot.

**LOT, INTERIOR.** A lot, the side lines of which do not abut any road.

**LOT LINES.** The property lines defining the limits of a lot.

**LOT, PLATTED.** A lot created by approval of a subdivision plat.

**LOT, UNPLATTED.** A lot created by division of land according to the procedures set forth in Section 310 of the Stark County Subdivision Regulations and Sections 711.001 and 711.131 of the ORC.

**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 these regulations.

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**MANUFACTURING.** The mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, or other forms of energy; the blending of new materials, and the packaging of materials.

**MANUFACTURED HOME PARK.** Any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park. A manufactured home park does not include any of the following:

- A. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp;
- B. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority.
- C. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

**MEDICAL FACILITY.** A facility used for medical examination, preventive medicine, or medical treatment by medical professionals licensed by the State of Ohio, including “medical office/clinic” and “hospital” as defined below:

- A. “Medical office/clinic” means a medical facility where medical examination, preventive medicine, or medical treatment is provided on an out-patient basis, with no facilities for overnight stay.
- B. “Hospital” means a medical facility where medical examination, preventive medicine, or medical treatment is provided and where facilities are provided for overnight treatment or recovery.

**MINING.**

**SURFACE MINING.** All or any part of a process followed in the production of minerals, limestone, gravel, clay, peat, or other materials from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, placering or quarrying.

**STRIP MINING.** All or any part of the process followed in the production of coal from a natural deposit whereby the coal may be extracted after removing the overburden.

**MISCELLANEOUS EDUCATIONAL USE.** An educational activity other than a public school or a private school, as separately defined in this Resolution, conducted by a non-governmental organization, including such activities as a trade school, professional school, school for the arts or sports, and similar schools.

**MODEL HOME.** A structure built in the nature of a dwelling, used to demonstrate features of homes for sale and to sell other homes, typically in the same subdivision or in the same area as the model home.

**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. *See also "Hotel", "Bed and Breakfast".*

**NONCONFORMING.** Not conforming to the provisions of this Resolution.

**NONCONFORMING LOT.** A lot legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the lot is located.

**NONCONFORMING STRUCTURE.** A building or other structure legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the structure is located.

**NON-CONFORMING USE.** Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement which does not conform to the Use Regulations of the District in which it is situated.

**NURSING HOME, ASSISTED LIVING.** (Convalescent Home) - A licensed facility by the State of Ohio for the aged or chronically ill in which three or more persons not of the immediate family are received, kept, and provided with food, shelter, medical care, but not including hospitals, clinics, licensed family homes, and licensed group homes for developmentally disabled persons, institution, or other terms specifically defined and regulated in this Resolution.

**OFFICE.** A use, conducted within a building or part of a building, involving the conduct of the administrative, executive, management, or clerical affairs of a business, service, industry, or government; or the activities of a profession; and generally furnished with desks, tables, files, and communication equipment. The term "office" includes but is not limited to: accounting and bookkeeping; brokers and investment advisors; realtors; appraisers; lawyers; architects, engineers, landscape architects, or other design professionals; sales offices without stock in trade; and other similar uses. The term "office" does not include: financial services, retail business, model home, or personal services.

**OUTDOOR SALES AND DISPLAY.** The temporary or periodic use of a yard for the purpose of exhibiting goods, equipment, vehicles, or other products for sale, rent, or other gain or for the purpose of attracting attention to the availability of the goods, equipment, vehicles or other products for sale, rent, or other gain.

**OUTDOOR STORAGE.** The temporary or periodic use of a yard for the purpose of storing goods, equipment, vehicles, waste materials, or other matter used or produced by a business enterprise, except the storage of vehicles used in the conduct of the business or the vehicles of employees or customers.

**PARKING LOT.** An off-street parking area where the principal use of the tract or lot is for vehicle 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.

**PARKING SPACE, ENCLOSED.** An off-street parking space located within a completely

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enclosed garage.

**PERSONAL SERVICES.** An enterprise, which is not otherwise specifically defined or regulated by this code, conducted for gain which primarily offers services to the general public involving the care of a person or a person's goods or apparel or household pets, but not including senior housing, senior care facilities, medical or veterinary services. Personal services include, but are not limited to the following uses:

- A. shoe repair, watch repair, tailor, seamstress
- B. barber shop, beauty parlor
- C. dry cleaner, laundry

**PLACE OF WORSHIP.** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose, including but not limited to a parish house. Included in the meaning of the term "church" are the terms "synagogue", "temple", "mosque" and other places for worship and religious activities.

**PRINCIPAL BUILDING/PRINCIPAL USE.** The building or use on a lot which accommodates the primary use to which the premises are devoted.

**PRIMARY USE.** A use (excluding accessory uses) which fulfills the fundamental function of a household, establishment, institution or other entity as permitted in the zoning district where the household, establishment, institution or other entity is located.

**PRIVATE SPA.** See definition of "hot tub".

**PUBLIC FACILITY.** An administrative, service, recreation, or other use or facility owned and operated by the Township, County, State, or federal government.

**PUBLIC UTILITY.** Any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing to the public electricity, gas, steam, telephone, telegraphy, transportation, water, and any other similar public utility as designated, certified, and regulated by the PUCO.

**PUBLIC WATER AND SEWER FACILITIES.** Water distribution lines and sanitary sewers publicly owned and operated by an agency authorized or recognized by the Township to provide facilities.

**RECREATION, PRIVATE.** Privately-owned and utilized recreation facilities located on a lot with a dwelling and used by the occupants of the dwelling and their non-paying guests thereof.

**RECREATION FACILITY.** A place designed and equipped for sports, leisure-time, or entertainment activities, but not including those uses otherwise specifically defined or regulated in this Code. Restaurants, types of lodging, and adult uses, which are separately defined or regulated in this Code, are not included within the meaning of "recreation facility". As provided in this Code, recreation facilities are of four types:

**RECREATION FACILITY, TYPE A.** Outdoor recreation facilities, usually requiring a large space, which are relatively quiet and compatible with residential uses, including but not limited



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to such activities as a regulation golf course and club house, picnic area, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motorized vehicles); fishing; non-motorized boating; observation of nature; and similar facilities and activities.

**RECREATION FACILITY, TYPE B.** Outdoor recreation facilities for intense sports and athletic activities including but not limited to field sports, baseball field, soccer field, swimming pool, tennis court, basketball court, golf driving range.

**RECREATION FACILITY, TYPE C.** Indoor recreation and entertainment facilities including but not limited to those required for indoor court sports, shooting ranges, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, and social clubs.

**RECREATION FACILITY, TYPE D.** Outdoor recreation facilities which are not classified as Type A or Type B, which may generate noise and may otherwise not be compatible with residential uses, including but not limited to miniature golf course, amusement park, race track for motorized vehicles or animals, and campgrounds.

**RESTAURANT.** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**DRIVE-IN RESTAURANT.** An establishment designed, in whole or in part, to cater to or accommodate the sales, delivery, or consumption of food and/or beverage in automobiles on the premises of the establishment.

**RETAIL TRADE.** Establishments engaged in:

- A. Purchasing goods and merchandise for resale to the general public for personal or household consumption and rendering services incidental to the sale of the goods.
- B. Purchasing goods and merchandise for resale to and use by business establishments and contractors, but not including sales defined as wholesale trade
- C. Manufacturing on the premises of products consistent with the above descriptions provided at least 75% of the production is sold at retail on the premises.

Uses otherwise defined are not included in the meaning of the term “retail sales”.

**RIGHT-OF-WAY.** An area of land which is dedicated to public travel in autos and trucks, typically improved with a road and which may also include sidewalks, utilities, and other construction.

**ROAD.** A road as defined in the Subdivision Regulations of Stark County, Ohio.

**ROAD, MAJOR.** An arterial or collector street as identified in the Subdivision Regulations of Stark County.

**ROAD, PRIVATE.** A road that is not publicly owned and maintained and which is used for vehicular access to dwellings or other uses.

**ROAD, PUBLIC.** A public dedicated thoroughfare, publicly owned and maintained and subject to public easements, which affords the principal means of access to abutting property.

**ROAD RIGHT-OF-WAY LINES.** A dividing line between a lot, tract, or parcel of land and a contiguous road. Where the lot, tract, or parcel of land has been conveyed to the center of the road, the road right-of-way line then becomes the inside line of land reserved for road purposes.

**ROADSIDE STAND (Farm Market).** A temporary vehicle-or structure used for the sale of agricultural

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produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned by or operated by the market operator in a normal crop year, in accordance with **Ohio Revised Code Section 519.21**, as amended.

**TEMPORARY STAND.** A removable structure with no foundation used or intended to be used solely by the owner or tenant of the property on which it is located for the sale of seasonable agricultural products as specified in **Ohio Revised Code Section 519.21**, and to be removed and stored back of the building line applicable to the district in which the use is located on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise the products.

**ROOMING HOUSE.**

**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 five (5) non-related persons but not more than twenty (20) persons.

**SCHOOL.**

**SCHOOL, PUBLIC.** An educational use operated by the local school District, including a parochial school, private school, academy or charter school as regulated and authorized by the Ohio Department of Education under Ohio Revised Code Chapter 3301 include child day care, pre-school/kindergarten, elementary, middle school, or high school or trade school. *Eff. 12-12-07*

**SCHOOL, PRIVATE.** An educational use, including pre-school/kindergarten, elementary, middle school, high school or trade school, but not child day care, operated by an individual, group or organization not accredited by the Ohio Department of Education as defined in Ohio Revised Code Chapter 3301. *Eff. 12-12-07*  
*See also "Miscellaneous Educational Use"*

**SANITARY LANDFILL.** Any site, location, tract of land, installation, or building used for incineration, composting, burning or other treatment, or disposal of hazardous waste.

**SATELLITE DISHES.** Any antenna or "earth station" designed, constructed or modified to bring in or receive satellite television signals.

**SELF STORAGE FACILITY.** A building or group of buildings in a controlled access and/or fenced compound containing varying sized individual storage compartments, stalls, or lockers for the dead storage of customer's goods or wares.

**SET BACK LINE.** The line that is the required minimum distance from a lot line and which establishes the area within which the principal structure must be located

**SHRUB.** A self-supporting, deciduous or evergreen plant species, normally branched near the base, bushy and normally growing to less than fifteen (15) feet in height or more in Stark County.

**SIGN.** Any structure, whether fixed or portable, or a natural object such as a rock, tree, bush or ground or part thereof, or device attached or painted or represented on, intended or used to attract attention to any object, product, place, activity, person, institution, organization or business, or which displays or includes any letter, word, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of these regulations, the word "sign" does not include the flag, of the United States.

*Signs, terms relating to:*

**AWNING OR CANOPY SIGN.** A sign painted on, printed on or attached flat against the surface of an awning or canopy.

**COMMEMORATIVE PLAQUE.** Any sign, marker, monument or similar memorial structure which purpose is to memorialize a specific person or event.

**COMMUNAL SIGN.** A permanent sign identifying locally represented, nationally recognized non-profit civic organizations.

**DETERIORATED SIGN.** A sign which no longer displays its original characteristics or is no longer legible, in whole or in part, due to defacement, weathering, or other causes. "Deterioration" includes, but is not limited to, the inability to stand in the ground, a loss or fading of color, or a tearing, rotting, or disintegration of the sign material.

**ELECTRONIC MESSAGE CENTER.** A sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. *Eff. 6/22/11*

**FLAG.** A piece of fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**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.

**HEIGHT OF A SIGN.** The height of a freestanding sign shall be either: (1) the vertical distance measured from the highest point of the sign to the established road grade; or (2) the vertical distance measured from the highest point of the sign to the finished grade of the ground upon which the sign is installed.

**ILLUMINATED SIGN.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**PARAPET.** The extension of a false front or wall above a roof line.

**PERMANENT SIGN.** A sign which is permanently affixed to a building or to a foundation in the ground and which is designed and constructed of such materials and in such manner suitable for long-term use, usually a period of years, and resistant to deterioration due to natural elements. *See also, "Temporary Sign".*

**SUBDIVISION IDENTIFICATION SIGN.** A freestanding or wall sign, identifying a recognized sub-division, condominium complex or residential development.

**TEMPORARY SIGN.** A sign which is authorized for installation for a limited period of time, as provided in Section 608, or any sign which is installed in compliance with other provisions of this Resolution but which is constructed of such materials or is installed in such manner as to be unsuitable for long-term installation or long-term exposure to the natural elements. Any sign which is portable, that is, not permanently attached to a building or to a foundation in the ground, is included in the meaning of "temporary sign".

**WALL SIGN.** A sign attached to the wall of a building or to an awning or canopy.

**STRUCTURE.** Anything constructed or erected, including any building, the use of which requires a permanent or temporary location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards, farm markets or roadside stands, fences, swimming pools, and satellite dishes and/or their components.

**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.

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**SUBDIVISION REGULATIONS.** The Stark County Subdivision Regulations, as amended.

**SWIMMING POOL.** Any indoor or outdoor artificial structure, chamber, or tank containing a body of water for swimming, diving or bathing. A swimming pool does not include a hot tub, private spa or jacuzzi.

**SWIMMING POOL – COMMERCIAL.** A swimming pool 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 upon adults and/or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee or concessionaire exclusive of a family pool as defined herein and shall include all structures, appurtenances, 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, and community associations.

**SWIMMING POOL – FAMILY.** 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.

**TEMPORARY STORAGE UNITS.** Temporary storage units to include “PODS”, Storage and Shipping containers that have no permanent foundation in which a permit is issued for the temporary location not to exceed two (2) months in residential districts and six(6) months in commercial districts.  
*Eff. 12-12-07*

**TENT.** A portable shelter consisting of canvas, skins, or any other materials stretched over poles or similar structures and attached to or supported by stakes.

**THERAPEUTIC MASSAGE.** Massage therapy as defined and stated in Chapter 4731 of the Ohio Revised Code. *Eff 12/27/04*

**TREE.** A self-supporting, woody, deciduous or evergreen plant, with a well-defined central stem or a species of the plant that normally grows to a height of fifteen (15) feet or more in Stark County.

**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, or 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.

**USE, ACCESSORY.** A use customarily incidental and subordinate to the principal use or building.

**USE, CONDITIONAL.** A use, other than a permitted use, authorized within a district according to a conditional use permit approved by the Board of Zoning Appeals.

**NON-CONFORMING USE.** A use of a building or land that does not agree with the regulations of the use district in which it is located.

**USE, PERMITTED.** A use permitted in a district “by right”, that is, without special review or approval, provided that the use complies with all applicable provisions and provided that a zoning permit may be required to ensure compliance.

**VARIANCE.** An area variance or a use variance as provided in this Resolution.

**VEHICLES.**

**COMMERCIAL VEHICLES.** Vehicles such as but not limited to dump trucks, plows, tow

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trucks, refuse trucks, panel trucks, flat bed and car carriers, buses, and semi-tractors, but not automobiles, pickup trucks, or passenger vans.

**RECREATIONAL VEHICLE.** Any vehicle designed and used primarily for recreational activities including but not limited to camper, motor home, mobile trailer, motor aircraft.

**TEMPORARY VEHICLE.** An automobile, truck, camper, or mobile trailer located temporarily on property to be used by the owner or tenant of the property for the purpose of selling seasonal agricultural products as specified in the definition of “roadside stand” and “farm market” in accordance with **Ohio Revised Code Section 519.21**. No temporary vehicle may be used as living and/or sleeping quarters unless otherwise provided for in the Lake Township Zoning Resolution. No illuminated signs shall be used to advertise the products.

**JUNK VEHICLE.** A junk vehicle means any vehicle which is apparently inoperable and extensively damaged, including but not limited to any of the following: missing wheels, tires, engine, or transmission.

**VEHICLE REPAIR.** The maintenance or mechanical repair of motor vehicles or parts thereof, including oil change and lubrication services, but excluding collision service, painting and rust-proofing of vehicles. The term does not include car wash, gas station, or vehicle body shop.

**VEHICLE BODY SHOP** - An establishment where the bodies of vehicles are repaired, painted, rust-proofed, disassembled, assembled or altered.

**VEHICLE SALES, RENTAL OR LEASING.** The sales, rental, or leasing of new or used motor vehicles, recreational vehicles, or trailers. The term also includes, but is not limited to, sales, rental, or leasing of motorcycles, boats, trailers, or equipment used in construction or agriculture.

**WAREHOUSE.** A building with more than fifty percent (50%) of its floor area used for the storage of goods, equipment or supplies which are not available for sale on the premises and in which either:

- A. The goods, equipment or supplies belong to or are intended for use by a person, business or corporation other than the owner or lessee of the building; or
- B. If the goods, equipment or supplies belong to or are intended for use by a person, business or corporation who is the owner or lessee of the building and the goods, equipment or supplies are not assembled or used on the premises.

In the event the building in question contains more than one business occupant each business occupant shall be separately considered.

**WHOLESALE BUSINESS.** The sale of goods by the piece or in quantity to other business for manufacturing purposes or resale, as opposed to sales to the ultimate retail consumer.

**WIRELESS TELECOMMUNICATIONS, terms relating to:**

**WIRELESS TELECOMMUNICATIONS FACILITY.** The equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with another mobile unit or land-based telephone lines.

**WIRELESS TELECOMMUNICATIONS ANTENNA.** An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission excluding amateur radio operator’s antenna.

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**WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING.** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**WIRELESS TELECOMMUNICATIONS TOWER.** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**WIRELESS TELECOMMUNICATIONS TOWER, ABANDONED.** A tower erected for wireless communications which is no longer being used for that purpose, and which has not been used for that purpose for an uninterrupted period of 90 days or more.

**TELECOMMUNICATION.** Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of any electromagnetic system.

**CO-LOCATE.** To install and operate the antennae of more than one wireless service provider on a single wireless communications tower.

**YARD.** An area of land located between a lot line and the principal building on a lot and which is unoccupied and unobstructed from the ground upward except as specifically provided in this Resolution.

**YARD, FRONT.** The yard extending across the full width of the lot and bound by the front yard line, the side lot lines, and the front of the principal building. In a residential district, the front yard of a corner lot is the yard bound, in part, by the narrower of the two frontages.

**YARD, REAR.** The yard extending across the full width of the lot and bound by the rear lot line, the side lot lines, and the rear of the principal building.

**YARD, SIDE.** The yard bound by the side lot line, the front setback line, the rear setback line, and the side of the principal building.

**YARD DEPTH.** The shortest distance between a lot line and a building line.

**REQUIRED YARD.** A front, side or rear yard bound by the relevant lot lines and the relevant set back line.

**ZONING ADMINISTRATOR, ZONING INSPECTOR.** The Zoning Administrator of Lake Township or the authorized representative of the Zoning Administrator, including the Zoning Inspector.

**ZONING MAP.** The "Zoning Districts" map of Lake Township, Stark County, Ohio, together with amendments subsequently adopted.

**ZONING CERTIFICATE.** A document issued by the Township Zoning Administrator authorizing the use of lots or structures in accordance with the Lake Township Zoning Resolution.

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