

ZONING RESOLUTION

Nimishillen Township
Stark County, Ohio

Effective: June 10, 1987

Reprinted with Amendments through September 2009

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INTRODUCTION

ZONING RESOLUTION FOR NIMISHILLEN TOWNSHIP STARK COUNTY, OHIO

WHEREAS, the Board of Trustees of Nimishillen Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, morals, and general welfare of the residents of said township; and

WHEREAS, a zoning resolution for the building and land use within the unincorporated territory of the township was adopted in 1960, in accordance with Section 519.10 and related sections of the Ohio Revised Code; and,

WHEREAS, five (5) persons have been duly appointed by the Board of Trustees of Nimishillen Township to serve as a Zoning Commission for said Township; and,

WHEREAS, said Zoning Commission has recommended the complete revision of the Nimishillen Township Zoning Resolution and Official Zoning Map, and have submitted such amendments and map to the Board of Trustees of Nimishillen Township under the authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code on March 30, 1987;

THEREFORE, the Board of Trustees of Nimishillen Township did adopt the amendments to the Zoning Resolution and map on May 11, 1987, under the authority and in accordance with the provisions of the Ohio Revised Code, and said amendments became effective on June 10, 1987.

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ARTICLE I – PURPOSE AND CONFORMANCE

SECTION 100 PURPOSE

This resolution is enacted in accordance with the Ohio Revised Code, Section 519.01, et seq.

Ohio Revised Code 519.02

Township Trustees may regulate building and land use in unincorporated territory for public purpose. For the purpose of promoting the public health, safety, and morals, the board of township trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones. *(Amended eff. 1/7/95)*

SECTION 110 CONFORMANCE

Ohio Revised Code 519.23

Prohibition against violating resolution. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any board of township trustees under sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense. *(Amended eff. 1/7/95)*

ARTICLE II – TITLE

This Resolution shall be known as and shall be cited and referred to as the “Nimishillen Township, Stark County, Ohio, Zoning Resolution.”

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ARTICLE III – INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS

SECTION 300 INTERPRETATION OF STANDARDS

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

SECTION 310 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

SECTION 310.1 AGRICULTURE EXEMPTED

Land used for agriculture, as defined by Revised Code 519.01 and any amendment made thereto, will be exempt from the zoning only to the extent set forth under Revised Code 510.21 and any amendments made thereto. Additionally, any parcel of land subject to subdivision (B) of Revised Code 519.21 will be subject to the regulations contained herein.

519.21 PROHIBITION OF AGRICULTURAL USES LIMITED

(A). Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

(B). A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10, of the Revised Code, or in any area 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 regulate:

- 1) Agriculture on lots of one (1) acre or less;
- 2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: set back building lines; height; and size;

3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of the land and buildings or structures pursuant to Section 519.19 of the Revised Code.

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market is derive from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protection the public health and safety. *(Amended eff. 12/13/1998)*

SECTION 310.2 PUBLIC UTILITIES

Public utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. *(Amended eff. 12/13/1998)*

SECTION 310.3 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES

Such sections confer no power on any board of county commissioners, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. Ohio Revised Code 519.21 *(Amended eff. 1/7/95)*

SECTION 310.4 OIL AND GAS DRILLING

Section 1509.39 of the Ohio Revised Code, as enacted July 25, 1980, allows the adoption of health and safety standards which are not less restrictive than the provisions of the Ohio Revised Code or any rules adopted thereunder by the Division of Oil and Gas; however, this section prohibits township enforcement or requirements of permits for such oil and gas well operations except for the permit provided for in Section 4513.34 of the Ohio Revised Code, concerning overweight vehicles. Ohio Revised Code 1509.39 *(Amended eff. 1/7/1995) (Amended eff. 12/13/1998)*

SECTION 310.5 OUTDOOR ADVERTISING

Outdoor advertising classified as business use. For the purpose of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes.

SECTION 310.6 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this resolution. Ohio Revised Code 5511.01
(Amended eff. 1/7/1995)

SECTION 310.7 LICENSED FAMILY HOMES AND LICENSED HOMES FOR DEVELOPMENTALLY DISABLED PERSONS

Such facilities are limited from zoning control under Section 5123.19, Ohio Revised Code. However, zoning permits shall be required and such facilities will be regulated by this Resolution in addition to other laws of the State of Ohio.

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ARTICLE IV – DEFINITIONS

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is mandatory and not directory; the word “building” shall include the word “structure”; the word “used” shall include the words “arranged,” “designed,” “constructed,” “altered,” “converted,” or “intended to be used”; and a “person” shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings. **(added eff. 5/9/99, NI #3, 1999)*

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

ADULT BOOK STORE: An establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental for the purposed of display or coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section and which excludes minors by reason of age. *

ADULT ENTERTAINMENT USE: Any premises, enterprise, business or place open to some or all members of the public at or in which there is an emphasis on adult materials as defined in this section and excludes any minor by reason of age. Adult uses include but are not limited to: adult bookstores, adult motion picture theater, adult mini-motion picture theaters, adult massage parlors, adult health clubs and adult cabarets. *

ADULT CABARET: An establishment that provides dancing or other live entertainment in which persons appear in a state of nudity to perform their duties and the establishment features entertainment or services which constitute adult material as defined in this section and excludes any minor by reason of age. *

ADULT HEALTH CLUB: An establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity to perform their duties and excludes any minor by reason of age. *

ADULT MASSAGE PARLOR: An establishment that administers therapeutic manipulation for payment and excludes any minor by reason of age. *

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination; or
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

- “Bottomless” means less than full opaque covering of male or female genitals, pubic area or buttocks.
- “Nude or Nudity” means the showing, representation or depiction of human male or female genitals, public area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- “Topless” means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- “Sexual Activity” means sexual conduct or sexual contact, or both.
- “Sexual Contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. *
- “Sexual Excitement” means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal. *

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

ADULT MOTION PICTURE THEATER: An establishment with a capacity for fifty (50) or more persons which utilizes ten (10) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials as defined in this section and excludes any minor by reason of age. *

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry, poultry husbandry, and the necessary accessory uses for packing, treating, and storing the product; provided, however, that the operation of any such accessory uses shall be secondary and incidental to the normal agricultural activities and provided that further, the above uses shall not include the commercial feeding of garbage or offal to swine.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

APARTMENT: See “Dwelling.” *(Amended eff. 1/7/95)*

AUTOMOBILE SERVICE STATION: A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles, including greasing and oiling on the premises.

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

BILLBOARD: Same as “Outdoor Advertising Sign.”

BOARD: The Board of Zoning Appeals, Nimishillen Township, Stark County, Ohio.

BOARDING OR LODGING HOUSE: A building other than a hotel or motel, where for compensation by the day, week, or month, meals and/or lodging are provided for at least three (3) but not more than twenty (20) persons. *(Amended eff. 1/7/95)*

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

BUILDING, HEIGHT OF: The vertical distance from the average established curb grade, or from the average finished grade along the front of the building if higher, measured to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height between the eaves and ridge for a gable, hip, and gambrel roof.

CARPORT: A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for a private garage or accessory building.

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

CENTRAL SEWER SYSTEM: A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.

CHILD DAY-CARE CENTER: Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the licensee, administrator, or employee and who are on the premises of the center shall be counted. *(Amended eff. 9/27/2009, NI #1, 2009)*

CHURCH: A church is a building used for the worship, the education or honoring of a monotheistic deity often referred to in the English language as God. The building may also be called a chapel, tabernacle, temple, synagogue, mosque, cathedral, abbey, basilica, pagoda, a house of worship, or a house of "God." *(Amended eff. 9/27/2009, NI #1, 2009)*

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

COMMISSION: The Zoning Commission of Nimishillen Township, Stark County, Ohio.

COMMUNICATIONS TOWERS: Any tower used for the purpose of communications, with the exception of noncommercial radio transmitting and/or receiving towers. *(Amended eff. 3/27/99, NI #1, 1999)*

CONDITIONAL USE: A use permitted within a district other than the principally permitted uses, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.

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

DENSITY: The number of families residing on, or dwelling units developed on a gross acre of land.

DEVELOPMENT AREA: Any contiguous or abutting areas owned by one party, partnership, or corporation or operated as one development unit and used or being developed for non-farm, commercial, industrial, residential, or other non-farm purposes upon which earth disturbing activities are planned or underway.

DEVELOPMENTAL DISABILITY: A disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

DISCARDED MOTOR VEHICLE: Any motor propelled vehicle, motor home, trailer, or accessory use to the same, which is being or is in the process of being wrecked, dismantled, or stored and which does not have a valid license plate on it and is being left outside.
(Amended eff. 1/7/95)

DISTRICT: A section or sections of the unincorporated territory of Nimishillen Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DRIVE-THRU FACILITY (DRIVE-IN/DRIVE-UP): Any facility providing sales or service to customers in or on vehicles or for patrons who remain in or on their motor vehicles.
(Amended eff. 1/7/95)

DWELLING: Any building which contains one or two "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. *(Amended eff. 1/7/95)*

DWELLING, SINGLE FAMILY: A building containing one dwelling unit with not more than five lodgers or boarders. *(Amended eff. 1/7/95)*

DWELLING, TWO FAMILY: A building containing two dwelling units with not more than five lodgers or boarders. *(Amended eff. 1/7/95)*

DWELLING, MULTI-FAMILY: A building or structure containing more than three dwelling units where the units have conforming fire separations and private means of egress.
(Amended eff. 1/7/95)

DWELLINGS, GROUP: More than one (1) dwelling, whether single-family, two-family, or multi-family or a combination, located on one lot and around a common court or courts.
(Amended eff. 1/7/95)

DWELLING UNIT: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety, or general welfare. *(Amended eff. 12/13/98, NI #2, 1998)*

FAMILY: An individual, two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or more persons related by blood, marriage or law, are a part of the family for this code. *(Amended eff. 1/7/95)*

FAMILY HOME: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities.

FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline on common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FRONTAGE: The address side of a building and/or the portion of a lot nearest the street. For the purposes of these regulations, corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage for the determining of yard requirements only.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC: A building or portion of a building in which more than four (4) motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

GARAGE, AUTO SERVICE SHOP: A building or portion of a building in which commercial repairs are made to motor vehicles.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GROUP HOME: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen persons with developmental disabilities.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental to and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: A building devoted to the medical diagnosis, treatment, and care of human patients, and including facilities for overnight or longer periods of care.

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

JUNKYARD: The use of more than twenty-five (25) square feet of any land, building, or structure, whether private or commercial, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials,

are sold, stored, bought, exchanged, baled, packed, sorted disassembled or handled for more than fifteen (15) days.

LANDSCAPE: Sodded, seeded, and/or shrubbed materials or areas on a lot or tract of land.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory uses, including such open space and frontage on a public street as required by these regulations.

LOT AREA: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall not be included as part of the lot area for the purpose of these regulations.

LOT, CORNER: A lot at the junction of and abutting upon two (2) intersecting streets.

LOT COVERAGE: The portion of the lot area that is covered by any buildings.

LOT DEPTH: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) nonintersecting streets.

LOT FRONTAGE: The width of the lot shall never be less than the required road frontage, to the building line. (*Amended eff. 5/22/93*)

LOT, INTERIOR: A lot other than a corner lot.

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

LOT LINE, FRONT: The line separating a lot from the street on which it fronts and/or to which it is addressed.

LOT LINE, REAR: The line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Stark County Recorder; or a parcel of land the deed to which has been on record on or prior to the effective date of these regulations.

MANUFACTURE: The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying metal and chrome plating.

MANUFACTURED HOME: Means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the

requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home. *(Amended eff. 1/7/95)*

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 such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority.

MINERALS: Sand, gravel, clay, shale, gypsum halite, limestone, dolomite, sandstone, other stone, metalliferous, or non-metalliferous ore, other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, **but does not include coal, peat, or top soil.**

MINI-WAREHOUSE OR STORAGE FACILITY: A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customers' goods or wares.

MINIMUM BUILDING SETBACK LINE: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot.

MOBILE HOME: An industrialized building unit constructed on a chassis for towing to the point of use, designed to be used with or without a permanent foundation and intended to be occupied as a dwelling. *(Amended eff. 1/7/95)*

MOTEL: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts. *(Amended eff. 1/7/95)*

MULCH PROCESSING OPERATION: The processing, storage and sale to the public of organic materials which may be used for landscaping purposes. *(Amended eff. 9/27/2009, NI #1, 2009)*

NONCONFORMING USE: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.

OPEN SPACE: The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. This space shall not be devoted to service driveways or off-street parking or loading spaces, and shall be twenty (20) feet in the least dimension on the ground. Balconies projecting at least four feet six inches (4' 6"), roof areas which are improved may also be counted as open space.

OUTDOOR ADVERTISING SIGN (BILLBOARD): A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected

upon the ground, wall, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term placed shall include as used in this definition, erecting, constructing, posting, painting, fixing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

OUTDOOR WOOD-BURNING FURNACE: 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. *(Amended eff. 10/28/06, NI #2, 2006)*

OVERBURDEN: All of the earth and other materials which cover a natural deposit of minerals, coal and peat. Also means such earth and other materials after removal from their natural state in the process of surface and strip mining.

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

PEAT: Partially carbonized vegetable matter formed by partial decomposition of various plant life in water in a natural habitat.

PERSONAL SERVICES: Any enterprise conducted for gain in which services are offered to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities.

PRINCIPAL BUILDING: The building on a lot used to accommodate the primary use to which the premises are devoted.

PUBLIC BUILDINGS: Any structure owned and operated by a governmental agency or public school or school which is certified and/or licensed by the State of Ohio for primary or secondary education.

PUBLIC UTILITY: Any entity deemed a “public utility” for purpose of Ohio Revised Code, Section 519.211. *(Amended eff. 1/7/95, NI #1, 1994)*

RECYCLING TRANSFER STATION: A facility for the collection and transfer of recyclable materials such as paper, glass, metals, and plastic. *(Amended eff. 1/7/95, NI #1, 1994)*

RESIDENTIAL FACILITY: A home or facility in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, as amended June 29, 1982.

SATELLITE DISHES: Any antenna or “earth station” designed, constructed or modified to bring in or receive satellite television signals.

SIGN: Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business or which shall display or include 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, pennant, badge, or insignia of any governmental agency or charitable, religious, educational, or similar organization.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to reduce on-site consumption of utility power.
(Amended eff. 6/8/08, NI #1, 2008)

NACELLE: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

POWER CENTER: Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.

ROTOR: The rotating part of a turbine, including the blades.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.

WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades.

SPOIL BANK: A deposit of removed overburden.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished off for use.

STREET, COLLECTOR: A street providing traffic movement between the major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

STREET, MAJOR OR ARTERIAL: A general term denoting a highway primarily of through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic.

STREET, PRIVATE: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements thereof.

STREET, PUBLIC: A public or private dedicated thoroughfare or thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property.

STREET RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes, or if no right-of-way line is established, the right-of-way shall be assumed to be sixty (60) feet. In Nimishillen Township, the following streets shall be assumed to have eighty (80) foot right-of-way: Ravenna Avenue (S.R. 44) and Louisville Street (S.R. 153).

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 its overburden.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, farmers' roadside stands.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

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

SWIMMING POOL, FAMILY: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.

SWIMMING POOL, COMMERCIAL: A body of water in an artificial or natural receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children, whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, 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.

THOROUGHFARE: Street or alley.

TOP SOIL: Superficial soil capable of sustaining plant life indigenous to this area, ordinarily rich in organic matter or humus debris.

TOP SOIL REMOVAL: Removal of top soil from the premises.

TOURIST DWELLING: A dwelling where overnight accommodations are provided for tourists.

TRAILER: See "Manufactured Home."

TRUSTEES: The Board of Trustees of Nimishillen Township, Stark County, Ohio.

TYPE "A" FAMILY DAY-CARE HOME: A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time, or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under the age of six (6) years of age who are related to a licensee, administrator, or employee, and who are on the

premises of the Type “A” home, shall be counted. “Type A family day-care home” and “Type A home” do not include any child day camp. *(Amended eff. 9/27/2009, NI #1, 2009)*

TYPE “B” FAMILY DAY-CARE HOME: A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time, and in which no more than three (3) children are under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age, and who are related to the provider, and who are on the premises of the Type “B” home shall be counted. “Type B family day-care home” and “Type B home” do not include any child day camp. *(Amended eff. 9/27/2009, NI #1, 2009)*

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.

VARIANCE: A modification of the strict terms of the Resolution, where such modification will not be contrary to the public interest, and owing to conditions of the property, and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship.

VETERINARY 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.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portion of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

ZONING MAP: The “Zoning Districts” map of Nimishillen Township, Stark County, Ohio.

ZONING CERTIFICATE: Document issued by the Township Zoning Inspector authorizing the use of lots or structures in accordance with the Nimishillen Township Zoning Resolution.

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ARTICLE V – ESTABLISHMENT OF DISTRICTS

SECTION 501 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Nimishillen Township, Stark County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

SECTION 501.1 DISTRICTS

- R-R Rural Residential District
- R-1 Single Family Residential District
- R-2 One and Two Family Residential District
- R-3 Low Density Multifamily Residential District
- B-1 Suburban Office District
- B-2 Neighborhood Business District
- B-3 General Business District
- I-1 Light Industrial District
- I-2 General Industrial District

SECTION 501.2 ZONING DISTRICT MAP

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

SECTION 501.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

- a. Where the Boundaries Approximately Follow Streets, Alleys, or Highways

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

- b. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines

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

c. Vacation of Public Ways

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

ARTICLE VI – GENERAL STANDARDS AND SPECIAL PROVISIONS

SECTION 601 CONFORMANCE REQUIRED

SECTION 601.01 PERMITTED USE

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

SECTION 601.2 COMPLIANCE WITH HEALTH, SAFETY, AND BUILDING AND SUBDIVISION REGULATIONS

A. Sewage Disposal

No zoning certificate shall be issued without evidence that the responsible health authority and environmental agency has approved the proposed sanitary sewage disposal facilities for the use for which the permit has been requested. *(Amended eff. 1/7/95)*

B. Highway Access

No zoning certificate shall be granted for any structure which has ingress or egress to a state highway until the owner of such property has secured a permit from the Ohio Department of Transportation, in accordance with regulations adopted by that department.

C. Building and Subdivision Regulations

All structures shall comply with the standards and requirements of the building regulations, adopted and administered by the Stark County Building Department or other certified authority having jurisdiction; and where applicable, the Subdivision Regulations, as adopted and administered by the Stark County Regional Planning Commission and the Stark County Commissioners.

SECTION 602 EXCEPTIONS AND MODIFICATIONS TO THESE REGULATIONS

SECTION 602.1 SUBSTANDARD LOTS

Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued before the effective date of these regulations shall not be issued a permit except upon approval of the Board of Zoning Appeals. Approval for such substandard lot shall be subject to the Stark County Board of Health approval.

SECTION 602.2 PERMITTED HEIGHT EXCEPTIONS

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

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

SECTION 602.3 PROJECTIONS INTO YARD AREA

Every part of a required yard shall be free from structures except for accessory buildings in a rear yard, as permitted in accordance with Section 602.4 and except for the ordinary projections of skylights, sills, cornices, and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

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

SECTION 602.4 ACCESSORY BUILDINGS, STRUCTURES AND USES

An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with requirements of these regulations applicable to the principal building.

Accessory buildings, structures and uses which are not a part of the main building shall not be located closer than fifteen (15) feet from the main building, may be built within eight (8) feet of the rear lot and side lines, and must conform to the front yard building setback line. An accessory building(s) shall not be constructed closer to any street than regulations permit the construction of a principal building. *(Amended eff. 9/26/99, NI #6, 1999)* An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard, not to exceed twelve hundred eighty (1,280) square feet. Accessory buildings in residence districts shall be limited to seventeen (17) feet in height. *(Amended eff. 3/89, NI #1, 1989)* *(Amended eff. 2/14/99, NI #1, 1999)*

Satellite dishes are permitted in any district and shall meet the same setback and height requirements as other accessory uses. However, in a residential district only one (1) satellite dish shall be permitted as an accessory use, which shall only be located in the rear yard area and shall not be located on a roof.

SECTION 602.5 FRONT YARD DEPTHS OR SETBACKS

Where front yard depths or setbacks have been established at less than forty (40) feet by permanent structures on adjoining properties, or on properties on the opposite side of the street, road, or highway, and where compliance with a forty (40) foot setback would cause a definite appearance or functional hardship, a front yard depth or setback may be permitted down to a minimum of twenty-five (25) feet.

SECTION 602.6 CORNER LOTS

Corner lots shall be required to meet minimum setback as indicated in each district.

SECTION 602.7 CONSTRUCTION OF USE WHEN PERMIT ISSUED PREVIOUSLY

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

SECTION 602.8 TEMPORARY BUILDINGS

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any of the zone districts herein established; however, such temporary building or trailer shall be removed upon the completion or abandonment of the construction work.

SECTION 602.9 FENCES, WALLS, AND HEDGES

Fences, walls, and hedges are permitted in any required yard, or along the edge of any, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2-1/2) feet in height and/or no closer than ten (10) feet from the property line adjacent to the roadway. Zoning permits will not be required for fences; however, the maximum height for side and rear yard fences shall be six (6) feet. *(Amended eff. 3/89, NI #1, 1989)*

SECTION 602.10 SEWAGE FACILITIES

Where central sanitary sewage facilities are not available, the minimum lot size shall be twenty thousand (20,000) square feet for a single-family dwelling, unless a larger area is required by these regulations and/or the responsible Health Authority and/or environmental agency. *(Amended eff. 1/7/95)*

SECTION 602.11 ESSENTIAL SERVICES

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

SECTION 603 SUPPLEMENTAL REGULATIONS

SECTION 603.1 PRINCIPAL BUILDING

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

SECTION 603.2 REDUCTION OF LOT REQUIREMENTS

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

SECTION 603.3 VISIBILITY AT CORNER LOTS

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

SECTION 603.4 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.

SECTION 603.5 SWIMMING POOLS *(Amended eff. 9/26/99, NI #6, 1999)*

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1-1/2) feet of water depth shall be considered as structures for the purpose of permits and shall conform to all required yard setback lines, The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state codes.

CLASSIFICATION: Swimming pools are classified as commercial (public) or family (private). Commercial pools are intended for use by the public. Family pools are intended to be used solely by the property owner, family and friends.

PERMITS: In-ground and above-ground swimming pools, as well as, wading pools containing over 1-1/2 feet of water require a zoning permit and must conform to all required setback depths for an accessory structure in the Zoning Resolion for Nimishillen Township in which it is proposed.

In addition, all construction, plumbing and electrical work shall comply with the standards and requirements of the building regulations adopted and administered by the Stark County Building Department.

SAFETY: Safety is the responsibility of the property owner(s). Sufficient measures must be taken to help prevent uncontrolled access from the street or adjacent properties.

For an in-ground pool, the pool or the SIDE OR REAR YARD on which it is located shall be enclosed with a wall or a fence not less than six (6) feet in height. The wall or fence must be maintained in good condition and fitted with a lockable gate(s).

For an above-ground pool, the owner may choose to enclose the entire SIDE OR REAR yard as described above or (1) utilize steps that swing-up and lock in place off the ground when the pool is unattended by an adult(s); or (2) constructed with a platform or deck around the rim of the pool with steps that have a lockable gate that shall be closed and locked when the pool is unattended by an adult.

Either the entire rim of a deckless pool WILL HAVE A 2' FENCE or the outer edge of a deck built around or partially around the pool shall be fitted with a 36 inch tall fence containing a lockable gate plus either (1) or (2) above requirements to comply with the six (6) foot fence requirement.

Pools built attached to a deck extending from the home shall have access to the deck other than from inside the home controlled by a lockable gate.

INSPECTION: Before the pool IS USED, the Township Zoning Inspector must perform a final inspection to ensure that the property owner(s) have provided adequate means of preventing uncontrolled access to the pool structure and/or its contents.

SECTION 603.6 BUSINESS DISPLAYS

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

SECTION 603.7 RESTRICTIONS ON THE PARKING AND STORAGE OF VEHICLES (Amended eff. 10/29/00, NI #4, 2000)

Parking or storage of any motor vehicle, trailer, recreational vehicle, boat or boat trailer, in a wrecked, inoperable, dismantled or abandoned condition or without current, legally displayed license plates upon any property within the township is prohibited unless it is parked or stored completely within an enclosed building or otherwise expressly permitted by these regulations. Parking of operable vehicles without legally displayed license plates is also prohibited.

Parking or storage of recreational vehicles, boats, or trailers not specifically prohibited by the above paragraph shall be permitted only in the side or rear yard of a lot in any residential district.

Parking or storage of tractor-trailers, truck tractors or truck trailers greater than 30 feet in length shall be prohibited in all residential districts.

The parking, only, of other types of commercial vehicle shall be permitted if it is currently used by the occupant of the dwelling as transportation to or from work.

In any residential district, the parking or storage of vehicles over 1-1/2 tons axle capacity rating shall be prohibited.

No more than two (2) recreational vehicles, such as a trailer home, motor home or boat may be stored on residential lots, provided they have current licenses.

SECTION 603.8 WOOD-BURNING FURNACES *(Amended eff. 10/28/06, NI #2, 2006)*

An outdoor wood-burning furnace may be permitted in an R-R Rural Residential District on a minimum lot size of two (2) acres. All furnaces, shall meet the following requirements:

- located in rear yard only
- fifty (50) foot minimum setback from all property lines
- no outdoor wood-burning furnace shall be utilized as a waste incinerator
- must separately comply with Stark County Building Department regulations (building, mechanical, electrical, heating)

No person shall cause, allow or maintain the use of an outdoor wood-burning furnace without first having obtained a zoning permit from the zoning inspector. Applications for a permit shall be made to the zoning inspector on forms provided. Fees collected with regard to this permit shall be set by resolution of the Board of Trustees.

SECTION 603.9 SMALL WIND ENERGY SYSTEMS *(Amended eff. 6/7/08, NI #1, 2008)*

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system may be permitted in any zoning district as a conditionally permitted use.

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

SECTION 603.10 ADULT ENTERTAINMENT USES

All “adult entertainment uses” as defined by this Resolution may only be located within an I-1 Light Industrial or I-2 General Industrial District as a conditional use, subject to conditions as noted in Sections 721.2(B) and 722.2(B), when approved by the Board of Appeals under the provisions of Article XI, Conditional Zoning Certificates.

ARTICLE VII – DISTRICT REGULATIONS

SECTION 701 R-R RURAL RESIDENTIAL DISTRICT

SECTION 701.1 PURPOSE

The purpose of this district is to provide for residential development at a lower density in areas of the township not serviced by central sewer facilities.

SECTION 701.2 USES

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

A. Permitted Uses

1. Agriculture and the usual buildings and structures related to the same.
2. Single-family dwelling.
3. Public Buildings.
4. Type “B” Family Day-Care Home *(Amended eff. 9/27/2009, NI #1, 2009)*
5. Roadside stands (farm markets).
6. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
7. Signs as permitted and regulated by Article VIII.
8. Off-street parking as permitted and regulated in Article IX.
9. Licensed family home (for the developmentally disabled).
10. Outdoor wood-burning furnaces as permitted and regulated in Section 603.8. *(Amended eff. 10/28/06, NI #2, 2006)*

B. Conditionally Permitted Uses

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

1. Surface mining or strip mining, subject to subsections 105, 110, 111, 112, 113, 114, 125.

2. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf, and golf driving ranges, subject to subsections 101, 102, 103, 104, 105, 114, 121, 122, 125, 126.
3. Parking lots, accessory to use permitted in an adjacent zoning district, subject to subsections 103, 105, 132.
4. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoor and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to subsections 101, 102, 103, 104, 105, 108, 114, 122, 123, 124, 125, 126, 129.
5. Cemetery, subject to subsections 103, 106, 119, 125.
6. Airports, airfields, and landing strips subject to subsections 101, 104, 105, 118, 125.
7. Home occupations, subject to subsection 115.
8. Mobile home, subject to subsection 131.
9. Private fire stations, subject to subsections 114, 125 and 129.
10. Communication towers, subject to subsection 146. *(Amended eff. 5/88, NI #1, 1988)*
11. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 125, 129.
12. Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet, subject to subsection 147. *(Amended eff. 3/27/99, NI #1, 1999)*
13. Small wind energy systems, subject to subsections 114, 149. *(Amended eff. 6/7/08, NI #1, 2008)*

SECTION 701.3 MINIMUM LOT AND YARD REQUIREMENTS

(Amended eff. 11/91, NI #5, 1999)

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
(1) one acre	50 feet	100 feet	60 feet	50 feet	25 feet

SECTION 701.4 MAXIMUM BUILDING HEIGHT -- Thirty-five (35) feet

SECTION 701.5 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING –
1,100 square feet (*Amended eff. 1/7/95*)

SECTION 702 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 702.1 PURPOSE

This district is established to accommodate single-family residential dwellings in areas expected to be served with central sewer and/or water facilities.

SECTION 702.2 USES

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

A. Permitted Uses

1. Single-family dwelling.
2. Public buildings.
3. Type “B” Family Day-Care Home. (*Amended eff. 9/27/09, NI #1, 2009*)
4. Roadside stands (farm markets).
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article VIII.
7. Off-street parking as permitted and regulated in Article IX.
8. Licensed family home (for the developmentally disabled).

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article XI and to the specific requirements of Article XI, referred to below: (*Amended eff. 11/9/08, NI #2, 2008*)

1. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to subsections 103, 105, 132.
2. Cemetery, subject to subsections 103, 106, 119, 125.
3. Home occupations, subject to subsection 115.
4. Institutions for education, subject to subsections 101, 102, 103, 104, 105, 106, 109, 125, 129.

5. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf, and golf driving ranges, subject to subsections 101, 102, 103, 104, 105, 108, 114, 121, 122, 125, 126, 150.
(Amended eff. 9/27/2009, NI #1, 2009)
6. Mobile home, subject to subsection 131.
7. Private fire stations, subject to subsections 114, 125 and 129.
8. Communication towers, subject to subsection 146.
(Amended eff. 5/88, NI #1, 1988)
9. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 125, 129.
(Amended eff. 3/89, NI #1, 1989)
10. Airports, airfields, and landing strips subject to subsections 101, 104, 105, 118, 125, and subject to any applicable regulations of the Federal Aviation Administration and/or the Ohio Department of Transportation, Aviation Division. *(Amended eff. 3/90, NI #1, 1990)*
11. Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet, subject to subsection 147.
(Amended eff. 3/27/99, NI #1, 1999)
12. Small wind energy systems, subject to subsections 114, 149.
(Amended eff. 6/7/08, NI #1, 2008)
13. Churches and other buildings for the purpose of religious worship, subject to subsections 101, 102, 104, 105, 126 and 151.
(Amended eff. 9/27/2009, NI #1, 2009)
14. Type “A” Family Day-Care Home, subject to subsections 102, 103, 104, 109, 114, 122, 125, 126, 133, and 134.
(Amended eff. 9/27/2009, NI #1, 2009)

SECTION 702.3 MINIMUM LOT AND YARD REQUIREMENTS

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Without Central Sewer System					
20,000 sq. ft.	50 feet	100 feet	40 feet	30 feet	10 feet
With Central Sewer System					
12,000 sq. ft.	50 feet	80 feet	40 feet	30 feet	10 feet
Minimum Side Yard Width on Corner Lot Next to Street – Thirty (30) feet.					

SECTION 702.4 MAXIMUM BUILDING HEIGHT – Thirty-five (35) feet.

SECTION 702.5 MINIMUM FLOOR AREA FOR SINGLE FAMILY DWELLING –
1,100 square feet (*Amended eff. 5/22/93*)

SECTION 703 R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 703.1 PURPOSE

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.

SECTION 703.2 USES

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

A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Public buildings.
4. Type “B” Family Day-Care Home. (*Amended eff. 9/27/09, NI #1, 2009*)
5. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.
6. Signs as permitted and regulated by Article VIII.
7. Off-street parking as permitted and regulated in Article IX.
8. Roadside stands (farm markets).
9. Licensed family home (for the developmentally disabled).

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses as listed in Section 702.2, B, subject to the general requirements of Article XI and to the specific requirements of Article XI, referred to in Section 702.2, B.

SECTION 703.3 MINIMUM LOT AND YARD REQUIREMENTS (with centralized sewer)

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Single Family Dwelling:					
10,000 sq. ft.	50 feet	70 feet	40 feet	30 feet	10 feet
Two Family Dwelling:					
15,000 sq. ft.	50 feet	90 feet	40 feet	30 feet	10 feet
Other Permitted Uses					
15,000 sq. ft.	50 feet	90 feet	40 feet	30 feet	10 feet
Minimum Side Yard Width on Corner Lot – Twenty-five (25) feet.					

SECTION 703.4 MAXIMUM BUILDING HEIGHT – Thirty-five (35) feet.

SECTION 703.5 MINIMUM FLOOR AREA – 1,100 square feet per dwelling unit.
(Amended eff. 5/22/93)

SECTION 704 R-3 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

SECTION 704.1 PURPOSE

The purpose of this district is to permit apartment development at densities up to twelve dwelling units per net acre. Development is to consist primarily of townhouses and garden apartments and in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and schools.

SECTION 704.2 USES

Within an R-3 Low Density Multifamily Residential District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses.

A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Multifamily dwelling, subject to the site plan requirements of 704.5.
4. Lodging or boarding houses.
5. Public buildings.
6. Type “B” Family Day-Care Homes. (Amended eff. 9/27/09, NI #1, 2009)
7. Accessory uses or structures incidental to the principal use which do not include any activity conducted as a business.

8. Signs as permitted and regulated by Article VIII.
9. Off-street parking as permitted and regulated in Article IX.
10. Roadside stands (farm markets).
11. Licensed family home (for the developmentally disabled).

B. Conditionally Permitted Uses

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

1. All listed conditionally permitted uses in Section 702.2, B, and subject to subsections as referred to in that section.
2. Group dwellings, subject to subsections 105, 107, 109, 116, 127, 128, 129.
3. Licensed group home (for the developmentally disabled), subject to Sections 107, 109, 125, 126, 129, 134, 142, 143, 144, 145.
4. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 125, 129.
(Amended eff. 3/89, NI #1, 1989)
5. Small wind energy systems, subject to subsections 114, 149.
(Amended eff. 6/7/08, NI #1, 2008)

SECTION 704.3 MINIMUM LOT AND YARD REQUIREMENTS *(Amended eff. 1/7/95)*

<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Lot Width at Building Line</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Width</u>
Single Family Dwelling: 8,000 sq. ft.	50 feet	60 feet	35 feet	25 feet	10 feet
Two Family Dwelling: 10,000 sq. ft.	50 feet	85 feet	35 feet	25 feet	10 feet
Multi Family Dwelling: 12,000 sq. ft. plus 3,500 sq. ft. for each dwelling unit over three (3)	50 feet	100 feet	35 feet	25 feet	15 feet
Other Permitted Uses 15,000 sq. ft.	50 feet	100 feet	40 feet	30 feet	25 feet

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

SECTION 704.4 MAXIMUM BUILDING HEIGHT – Forty (40) feet.

SECTION 704.5 SITE PLAN REQUIREMENTS

All multifamily uses under Section 704.2 shall be permitted only after the review and approval of the site plans by the Zoning Inspector and upon finding that:

1. All the development features, including the principal buildings, open spaces, service roads, driveways, and parking areas, are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
2. Grading and surface drainage provisions are reviewed and approved by Stark County's Subdivision Engineer, or a total site plan has been prepared by a registered engineer.
3. The site plan is so designed to permit adequate access by fire and police and ambulance vehicles.
4. Parking, service and active recreation areas shall be screened from surrounding properties by landscaping and/or ornamental walls of fences.
5. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences, and wall shall conform to the approved site plan.
6. A copy of the site plan will be filed with the permit and kept as a matter of public record.

SECTION 704.6 MINIMUM FLOOR AREA

Minimum floor area per dwelling unit for multifamily dwellings – 575 square feet for one bedroom unit, 720 square feet for two bedroom unit, and 850 for a three bedroom unit or more.

SECTION 704.7 OPEN SPACE

For multifamily dwellings, at least 25% of the lot area shall be devoted to open space.

SECTION 711 B-1 SUBURBAN OFFICE DISTRICT

SECTION 711.1 PURPOSE

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

SECTION 711.2 USES

Within a B-1 Suburban Office District no building, structure, or premises shall be used, arranged to be use, or designed to be used, except for one or more of the following uses:

A. Permitted Uses

1. Single-family, two-family, and multifamily dwellings, subject to the lot and yard requirements of section 704 – R-3 Multifamily Residential District.
2. Public buildings.
3. Type “A” and Type “B” Family Day-Care Home.
(Amended eff. 9/27/09, NI #1, 2009)
4. Administrative or executive offices.
5. Professional offices.
6. Financial institutions, not including drive-in facilities.
7. Radio and television broadcasting station, not including transmission towers.
8. Accessory uses clearly incidental to the uses permitted on the same premises.
9. Signs as permitted and regulated by Article VIII.
10. Roadside stands (farm markets).

B. Conditionally Permitted Uses

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

1. Parking lots, accessory to uses permitted in an adjacent zoning district, subject to subsections 103, 105, 132.
2. Cemetery, subject to subsections 103, 106, 119, 125.

3. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to subsections 101, 102, 103, 105, 106, 107, 109, 114, 125, 129.
(Amended eff. 3/89, NI #1, 1989)
4. Institutions for education, subject to subsections 101, 102, 103, 104, 105, 106, 109, 125, 129.
5. Quasi public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts or various fraternal or community service groups, subject to subsections 107, 109, 114, 126 of Section 1102, Article XI.
6. Planned office complex for two or more uses as permitted in this district, subject to subsections 103 and 120.
7. Child day care center, subject to subsections 102, 103, 104, 109, 114, 122, 125, 126, 133, 134.
8. Drive-in banking facilities, subject to subsections 103, 117, 129.
9. Group dwellings, subject to subsections 105, 107, 109, 116, 127, 128, 129.
10. Private fire stations, subject to subsections 114, 125 and 129.
11. Mini-storage or mini-warehouse facilities, subject to subsections 105, 106, 108, 109, 113, 114, 118, 122, 129, 135, 137, 138, and 139.
12. Communication towers, subject to subsection 146.
(Amended eff. 5/88, NI #1, 1988)
13. Airports, airfields, and landing strips subject to subsections 101, 104, 105, 118, 125, and subject to any applicable regulations of the Federal Aviation Administration and/or the Ohio Department of Transportation, Aviation Division. *(Amended eff. 3/90, NI #1, 1990)*
14. Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet, subject to subsection 147.
(Amended eff. 3/27/99, NI #1, 1999)
15. Small wind energy systems, subject to subsections 114, 149.
(Amended eff. 6/7/08, NI #1, 2008)
16. Churches and other buildings for the purpose of religious worship, subject to subsections 101, 102, 104, 105, 126 and 151.
(Amended eff. 9/27/2009, NI #1, 2009)

SECTION 711.3 LOT REQUIREMENTS

- A. Minimum Front Yard Depth – forty-five (45) feet.
- B. Minimum Side Yard Width – fifty (50) feet when adjacent to a residential district and on the side adjacent to a residential district only, otherwise the minimum side yard width shall be twenty-five (25) feet.
- C. Minimum Rear Yard Depth – fifty (50) feet adjacent to a residential district, otherwise minimum of twenty-five (25) feet.
- D. Minimum of ten (10) feet of all yards adjacent to a residential district to be landscaped.

SECTION 711.5 MAXIMUM BUILDING HEIGHT – Thirty-five (35) feet

SECTION 711.6 PARKING AND LOADING REQUIREMENTS – As regulated by Article IX.

SECTION 712 B-2 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 712.1 PURPOSE

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

SECTION 712.2 USES

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

- A. Permitted Uses
 - 1. All uses permitted in the B-1 Suburban Office District.
 - 2. Convenience retail uses and personal services stores, being defined as food sales, drug stores, barber and beauty shops, shoe repair shops, and other similar uses, provided the floor area devoted to such use or store is no greater than five thousand (5,000) square feet.
 - 3. Restaurants, not including drive-thru facilities and carry-out services.

B. Conditionally Permitted Uses (Amended eff. 9/27/2009, NI #1, 2009)

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

1. All uses conditionally permitted in the B-1 Suburban Office District.

SECTION 712.3 LOT REQUIREMENTS

- A. Minimum Lot Area – fifteen thousand (15,000) square feet
- B. Minimum Lot Width at Building Line – seventy-five (75) feet
- C. Minimum Lot Frontage – fifty (50) feet

SECTION 712.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – forty (40) feet
- B. Minimum Side Yard Width – fifty (50) feet if adjacent to residential district; twenty-five (25) feet otherwise
- C. Minimum Rear Yard Depth – fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise

SECTION 712.5 MAXIMUM BUILDING HEIGHT – No building or structure shall exceed thirty-five (35) feet in height

SECTION 712.6 PARKING AND LOADING REQUIREMENTS – As regulated by Article IX hereof.

SECTION 713 B-3 GENERAL BUSINESS DISTRICT

SECTION 713.1 PURPOSE

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

SECTION 713.2 USES

Within a B-3 General Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. All permitted uses in the B-1 Suburban Office District, and B-2 Neighborhood Business District, except residential uses.
2. Retail stores, including, but not limited to clothing, stationery, home furnishings.
3. Indoor and outdoor recreational facilities, including, but not limited to theaters, tennis and racquet clubs, health spas, physical exercise facilities.
4. Drive-thru establishments for food sales and banking facilities.
5. Off-street parking lot.
6. Hospitals, clinics, and veterinary hospitals.
7. Automobile service stations and service shops, including motor tuneups, muffler shops, body work, and tire repairing.
8. Car wash.
9. Commercial greenhouse and garden supply sales.
10. Hotels and motels.
11. Public and/or private transportation agencies and terminals.
12. Automobile, truck, trailer, and farm implement sales, service, and storage.
13. Funeral homes and mortuaries.
14. Private Fire Station.

B. Conditionally Permitted Uses

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

1. Planned Commercial Complex for two or more uses as permitted in this district, subject to subsections 103 and 120.
2. Mini-storage or mini-warehouse facilities, subject to subsections 105, 106, 108, 109, 113, 114, 118, 122, 129, 135, 137, 138, and 139.
3. Drive-in theaters, subject to subsections 105, 140.
4. Recycling transfer station, subject to subsections 114, 122, 125, 129, 134. *(Amended eff. 1/7/95)*
5. Child day care center, subject to subsections 102, 103, 104, 109, 114, 122, 125, 126, 133, 134.
6. Planned office complex for two or more uses as permitted in this district, subject to subsections 103 and 120.
7. Communication towers, subject to subsection 146. *(Amended eff. 5/88, NI #1, 1988)*
8. Airports, airfields, and landing strips subject to subsections 101, 104, 105, 118, 125, and subject to any applicable regulations of the Federal Aviation Administration and/or the Ohio Department of Transportation, Aviation Division. *(Amended eff. 3/90, NI #1, 1990)*
9. Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet, subject to subsection 147. *(Amended eff. 3/27/99, NI #1, 1999)*
10. Mulch Processing Operation, subject to subsections 101, 108, 112 (a, b, and c), 113, 114, 118, 128, 136. *(Amended eff. 9/27/2009, NI #1, 2009)*
11. Small wind energy systems, subject to subsections 114, 149. *(Amended eff. 6/7/08, NI #1, 2008)*

SECTION 713.3 LOT REQUIREMENTS

- A. Minimum Lot Area – twenty thousand (20,000) square feet
- B. Minimum Lot Width at Building Line – one hundred (100) feet
- C. Minimum Lot Frontage – fifty (50) feet

SECTION 713.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth – forty (40) feet

B. Minimum Rear Yard Depth – fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise

C. Minimum Side Yard Depth – fifty (50) feet adjacent to residential district; twenty-five (25) feet otherwise

SECTION 713.5 MAXIMUM BUILDING HEIGHT – Sixty (60) feet

SECTION 713.6 PARKING AND LOADING REQUIREMENTS – As required by Article IX hereof.

SECTION 713.7 OUTDOOR DISPLAY AREAS

Merchandise to be sold at retail on the B-3 General Business District premises may be displayed out of doors except that no such display area shall be within fifty (50) feet of any residential district. Display areas shall be screened from abutting residential areas by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

SECTION 721 I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 721.1 PURPOSE

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

SECTION 721.2 USES

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

A. Permitted Uses

1. All permitted uses in the B-1, B-2, and B-3 Districts, except residential uses.
2. Creamery, bottling, ice manufacturing, and cold storage plants.
3. The manufacturing, compounding, processing, packaging, and treatment of the following products:
 - a) Baking and dairy goods, candy, and other food products except fish and meat processing plants or processes which manufacture sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

- b) Electrical and electric appliances, instruments, and devices, television sets, radios, phonographs, and household appliances.
 - c) Musical instruments, novelties, and other similar small, rubber, plastic, or metal products.
 - d) Products from previously and elsewhere prepared materials, such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, textiles, yards, fur, tobacco, or wood, provided that all equipment and operation is located within a completely enclosed building, and no operation shall create a nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
 - e) Professional and scientific instruments, clerical, and office equipment.
4. Experimental testing and research facilities, provided no testing or experimentation creates a hazard beyond the confines of the building.
 5. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
 6. Distributors warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
 7. Printing and publishing operations.
 8. Mini storage and warehouse facilities.
 9. Accessory buildings and uses incidental to the principal use which does not include any activity conducted as a separate business.
 10. Signs as permitted and regulated in Article VIII.
 11. Airports, airfields, and landing strips subject to subsections 101, 104, 105, 118, 125, and subject to any applicable regulations of the Federal Aviation Administration and/or the Ohio Department of Transportation, Aviation Division. *(Amended eff. 3/90, NI #1, 1990)*

B. Conditionally Permitted Uses

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

1. Surface mining and strip mining, subject to subsections 105, 110, 111, 112, 113, 114, 125.

2. Sanitary Landfill sites, subject to subsections 101, 103, 104, 108, 113, 122. *(Amended eff. 1/7/95, NI #1, 1994)*
3. Communication towers, subject to subsection 146. *(Amended eff. 5/88, NI #1, 1988)*
4. Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet, subject to subsection 147. *(Amended eff. 3/27/99, NI #1, 1999)*
5. Adult Entertainment uses, subject to subsections 101, 102, 103, 104, 122, 125, 126 and 148. *(Amended eff. 5/9/99, NI #3, 1999)*
6. Small wind energy systems, subject to subsections 114, 149. *(Amended eff. 6/7/08, NI #1, 2008)*
7. Mulch Processing Operation, subject to subsections 101, 108, 112 (a, b, and c), 113, 114, 118, 128, 136. *(Amended eff. 9/27/2009, NI #1, 2009)*

SECTION 721.3 LOT REQUIREMENTS

- A. Minimum lot area – twenty thousand (20,000) square feet
- B. Minimum lot width – eighty (80) feet
- C. Minimum lot frontage – fifty (50) feet

SECTION 721.4 YARD REQUIREMENTS

- A. Minimum front yard depth forty-five (45) feet except as otherwise noted in Section 721.4.D.
- B. Minimum rear yard depth twenty-five (25) feet except as otherwise noted in Section 721.4.D.
- C. Minimum side yard width twenty-five (25) feet except as otherwise noted in Section 721.4.D.
- D. Yards adjoining a Residential District

When the boundary of any Industrial District adjoins the boundary of any Residential District, the minimum front, side, and rear yard depths 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 industrial effect on the residential lot, with the remaining fifty (50) feet to be used as parking spaces or open space.

SECTION 721.5 MAXIMUM BUILDING HEIGHT – Eighty (80) feet

SECTION 721.6 PARKING AND LOADING REQUIREMENTS – The parking and loading requirements for this district shall be regulated by Article IX hereof.

SECTION 722 I-2 GENERAL INDUSTRIAL

SECTION 722.1 PURPOSE

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

SECTION 722.2 USES

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

A. Permitted Uses

1. All uses specifically permitted in an I-1 Light Industrial District.
2. Automobile assembly and major repair.
3. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities:
 - a) Pottery and figurines or similar ceramic products using previously pulverized clay and kilns fired only with gas or electricity.
 - b) Electric and neon signs, billboards, and other such structures.
 - c) Laboratories and processing, experimental, film, or testing.
 - d) Light sheet metal products, including heating and ventilating equipment.
 - e) Blacksmith, welding, or other similar type of metal shop, including machine shop operations of the tool, die, and gauge type.
 - f) Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.

4. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six foot (6') solid painted fence with opening no greater than fifteen (15) percent.
 - a) Building materials and lumber yard, including mill work when within a completely enclosed building.
 - b) Contractors' equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - c) Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any residential district.
 - d) Public storage garage and yards.
 5. Warehouses and wholesale business establishments.
 6. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
 7. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
 8. Laundry, cleaning, and dyeing plant.
 9. Repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body and fender, radiator, and tire services involving retreading and vulcanizing.
 10. Stone or monument works if, employing power tools, within a completely enclosed building.
 11. Accessory uses incidental to the uses permitted on the same premises.
 12. Signs, as permitted and regulated by Article VIII hereof.
- B. Conditionally Permitted Uses *(Amended eff. 9/29/09, NI #1, 2009)*

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

1. All uses as conditionally permitted in an I-1 Light Industrial district and subject to the same conditions.
2. Junkyard, subject to subsection 141.

SECTION 722.3 LOT REQUIREMENTS

- A. Minimum Lot Area – twenty thousand (20,000) square feet
- B. Minimum Lot Width – eighty (80) feet
- C. Minimum Lot Frontage – fifty (50) feet

SECTION 722.4 YARD REQUIREMENTS

- A. Minimum front yard depth forty-five (45) feet, except as otherwise noted in Section 722.4.
- B. Minimum rear yard depth twenty-five (25) feet, except as otherwise noted in Section 722.4.
- C. Minimum side yard width twenty-five (25) feet, except as otherwise noted in Section 722.4.
- D. Yards Adjoining Any Residential District

When the boundary of any Industrial District adjoins the boundary of any Residential District, the minimum front, rear, or side yard depths as the case may be shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of any industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

SECTION 722.5 MAXIMUM BUILDING HEIGHT – Eighty (80) feet

SECTION 722.6 PARKING AND LOADING REQUIREMENTS – The parking and loading requirements for this district shall be regulated by Article IX hereof.

ARTICLE VIII – SIGN REGULATIONS

SECTION 801 SIGNS

SECTION 801.1 PURPOSE

The purpose of the following regulations is to protect property values, create a more attractive economic and business climate, enhance and protect physical appearance of the community, and promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types.

SECTION 801.2 LIMITATION ON THIS SECTION

The township's authority and regulation of the following signs is limited, in accordance with the Ohio Revised Code:

1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation are exempt from these regulations.
2. Signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516, and regulations adopted thereto, in addition to the Nimishillen Township Zoning Regulations.
3. Outdoor advertising (off-premises) signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business, or lands used for agricultural purposes; however, permits must be obtained and other requirements met, as listed in this section (Sec. 519.02 – 519.05).

SECTION 801.3 SIGNS PERMITTED IN ANY DISTRICT NOT REQUIRING A ZONING CERTIFICATE

The following signs are permitted in any district of Nimishillen Township and will not require a permit to be issued:

1. One unlighted real estate sign not exceeding sixteen (16) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed, which shall not be located closer to the street right-of-way line than ten (10) feet. Such signs shall be removed immediately after the sale or rent of the property in question.
2. Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed sixteen (16) square feet in area and which shall not be located closer than ten (10) feet from any street right-of-way line. Such signs shall be removed upon completion of work.

3. Signs directing and guiding traffic shall be permitted on private property; however, such sign shall not contain any advertising material.

SECTION 801.4

GENERAL REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT

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

1. Any illuminated sign or lighting device shall employ only one exterior emitting lamp per side of constant intensity, and no sign shall be illuminated by or contain exterior flashing, intermittent, rotating, or moving lamps, with the exception of a message center (consisting of time, temperature, and public information).
2. All illuminated signs or lighting devices shall have the exterior lamps properly shielded with rays directed toward the sign.
3. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.
4. No sign shall be placed on any structure's roof except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
5. No portable or temporary sign shall be placed on the front or face of a building or on any premises except as provided in these regulations.
6. All signs hung and erected shall be plainly marked with the name of the responsible firm or corporation for maintenance. Upon receipt of a written notice from the Zoning Inspector, the sign shall be put in a safe and secure condition or removed.
7. Signs shall not be constructed so as to obstruct traffic sight lines, control lights, traffic control devices, or railroad signal devices. Signs shall not in any way resemble traffic or directional signals or devices.
8. No sign shall be located within any public right-of-way except as indicated in Section 801.2 (1) above. Signs directing and guiding traffic shall be permitted on private property provided such signs do not contain any advertising material.
9. No sign shall be located closer than ten (10) feet to any front, side, or rear property line.
10. Directional signs shall not exceed thirty-six (36) inches in height and five (5) feet in width.

SECTION 801.5

MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall include the wall space between the individual letters.

SECTION 801.6 PERMITTED SIGNS IN ANY USE DISTRICT UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

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

1. One announcement sign or bulletin board of not more than twenty (20) square feet in area shall be permitted for any church, school, community center, or other public or institutional building. Such signs shall be located on the premises of such institution and shall not be located closer than ten (10) feet from any street right-of-way line, or property line.
2. One unlighted name plate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a "Home Occupation." Such sign shall not be located closer than ten (10) feet from any property or street right-of-way line.
3. One unlighted sign not more than twenty (20) square feet in area in conjunction with a roadside stand (farm market), which shall be used to advertise seasonal agricultural sales.
4. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed one hundred (100) square feet in area and shall be located within such development and shall not be located closer than ten (10) feet from any street right-of-way line.
5. One unlighted name plate not more than three (3) square feet in area shall be permitted for a licensed group home for the developmentally disabled.

SECTION 801.7 SIGNS PERMITTED ONLY IN BUSINESS AND INDUSTRIAL DISTRICTS UPON APPLICATION AND ISSUANCE OF A ZONING CERTIFICATE

1. Exterior business signs may be erected which advertise a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises. Such signs may be affixed flat against the wall of the building or may project therefrom not more than two (2) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground or pavement level adjoining the building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to two (2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of six hundred seventy five (675) square feet.

2. One pole-type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not exceed a total sign area of one hundred (100) square feet. Such sign shall be located not closer than ten (10) feet from all street right-of-way lines, and no sign shall be closer than ten (10) feet from the ground.
3. Billboards and outdoor advertising signs shall be located so as to maintain the minimum front, side, and rear yards as required for buildings located in the same district. However, no such signs shall be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such sign shall not exceed a gross area of six hundred seventy five (675) square feet. No billboard or outdoor advertising sign shall be permitted within three hundred (300) feet of any entrance to a public park, public or parochial school, library, church, or similar institution.

SECTION 801.8 TEMPORARY AND PORTABLE SIGNS

All signs of temporary nature, such as posters, banners, promotional devices, signs on a portable transporting frame, and of similar nature may be granted a temporary permit for a period not to exceed sixty (60) days subject to the following regulations:

1. Such signs shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
2. No more than two (2) temporary sign permits shall be issued for any one property within six months.
3. Temporary signs shall not be more than thirty-two (32) square feet in area and shall not be placed closer than ten (10) feet to any street right-of-way line or property line.

SECTION 801.9 FEES FOR SIGNS – As regulated by Article XIII hereof.

ARTICLE IX – PARKING AND LOADING REQUIREMENTS

SECTION 901 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off street to meet all the parking needs.

SECTION 901.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

(A parking space shall be nine [9] feet by eighteen [18] feet.)

- A. Auditorium, Stadium, and Similar Uses – One (1) for each four (4) seats based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios – One (1) for each two hundred (200) square feet, or fraction thereof, of floor area, excluding closets, hallways, and rest rooms.
- C. Churches and School Auditoriums – One (1) for each three (3) seats in principal auditorium, based on maximum seating capacity.
- D. Clubs and Lodges – One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.
- E. Dwelling – Two (2) for each dwelling unit plus two (2) additional for each five dwelling units in multifamily dwellings or developments.
 - a. Licensed family home – two (2) parking spaces.
Licensed group home – five (5) parking spaces.
- F. Hospitals – One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees.
- G. Hotels, Motels, and Tourist Homes – One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Veterinary Clinics – Six (6) for each physician or dentist.
- I. Restaurants – One (1) for each two hundred (200) square feet of floor area.
- J. Retail Stores and Personal Service Shops – One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.
- K. Indoor Theaters – One (1) for each three seats.

- L. Lodging Houses, Boarding Houses – One (1) for each guest room.
- M. Libraries and Museums – One (1) for each two hundred fifty (250) square feet of floor space plus three (3) spaces.
- N. Industrial and Manufacturing Facilities – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- O. Health and Recreational Facilities, and Automobile Garages – One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
- P. Food Locker – One (1) for each three hundred (300) square feet or fraction thereof, of floor area.
- Q. Roadside Stand (Farm Market) – Four (4) parking spaces.
- R. Mini Storage Facilities – One (1) for each twenty (20) storage units plus two (2) located by office facilities.
- S. Car Washes
 - 1. Automatic and Semi-Automatic Car Wash

Car washes in which vehicles are mechanically and/or self propelled through the production line shall have and maintain ten (10) paved off-street parking spaces on the premises for each twenty (20) lineal feet of production line within the confines of the building. In addition, there shall be provided at the exit at least two and one-half (2-1/2) off-street parking spaces per exit lane; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles exiting the washing facility.
 - 2. Manual Car Wash

Car washes in which vehicles are manually washed and provide their own power through the stall shall have and maintain on the premises at least five (5) paved off-street parking spaces for each parking stall. In addition, said parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.
- T. Warehouse – One (1) for each two thousand (2000) square feet or fraction thereof, of floor space.

SECTION 901.2 GENERAL REGULATIONS

- A. Floor Area – For the purposes of this section, “floor area” in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes, such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, a fraction thereof shall require one (1) parking space.
- B. Parking Space – Off-street accessory parking areas shall provide parking spaces, each of which shall not be less than one hundred sixty two (162) square feet, measuring nine (9) feet wide by eighteen (18) feet long in area, exclusive of access drives or aisles.
- C. Parking Area Lighting – All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted.
- D. Entrances and Exits – Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall be no more than two (2) accessways abutting on any one (1) street. Accessways for other than single family dwellings shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street.
- E. Yard Restrictions – In all Zoning Districts, open off-street parking facilities may be located in the required front yard provided that at least a ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line. Open off-street parking facilities may occupy the required rear or side yard provided that all parking shall be located a distance of five (5) feet from such lot line. These yard restrictions are intended to prevent all bumper overhang into driveway and street areas.
- F. Location – All required parking spaces shall be located on the lot.
- G. Setbacks on driveways: There shall be a minimum set back of two (2) feet from the adjacent property lines in all residential districts.

SECTION 902 LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 902.1 MINIMUM SPACES REQUIRED

Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading, and service purposes on the basis of the following minimum regulations:

1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.
2. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any public or private right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks and other vehicles.
3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required under Section 901 and shall not be considered as supplying off-street parking space.

SECTION 903 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE X – NONCONFORMING USES

SECTION 1001 PURPOSE

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution or amendments thereto.

SECTION 1001.1 REGULATIONS

The lawful use of any building or land existing at the effective date of this resolution or amendments thereto may be continued, although such use does not conform with the provisions of this resolution.

A. Alterations and Enlargement

A nonconforming building, structure, or use existing at the time this resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty-five (25) percent in square foot area, as determined by the Board of Zoning Appeals.

B. Nonconforming to 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 character and use of the district than the existing nonconforming use, as determined by the Board of Zoning Appeals.

C. Reconstruction

Nothing in this resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this resolution and if started within one (1) year of the aforementioned acts, and provided such replacement or repair does not extend the nonconforming use in square foot area.

D. Construction Approved Prior to Resolution

Nothing in this resolution shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this resolution, or any amendment thereto, provided that construction is commenced within ninety (90) days after the issuance of such certificate, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.

E. 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 the provisions of this resolution.

F. 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.

G. Certificate of Nonconforming Use

Within one (1) year of the effective date of this resolution the Zoning Inspector shall issue a “Certificate of Nonconforming Use” to all known owners of legal nonconforming use property.

1. In accordance with the provisions of this section, no use of land, buildings, or structures shall be made other than that specified on the “Certificate of Nonconforming Use” unless said use shall be in conformance with the provisions of the use zone in which the property is located.
2. A copy of each “Certificate of Nonconforming Use” shall be filed in the office of the Zoning Inspector.

H. 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.

ARTICLE XI – CONDITIONAL ZONING CERTIFICATES

SECTION 1101 PURPOSE

The purpose of this section is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this resolution.

SECTION 1101.1 PROCEDURES FOR MAKING APPLICATION

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

A. Application Submitted to the Zoning Inspector

Application for a conditional Zoning Certificate shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied with payment set by resolution by the Board of Trustees, which may be modified from time to time. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant. *(Amended eff. 3/03, NI # 2,2002)*

B. Data Required with Application

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their use, and the acreage or area involved, including that for parking.
3. Sufficient plans and specifications for all proposed development and construction, and where appropriate, reclamation.

C. Review by the Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this resolution. Such review and determination shall be completed within forty-five (45) days of the date of submission, and shall be made at a public meeting.

D. Hearing

After adequate review and study of any application, the Board shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

E. Issuance and Revocation of Conditional Zoning Certificates – Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. This authority shall be in addition to the authority contained in Section 519.14 (d) of the Ohio Revised Code for the revocation of a conditional zoning certificate.

F. Resubmission of Application for Conditional Use Permit

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board should be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration. Any new application for a Conditional Zoning Certificate shall be accompanied with payment, set by resolution by the Board of Trustees, which may be modified from time to time. *(Amended eff. 3/03, NI #2, 2002)*

G. Termination

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the structure, alteration, or land use has begun.

H. Continuation of Existing Uses Conditionally Permissible

All known uses existing at the time of passage of this Resolution and conditionally permissible in their respective districts under this Resolution shall be issued Conditional Zoning Certificates by the Zoning Inspector within one (1) year after the passage of this Resolution.

SECTION 1101.2 BASIS OF DETERMINATION

The Board shall determine beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board may also impose such additional conditions and safe guards deemed necessary for the general welfare and protection of

individual property rights, and for ensuring that the intent and objectives of this Resolution will be observed.

A. General Standards

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

1. will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
2. will not be hazardous or disturbing to existing or future neighboring uses;
3. will not be detrimental to property in the immediate vicinity or to the community as a whole;
4. will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. will be in compliance with state, county, and township regulations;
6. will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

SECTION 1102 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 701.2B, 702.2B, 703.2B, 704.2B, 704.2B, 705.2B, 706.2B, 711.2B, 712.2B, 713.2B, 721.2B AND 722.2B

- 101 All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 104 There shall be no more than one (1) advertisement located on each abutting road identifying the activity.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

- 106 Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the township.
- 108 Site locations shall be preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area.
- 109 Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- 110 No sand or gravel shall be removed or stored or overburden stored within five hundred (500) feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.

All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday. No work shall be performed on legal holidays recognized by the State of Ohio.

- 111 Supplement to State Reclamation Requirements:
- a. Reclamation is required within one year from expiration date of a Conditional Use Certificate or the abandonment of the operation.
 - 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 Nimishillen Township Surface Mining or Strip mining Certificate shall be presented to the Board of Zoning Appeals within ten (10) days of approval by the Division of Reclamation.
- 112 Requirements
- a. Processing equipment to be located at the site in such a way that will minimize adverse noise impact upon surrounding dwellings.
 - b. Existing natural and man made barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
 - c. Haul roads shall be positioned to provide for safe access to State, County and Township roads. These roads shall be hard surfaced for dust control.

- d. Stakes of one color shall be set and maintained along the perimeter of the area designated for top soil or mineral removal at 100' intervals or less.
 - e. The storage of minerals, peat or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.
- 113 Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 115 Such uses shall be permitted subject to the following conditions:
- a. Such use shall be conducted entirely within the dwelling unit, and no use of any accessory building or yard space shall be permitted.
 - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - c. Such use shall be conducted only by persons residing in the dwelling unit.
 - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
 - e. One (1) unlighted name plate not more than three (3) square feet in area announcing the name and home occupation shall be permitted.
 - f. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes smoke, electrical interference, or other causes.
 - g. Adequate parking spaces shall be provided off-street for any traffic generated by such use.
- 116 Special provisions for group dwellings:
- a. Group dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district.

- b. Each two (2) or two and one-half (2-1/2) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.
 - c. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than twenty (20) feet.
 - d. The court shall be unoccupied by any vehicles, buildings, or other structures, except utilities.
- 117 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
 - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
 - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
 - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- 118 Such uses should be located on a major thoroughfare, adjacent to nonresidential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 119 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - b. Minimum area required for a cemetery site shall be ten (10) acres.
 - c. Pavement width of driveways shall be at least twenty (20) feet.
 - d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.

- e. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer prior to the issuance of a conditional use permit.
- f. Only signs designating entrances, exits, traffic direction and titles shall be permitted and must be approved by the Board.
- g. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.
- h. Cemetery buildings and structures shall be located at least one hundred (100) feet from adjacent property lines.
- i. Location of grave sites from streets and adjacent properties shall comply with requirements of the Ohio Revised Code Sec. 1721.03.

120 An integrated planned commercial development, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:

- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
- b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
- c. There shall be twenty (20) feet between buildings.
- d. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be fifty (50) feet on the side(s) abutting the residential zone only.
- e. All points of entrance and/or exit shall be located no closer than one hundred (100) feet to the intersection of two (2) streets.
- f. Review and approval by the Stark County Regional Planning Commission shall be required in accordance with the Stark County Subdivision Regulations before a permit may be granted.

121 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands, and concession stands.

- 122 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. After a one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided the Board and the Zoning Inspector determine that the said 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 reissuance of the Conditional Zoning Certificate.
- 123 Campsites, cabins, rooms, or other accommodations shall be used on a seasonal basis only. No permanent or year 'round occupancy shall be permitted.
- 124 Only retail uses which are customarily accessory and incidental to the main recreational use shall be permitted as part of the park, recreational area, or camp ground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
- 125 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes.
- 126 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 127 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 streets or roads.
 - b. On-site circulation shall be designed to make possible adequate fire and police protection.
 - c. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. 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.

- d. The property must be served by central sewer facilities approved by the appropriate state and county departments and operated and maintained according to the inspection and rules of said departments.
- 128 No zoning certificate shall be issued until final site plans have been submitted and approved in accordance with the Stark County Subdivision Regulations, where applicable, and the Board of Zoning Appeals. Zoning certificates shall not be issued until approval by the appropriate state and county departments has been obtained concerning the proposed sanitary sewerage facilities.
- 129 The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Township Trustees, or county or state where applicable.
- 131 A mobile home for residential purposes may be permitted after a public hearing by the Board of Zoning Appeals under a conditional permit and subject to the following conditions:
- a. All mobile homes shall have adequate health facilities available, including running water inside and toilet facilities connected to an approved septic system. Approval in writing from the Stark County Board of Health shall be required stating that all health requirements have been met.
 - b. Such mobile homes shall be permitted for the purpose of providing housing for the members of the immediate family for the following purposes: *(Amended eff. 3/89, NI #1, 1989)*
 - 1. In case of fire, flood, storm, or any similar act of God which destroyed the present dwelling, a mobile home may be permitted for a period of time determined by the Board.
 - 2. For the purpose of permitting the members of the family to reside in a mobile home for the duration of sickness or disability and must be substantiated by a doctor's statement of the necessity for care from others.
 - c. All mobile homes must have a minimum of seven hundred twenty (720) square feet of floor space, no more than five years of age when installed, and be limited to a single family unit.
(Amended eff. 3/89, NI #1, 1989)
 - d. The location of the mobile home must meet existing setback provisions.
 - e. All mobile homes must be enclosed from ground to floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.

- f. A Conditional Use Permit for a mobile home shall be for a period of not more than one (1) year, but the Board of Zoning Appeals may renew such permit upon application and hearing. The Board may issue such Conditional Use Permit for a period of less than one (1) year.
- g. Mobile home must be equipped and installed with metal tie down straps. *(Amended eff. 3/89, NI #1, 1989)*

132 The following requirements shall be met:

- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
- b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use for which the parking is provided, permitted, or conditionally permitted.
- c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
- d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
- e. Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any residential district.
- f. Such parking lot shall be sufficiently screened from each side by a fence, wall, or compact hedge. Such fence, wall, or hedge shall be not less than four (4) feet in height, and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition.

The planting strip for hedges shall be no less than three (3) feet in width. Any space between such fence, wall, or hedge and the side lot line of adjoining premises in a residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

133 Outside play areas shall be enclosed by a six (6) foot fence.

134 Sufficient parking and “drop off and pickup” areas shall be provided off the public roadway.

135 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business

136 There shall be no outside storage adjacent to any residential district or use.

- 137 Storage of explosive or hazardous materials shall be prohibited.
- 138 Outside storage areas shall be completely enclosed by walls, fences, building, landscaping, or a combination thereof.
- 139 A minimum lot size of one (1) acre shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.
- 140 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.
- 141 The scrap or junk yard use shall be permitted only under the following conditions:
- a. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
 - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - c. Suitable control measures shall be taken whenever dust or odor is a problem or potential problem.
 - d. There shall be no burning of refuse, garbage, or other waste materials.
 - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any Residential District and/or public street right-of-way line, and shall otherwise have front, side, and rear setback of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:
 1. The fifty (50) foot wide strip shall be planted with pine, Norway spruce, or other plants of similar screening value.
 2. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
 3. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
 4. Trees shall be planted that are at the optimum transplanting size and age while still being as large as possible.
 - f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.

- g. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 142 Minimum lot and yard requirements for a group home shall be the same as listed for “Other Permitted Uses” in Section 704.3 of these Regulations for an R-3 Low Density Multifamily Residential District. *(Amended eff. 1/7/95)*
- 143 No such group home shall be located within a one-mile radius of another such facility for the developmentally disabled.
- 144 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.
- 145 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article VIII of these regulations.
- 146 Communication Tower restrictions: *(Amended eff. 5/88, NI #1, 1988)*
- a. Building must be surrounded by an eight (8) ft. chain link fence, with an additional three (3) strands of Barb Wire on top.
 - b. Each Guy Cable Anchor, will be fenced in as above, except the fence area will measure twenty five (25) ft. x ten (10) ft.
 - c. Interior of all fenced areas will have stone aggregate surface treated with Herbicide.
 - d. Applicant to furnish copy of liability insurance policy showing coverage limitations and volume of insurance.
 - e. Tower to be lighted with standard FAA lighting. Tower is to be painted per FAA specifications with standard red beacon and obstruction lights. No strobe lighting will be permitted.
 - f. Operating frequency of cellular transmission to have no effect on television or radio reception.
 - g. Tower height not to exceed three hundred (300) feet.
 - h. The required distance from adjacent property lines, shall be one half the height of the tower.
- 147 Noncommercial radio transmitting and/or receiving towers in excess of fifty (50) feet need a conditional use permit and are subject to the following restrictions:
- 1. Anti-climb plates and/or a fence of eight (8) feet in height to surround said tower.
 - 2. Applicant to furnish copy of liability insurance policy showing coverage limitations and volume of insurance.

3. The required distance from adjacent property lines, shall be one-half the height of the tower.
4. The tower not to exceed one hundred (100) feet in height.
5. The following specifications for design, construction and installation will apply:
 - A) Design professional shall submit detail plans and specifications for tower and tower foundation OAC 4101:2-1-19.
 - B) Tower shall be design to meet a minimum base wind speed of 80 mph OBBC section 1611.3.
 - C) Tower shall meet the minimum requirements for earthquake loads according to OBBC section 1612.0.
 - D) Design professional shall provide necessary information concerning soil condition at this site OBBC section 1804.0.
 - E) Submit complete electrical plans for grounding according to National Electric Code 1996 edition.
 - F) Design professional shall sign and place his seal on the plans OAC 4101:2-1-20. *(Amended eff. 3/27/99, NI #1, 1999)*

148 The following regulations shall apply to adult entertainment uses as defined herein:

- a. Adult entertainment uses shall be located at least two thousand (2,000) feet from any church, public or private school, park, playground, social service facility, neighborhood center, or amusement arcade.
- b. Adult entertainment uses shall be located at least one thousand (1,000) feet from any residence or boundary of any residential district.
- c. Adult entertainment uses shall be located at least one thousand (1,000) feet from any boundary of any residential district in an abutting local unit of government.
- d. Adult entertainment uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment use.
- e. Advertisement, displays, or other promotional materials that convey, or contain adult materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or other public areas.
- f. A minimum of one (1) attendant shall be on duty in the on-site parking area provided for the establishment during any and all hours of operation. *(Amended eff. 5/9/99, NI #3, 1999)*

- 149 Small wind energy systems shall meet the following requirements:
(Amended eff. 6/8/08, NI #1, 2008)
- a. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
 - b. Minimum lot size of two (2) acres.
 - c. One small wind energy system tower per lot or parcel.
 - d. Small wind energy system shall be located only in the rear yard area.
 - e. Maximum height shall be 80 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
 - f. Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 110 percent of the tower height.
 - g. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
 - h. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
 - i. Tower and blade color shall be white or light gray.
 - j. Lighting of the tower for aircraft and helicopter shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
 - k. The tower shall have either:
 1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
 2. A locked anti-climb device installed on the tower; or
 3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
 - l. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
 - m. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

- n. All small wind energy systems must separately comply with Stark County Building Department regulations (building, mechanical, electrical, etc.).
- o. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
- p. No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- q. Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
 - 1. The anticipated life of the project;
 - 2. The estimated decommissioning costs in current dollars;
 - 3. The method and schedule for updating the costs of decommissioning and restoration;
 - 4. The method of ensuring funds will be available for decommissioning and restoration; and
 - 5. The anticipated manner in which the project will be decommissioned and the site restored.
- r. Site Plan requirements shall include, but not be limited to:
 - 1. Property lines and physical dimensions of the site.
 - 2. Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under-ground utility lines, easements and any structures on the property. Also, show location of sewage treatment system.
 - 3. Location of signage.
 - 4. Elevation of the proposed small wind energy system tower.
 - 5. Location of trees within a 100-ft. radius of the proposed small wind energy system.
 - 6. Manufacturer's specifications, including make, model, and picture.

7. Scaled drawing prepared by a licensed engineer and/or surveyor, no smaller than 1" = 100'.

150 Restrictions for Recreational Uses: *(Amended eff. 9/27/09, NI #1, 2009)*

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

151 Proposed accessory uses, structures and activities to a church or other religious facility shall be set forth in the application for the conditional use certificate and may include such activities as day care, recreational uses, and/or banquet facilities, which shall be operated by the facility rather than as a separate business. *(Amended eff. 9/27/09, NI #1, 2009)*

ARTICLE XII – BOARD OF ZONING APPEALS

SECTION 1201 A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION

SECTION 1201.1 COMPOSITION AND APPOINTMENT

The Board shall consist of five (5) members appointed by the Township Trustees in accordance with Ohio Revised Code, Section 519.13.

SECTION 1201.2 ORGANIZATION

The Board shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 1201.3 QUORUM

Three (3) members of the Board shall constitute a quorum at all meetings. A majority vote shall be necessary to effect an order, take action, make decisions, or act on any authorization.

SECTION 1201.4 MEETINGS

The Board shall meet at its regularly schedule meetings and at the call of its chairman. All meetings of the Board shall be open to the public.

SECTION 1201.5 WITNESSES

The Board Chairman or Acting Chairman shall administer oaths, and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

SECTION 1201.6 PROCEEDINGS

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall become public record.

SECTION 1201.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.

- B. In the event that the Zoning Inspector has made a wrongful interpretation of the code and the Board so finds in favor of the applicant, then all fees paid for the appeal shall be refunded to the applicant. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses as specifically provided in this Resolution. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Resolution.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. Ohio Revised Code 519.14 (D)

SECTION 1201.8 APPEALS TO THE BOARD

Appeals to the Board may be taken by any person aggrieved or by any office of the township affected by any decision of the administrative office. Such appeal shall be taken within twenty (20) days after the decision by filing, with the office from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 1201.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by governmental officer, department, board, and bureau. Such application shall be filed with the Secretary of the Board who shall transmit the same to the Board.

SECTION 1201.10 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

Interpretation; Variances; Conditional Zoning Certificate; Revocation of Variance or of Conditional Zoning Certificates; together with all documents pertaining thereto.

SECTION 1201.11 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and other property owners of interest, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

SECTION 1201.12 DECISIONS

A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the zoning certificate or Conditional Zoning Certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

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ARTICLE XIII – ADMINISTRATION FEES AND ENFORCEMENT

SECTION 1301 ADMINISTRATION

SECTION 1301.1 ZONING INSPECTOR

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

SECTION 1301.2 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Article XI, Conditional Zoning Certificates, of this Resolution and shall have the powers as specified in Article XII of this Resolution.

SECTION 1301.3 SUBMISSION OF APPLICATIONS

All applications for zoning certificates shall be submitted to the Zoning Inspector, who may issue zoning certificates when all applicable provisions of this Resolution have been complied with.

SECTION 1301.4 ZONING CERTIFICATES REQUIRED

- A. Before constructing or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The application shall include the following information:
1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
 2. The location, dimensions, height, and bulk of structures to be erected. If a commercial structure, two (2) sets of construction plans shall be required, one (1) of which shall be reviewed by the Township Fire Prevention Bureau.
 3. The intended use.
 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
 5. The yard, open area, and parking space dimensions.
 6. Appropriate sewage disposal certificate and, if required, appropriate permit for access to public streets (Sec. 601.2).
 7. Required permit fee.
 8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this resolution.

- B. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application accompanied by the proper fee.
- C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application.
- D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 1101.1 shall be followed in lieu of the above regulations.

SECTION 1301.5 FEES

A. Zoning Certificate Fee Schedule

Zoning Certificate Fees shall be set by Resolution by the Board of Trustees, which may be modified from time to time. All fees will be rounded off to the lowest dollar amount. *(Amended eff. 4/03, NI #1, 2003)*

B. Failure to obtain permit before construction or use has commenced

The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void. Where construction is commenced prior to obtaining a zoning certificate, the Zoning Inspector shall notify the property owner of the need to obtain a zoning certificate. If an application is not filed within ten (10) days of such notice, an additional fee shall be charged. This fee shall be set by resolution by the Board of Trustees, which may be modified from time to time. *(Amended eff. 8/02; NI #2, 2002)*

SECTION 1302.1 VIOLATIONS

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Resolution or supplements or amendments thereto, the board of township trustees, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION 1302.2 PENALTIES

Any person violating any provisions of the Resolution or supplements or amendments thereof shall be fined not more than one hundred (100) dollars per offense. Each day of continuation of a violation of this Resolution shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law. *(Amended eff. 4/03, NI #2, 2003)*

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ARTICLE XIV – VALIDITY AND SEPARABILITY

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

ARTICLE XV – REPEALER

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

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ARTICLE XVI

EFFECTIVE DATE

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

Recommended by the Township Zoning Commission

Date: March 30, 1987

Joe Mark
Chairman of the Township Zoning Commission

Adopted by the Nimishillen Township Trustees

Date: May 11, 1987

Ronald E. Prowant

Ronald F. Gatto

Don Weisel

Attest by the Clerk of Nimishillen Township:

Clayton R. Felt
Clerk