Note: Text Amendments effective 3/28/19 Highlighted in Green
Text Amendments effective 8/8/19 Highlighted in Red

JACKSON TOWNSHIP ZONING RESOLUTION BOOK

Amended
July 9, 2019

Effective
August 8, 2019

$20.00

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ARTICLE I
PURPOSE

Chapter 101
Purpose, Interpretation

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SECTION 101.1 PURPOSE

According to ORC §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 area which may be occupied, setback building lines, sizes of yards, courts, and other spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the use 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 areas as the Board determines. All such regulations shall be uniform for each class of kind of building or other structure or use through any district or zone, but the regulation or zone may differ from those in other districts or zones.

SECTION 101.2 SHORT TITLE

The Resolution shall be known as the "Zoning Resolution of Jackson Township, Stark County, Ohio."

SECTION 101.3 INTERPRETATION

In their interpretation and application, the provisions of this Resolution, and any amendments thereto, shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 101.4 COMPLIANCE WITH REGULATIONS

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 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 101.5 COMPLIANCE WITH 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; and, where applicable, the Stark County Subdivision Regulations as adopted and administered by the Stark County Regional Planning Commission and the Stark County Commissioners.

SECTION 101.6 VALIDITY AND SEPARABILITY

If any section, subsection, or provision of the Resolution, or amendment thereto, is 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.

SECTION 101.7 REPEALER

All existing Zoning Resolutions of Jackson Township, Stark County, Ohio, inconsistent herewith, are hereby repealed.

SECTION 101.8 EFFECTIVE DATE

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

RESOLUTION PAGE:

Amended by the Township Zoning Commission

Date: June 20, 2019

Chairman of the Township Zoning Commission

Adopted by the Jackson Township Trustees

Date: July 9, 2019

Effective: August 8, 2019

Todd Hawke
Trustee

John Pizzino
Trustee

Jamie Walters
Trustee

Attest by the Fiscal Officer of Jackson Township: Randy Gonzalez
Randy Gonzalez, Fiscal Officer

CHAPTER 102
Related Ohio Revised Code Provisions

102.1 Agriculture Exempted
102.2 Public Utilities and Railroads
102.3 Outdoor Advertising Classified as a Business Use
102.4 Limitation of Restrictions on Family and Group Homes
102.5 Submission to Director of Transportation
102.6 Type B Family Day Care Homes

SECTION 102.1 AGRICULTURE EXEMPTED

ORC §519.25, inclusive, confer no power on any 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 are located, and no zoning certificate shall be required for any such building or structure.

A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under ORC §711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC §711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

A. Agriculture on lots of one (1) acre or less;
B. 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,
C. 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 percent (35%) 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 ORC §4503.06. After thirty-five percent (35%) 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 ORC §519.19.

This section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings, or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

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 farm market where fifty percent (50%) or more of the gross income received from the market is derived from the produce raised on farms owned or operated by the market operator in a normal crop year. However, a Board of Township Trustees 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 and ingress, where such regulation is necessary to protect the public health and safety.

SECTION 102.2 PUBLIC UTILITIES, RAILROADS, LIQUOR SALES, OR OIL AND GAS PRODUCTION; TELECOMMUNICATIONS TOWERS EXCEPTIONS

(A) Except as otherwise provided in division (B) or (C) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, of the operation of its business.

(B) (1) As used in this division, "telecommunications tower" means any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

(a) The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.

(b) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

(c) The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

(d) (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(ii) The attached structure is proposed to top at a height greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

(2) Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provisions of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.

(3) Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:

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

(i) The person's intent to construct the tower;

(ii) A description of the property sufficient to identify the proposed located;

(iii) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to

519.25 of the Revised Code shall apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice send under division (B)(3)(b) of this section, the board shall request that the clerk of this township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, section 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (b)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

(C) Section 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting person or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapter 4901, 4905, 4909, 4921 and 4923, of the Revised Code. However, this division confers no power on a board of township trustees or board of zoning appeals with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

(D) Section 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 sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

(E) Section 519.02 to 519.25 of the Revised Code do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operations of its own plants.

(F)(1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in

clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

(2) As used in division (F) of this section:

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

SECTION 102.3 OUTDOOR ADVERTISING CLASSIFIED AS A BUSINESS USE

For the purpose of ORC §519.02 to 519 .25, outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, or trade, and land used for agricultural purposes.

SECTION 102.4 LIMITATION OF RESTRICTIONS OF FAMILY AND GROUP HOMES

Licensed family homes and licensed group homes for handicapped persons are provided for under ORC §5123.19. Such facilities shall be permitted and regulated in accordance with the Resolution and in accordance with the laws of the State of Ohio.

SECTION 102.5 SUBMISSION TO DIRECTOR OF TRANSPORTATION

According to ORC §5511.01, 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 of 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 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.

SECTION 102.6 TYPE B FAMILY DAY CARE HOMES

According to ORC §5104.054, any type B family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

ARTICLE II
DEFINITIONS

Chapter 201
Definitions

201.1 General Rules of Interpretation **201.2 Definitions**

SECTION 201.1 GENERAL RULES OF INTERPRETATION

For the purpose of this Resolution, certain terms or phrases used herein shall be interpreted as follows:

A. Words used in the present tense shall include the future;
B. The singular number shall include the plural and the plural the singular;
C. Use of the word "shall" indicates a mandatory requirement; the word "may" is a permissive standard; the word "should" is a preferred standard.
D. The word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted," or "intended to be used";
E. A "person" shall, in addition to an individual, mean a firm, corporation, association, or any legal entity that may own and/or use land or buildings.

SECTION 201.2 DEFINITIONS

A. Words used in this resolution are used in their ordinary English usage unless specifically defined in Subsection 201.2B below.
B. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

1. **ACCESSORY BUILDING, STRUCTURE OR USE:** A subordinate building, structure or use customarily incidental to, and located upon the same lot occupied by the principal building or use.
2. **ACCESSORY SOLAR ENERGY:** A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or rated storage volume of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
3. **ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devises are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or semi-nudity or where the images shown and/or live entertainment presented area characterized by the depiction or description of "specified sexual activities" or "specified anatomical area."

4. **ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features: (1) persons who appear in a "state of nudity" or "semi-nude", or (2) live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities; or (3) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment. In the event that there is a conflict between this definition and the definition of "Adult Cabaret" in any Resolution authorized by ORC §503.51 *et seq.* adopted b the Board of Trustees and lawfully in effect, the definition in the aforementioned Resolution shall prevail.
5. **ADULT DAY CARE CENTER:** A facility that provides a program of nonresidential care assistance and supervision of functionally impaired adults that includes such services as personal care, nursing, social, nutrition, emergency, transportation and planned activities.
6. **ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, x-rated films, motion pictures, video cassettes, slides, or similar photographic productions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
7. **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment where x-rated films, motion pictures, video cassettes, slides, or similar photographic productions are regularly shown or which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specific anatomical areas" or by "specified sexual activities."
8. **AGRICULTURE:** The use of land for agricultural purposes, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal husbandry, poultry husbandry, aquatic plants, fish hatchery, apiary, and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offals to swine and other animals.
9. **ALLEY:** A public thoroughfare which affords only a secondary means of access to a lot or abutting property.
10. **ANIMAL HUSBANDRY:** The keeping or raising of domestic animals incidental to the use of land for agricultural purposes permitted under the above definition of Agriculture.
11. **ARTERIAL STREET:** See STREET, ARTERIAL.
12. **ARTS AND CRAFTS:** The hand making of items including, but not limited to, jewelry, furniture, paintings, sculptors, pottery, weaving and fabric, stained glass, wood carvings and stoneware.
13. **ASSISTED LIVING FACILITY:** A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a long term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but not including drug or alcohol rehabilitation or court adjudicated felons or misdemeanants.

14. **ASSEMBLING:** The combining of parts to make a complete product as it relates to research and technology.
15. **AUTOMOBILE SERVICE STATION:** A building or portion of a building, in which routine maintenance, service and minor repairs are made to motor vehicles. Major repairs as defined under REPAIR GARAGE shall not be permitted.
16. **AUTOMOBILE WRECKING YARD:** The use of more than twenty-five (25) square feet of any land, building or structure used for the purpose of wrecking, dismantling, or storing, for private and/or commercial purposes, any discarded motor vehicle.
17. **BAKERY:** The processing, assembling, packaging, and distributing of baked goods.
18. **BASEMENT:** A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.
19. **BED AND BREAKFAST INN:** A facility that provides overnight accommodations and is operated primarily for a business even though the owner may live on the premises. Bed and Breakfast Inns must obtain all required commercial license.
20. **BED AND BREAKFAST RESIDENTIAL:** A private, owner-occupied residence where overnight accommodations are available and compensation is paid by guests for overnight stay.
21. **BOARD:** The Board of Zoning Appeals as created by this Resolution.
22. **BODIES OF WATER:** Any mass or accumulation of water lying or flowing within or through a natural or manmade depression in the earth, including, but not limited to, streams, creeks, rivers, ponds, lakes and reservoirs; and not including approved drainage ditches and culverts, storm sewers, retention basins and other depressions designed solely for the temporary runoff and/or temporary accumulation of storm water and not including swimming pools. The area of bodies of water as defined herein shall include the outer edges or banks or shoreline of the depression wherein the water lies or flows.
23. **BUFFERYARD:** A strip of ground running along the property line between adjacent districts consisting of one or more physical barriers such as fencing, walls, plant materials or earth mound and is designed to improve the quality of the district and to protect any adjacent neighbor from offensive, unsafe or unhealthy conditions.
24. **BUILDING:** Any structure or use having a roof or ceiling supported by columns or by walls and intended or used for the shelter, housing, or enclosure of persons, animals, or chattels. A building may include a structure originally designed for another purpose, but which is being or has been used for shelter, housing, or the enclosure of persons, animals or chattels for a period in excess of 10 days.
25. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to 1) the highest point of the roof for flat roofs, 2) the deck line for mansard roofs, and 3) the mean height between eaves and ridge for gable, hip, and gambrel roofs.
26. **BUILDING(S), PRINCIPAL:** The building(s) on a lot used to accommodate the primary use to which the premises are devoted.

27. **CARPORT:** A covered automobile parking space not completely enclosed by walls or doors.
28. **CAR WASH FACILITY:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or other mechanical device and/or which may employ hand labor.
29. **CEMETERY:** Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.
30. **CENTRAL SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.
31. **CENTRAL WATER SYSTEM:** A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.
32. **CHILD DAY CARE CENTER:** Any place in which child day-care is provided for thirteen 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 for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day-care center" and "center" do not include a place located in and operated by a hospital, as defined in ORC §3727.01, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under ORC Chapter 4731 or a registered nurse licensed under ORC Chapter 4723, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured. "Child day-care center" and "center" do not include any child day camp.
33. **CHILDREN'S TOY PLAYHOUSE –** A temporary toy house that is easily movable for children to play in.
34. **CHILDREN'S TREEHOUSE –** A small house that is built among the branches of a tree above ground level for children to play in.
35. **CHURCH (PLACE OF WORSHIP):** Any synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.
36. **CLINIC, MEDICAL:** Any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.
37. **CLUB:** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
38. **COMMISSION:** The Township Zoning Commission.
39. **COMMON BOUNDARY:** The area around the perimeter of abutting properties.
40. **CONDITIONAL USE:** A use permitted within a district other than a principal use permitted by right, or accessory use that requires a conditional use permit and approval of

the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the district regulations.

41. **CONGREGATE LIVING DEVELOPMENT:** A residential development that consists of a congregate living facility (See definition of congregate living facility) and single family detached and/or single family attached dwelling units to provide for the needs of individuals who are elderly or handicapped with common social and recreational facilities.
42. **CONGREGATE LIVING FACILITY:** A residential facility consisting of independent units, congregate living, assisted living and/or nursing home within the facility itself, designed specifically to provide for the needs of individuals who are elderly or handicapped, and have common social, recreational, dining and food preparation facilities.
43. **DANCE/NIGHT CLUB –** An establishment that stays open late at night and provides food, drinks, entertainment, and music for dancing.
44. **DECOMMISSIONING:** The process of terminating the operation of a WECS by completely removing the entire WECS and all related buildings, structures, foundations, supports, and equipment.
45. **DECORATIVE WALL**: A wall made from stone, concrete, or bricks designed for decorative purposes.
46. **DENSITY:** The number of dwelling units developed or permitted to be developed on an acre (43,560 square feet) of land.
47. **DISCARDED MOTOR VEHICLES:** Any inoperable motor propelled vehicle, or accessory to same, which is in the process of being wrecked, dismantled, or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.
48. **DISTRICT:** A section or sections of the unincorporated Territory of Jackson Township or which the regulations governing use of buildings and premises or the height and areas of building are uniform, except for Planned Unit Development Districts.
49. **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include a "drive-up" and "drive-in."
50. **DWELLING:** Any building that is designed or used primarily for residence purposes.
51. **DWELLING UNIT, SINGLE-FAMILY ATTACHED:** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall, without openings extending from the basement floor to the roof and each such building being separate from any other building by open space on all sides and including such elements as separate ground floor entrances and service and shall include permanently sited manufactured homes. A single family attached building shall contain no more than four (4) attached dwelling units and may include either condominium or apartment (rental) units.

52. **DWELLING, SINGLE-FAMILY DETACHED:** A building designed for or used exclusively for residence purposes by one family and shall include permanently sited manufactured homes.
53. **DWELLING, STUDIO UNIT:** A small apartment consisting typically of a main room, kitchenette and bathroom.
54. **DWELLING, TWO-FAMILY:** a building designed and used exclusively by two families living independently of each other.
55. **DWELLING, MULTI-FAMILY:** A building designed for or occupied by three (3) or more families living independently of each other. For the purpose of this definition Single Family Attached in a PUD shall not be considered a multi-family dwelling.
56. **DWELLING UNIT:** One (1) or more rooms providing complete living facilities for one (1) family and including room or rooms for living, sleeping, and eating.
57. **ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by municipal or other governmental agencies for the public health, safety, and general welfare.
58. **FAMILY:** One individual, any number of individuals related by blood, adoption or marriage plus no more than three (3) unrelated individuals, or not more than five (5) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined.
59. **FAMILY DAY-CARE HOME TYPE A:** A permanent residence of the administrator in which day-care is provided for seven to twelve persons at one time or a permanent residence of the administrator in which child day-care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six 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" does not include a residence in which the needs of children are administered to, if all the children who needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day care" or type A family day care home" do not include any child day camp.
60. **FAMILY DAY CARE TYPE B:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age 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" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day care" or "Type B family day care home" do not include any child day camp.
61. **FAMILY HOME:** A licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8)

handicapped persons. (ORC §5123.19) (ORC§5119.32) & (OAC§5101:2-1-01(B) (93) (94)).

62. **FARM MARKET:** A temporary vehicle or stand used for the sale of agricultural products where fifty (50) percent or more of the gross income received from the market is derived from produce raised on the farm owned or operated by the market operator in a normal crop year.
63. **FENCE**: An artificially constructed barrier usually made of post, wire, wood or bricks, used to enclose or screen areas of land to prevent entrance.
64. **FLEET VEHICLES:** Trucks, vans and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.
65. **FLOOD PLAIN:** That portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage as established by Federal Emergency Management Agency.
66. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of all of the one (1) or several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) or more units of a building. Floor area, for the purpose of these regulations shall not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.
67. **FREESTANDING WIND ENERGY CONVERSION SYSTEM (WECS):** A machine consisting of one wind turbine, one tower and associated control electronics that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The turbine or windmill may be on a horizontal or vertical axis, rotor or propeller:

    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 the 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 rotor with two or more blades.
68. **FUNERAL HOME:** An establishment for viewing of the body, and for funerals with facilities for the preparation of human dead for burial or cremation at a place other than the subject premises.

69. **GARAGE, PRIVATE:** An accessory building or an accessory portion of the principal building, enclosed on all sides, designed or used for the shelter or storage of passenger vehicles and other normal household accessories of the resident(s) of the principal building to which it is accessory and located on the same lot as such principal building.
70. **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 with patrons for renting, or leasing such space and accommodations, and in which no repair work is carried on.
71. **GARDEN SUPPLY SALES –** The selling of lawn and garden equipment, furnishings, plants, and supplies.
72. **GASOLINE STATION:** A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.
73. **GRADE, FINISHED:** The average level of the finished surface of the ground adjacent to the exterior walls of the buildings.
74. **GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
75. **GROUP DWELLING DEVELOPMENT:** Two or more residential structures located on one lot, except when the residential structures are part of a Planned Unit Residential Development.
76. **GROUP HOME:** A licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) handicapped persons. (ORC §5123.19) (ORC§5119.32) & (OAC§5101:2-1-01(B) (93) (94)).
77. **HANDICAPPED PERSON:** A person with a physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently, has a record of such impairment, or is regarded as having such impairment.
78. **HOME OCCUPATION:** An accessory use which a profession, occupation, service or activity conducted entirely within a dwelling, and employing only those that live in the dwelling unit, which use is clearly incidental, and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Such occupations may include home office and personal services and related activities, including, but not limited to, pet grooming & sitting, beauty and barber, jewelry and shoe repair, photographer, gunsmith, crafter, computer consultant, accountant, architect, appraiser, engineer, lawyer, surveyor and realtor.
79. **HOSPITAL:** An establishment that provides permanent facilities that include inpatient beds, medical services, and continuous nursing services, diagnosis and treatment, both surgical and non-surgical, for human patients who have any of a variety of acute medical conditions.
80. **HOTEL, MOTEL:** A building in which lodging is provided and offered to the public for compensation and which is designed primarily for use by transient guests.

81. **INFORMATIONAL DISTRIBUTOR:** See the "Jackson Township Transient Vendor Home Rule Legislation."
82. **INTERNET OR ELECTRONIC SWEEPSTAKES DEVICE:** Sweepstakes terminal device means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant to enter a sweepstakes, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device whether or not any of the following apply:

a) The device is server-based.

b) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

c) The device utilizes software such that the simulated game influences or determines the winning of or value of a prize.

d) The device selects prizes from a predetermined finite pool of entries.

e) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

f) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

g) The device utilizes software to create a game result.

h) The device requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.

i) The device requires direct payment into the device, or remote activation of the device.

j) The device reveals the prize incrementally, even though the device does not influence the awarding of a prize or the value of any prize awarded.

k) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

l) The device is a slot machine or other form of electrical, mechanical, or computer game.

83. **INTERNET SWEEPSTAKES:** "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion, but does include bingo, or games or lotteries conducted by the state lottery commission, in which consideration is not required for a person to enter to win or to become eligible to receive any prize, the determination of which is based upon chance.
84. **INSIDE VENDOR PERMIT:** A permit issued for a maximum of 90 days for the temporary place of business for the sale of goods or services that is located within a building in the township.
85. **IN-STORE BAKERY DISTRIBUTION CENTER:** The facility within a retail establishment which not only processes, assembles, packages, and sells baked goods for its own purposes, but for the purpose of distributing baked goods to off premise establishments owned by the proprietor of the store in which the bakery is located.

86. **JUNK YARD:** The use of more than twenty-five (25) square feet of any land building, or structure, whether for private and/or commercial purposes, 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, dismantled, or handled for more than fifteen (15) days.
87. **LANDSCAPED:** Sodded, seeded, and/or shrubbed or otherwise permanently devoted to and maintained for the growing of plant material.
88. **LANDSCAPED STRIP:** The area of ground required between nonresidential properties consisting of grass, flowers, shrubs, trees, or other vegetation.
89. **LANDSCAPING BUSINESS –** A business that offers mowing and planting services, or landscaping design or selling or storage of bulk items such as mulch, stone, and topsoil that are utilized for landscaping services.
90. **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.
91. **LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces are herein required and occupied or intended to be occupied by a principal building or use or group of such buildings, uses and accessory buildings, uses or structures.

The term "zoning lot" is used synonymously with "lot" in this Zoning Resolution. Such lot shall have frontage on an improved public street or a private street, but not include any portion thereof.

92. **LOT AREA: T**he 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 street right-of-way shall not be included as part of the lot area for the purpose of these regulations.
93. **LOT CORNER:** A lot having frontage at the junction of and abutting upon two (2) intersecting streets.
94. **LOT COVERAGE:** The portion of the lot area that is covered by any buildings and structure.
95. **LOT, DOUBLE FRONTAGE:** A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
96. **LOT INTERIOR:** A lot other than a corner lot.
97. **LOT LINES:** The property lines defining the limits of the lots.
98. **LOT LINE, FRONT:** The line separating a lot from the street on which the lot fronts. In the case of a corner lot, the property owner shall determine the front lot line.
99. **LOT FRONTAGE:** The width measured along the front lot line.
100. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line.
101. **LOT LINE, SIDE:** Any lot line other than a front or rear lot line.

102. **LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Stark County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.
103. **MANUFACTURING:** The making of a product from raw materials as it relates to research and technology.
104. **MANUFACTURED HOMES:** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 42 USCA 5401, 5403, and that has a permanent label or tag affixed to it, as specified is 42 USCA 5415, certifying compliance with all applicable federal construction and safety standards.
105. **MANUFACTURED HOME, PERMANENTLY SITED:** A manufactured home that meets all of the following criteria: a) The structure is affixed to a permanent foundation and is connected to appropriate facilities; b) The structure, excluding any additions, has a width of at least twenty-two feet at one point, a length of at least twenty-two fee at one point, and a total living area, excluding garages, porches or attachments, of at least nine hundred square feet; c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; d) The structure was manufactured after January 1, 1995; e) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.
106. **MASSAGE:** Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
107. **MASSAGE ESTABLISHMENT:** Any fixed place or business where a person offers massages: 1) in exchange for anything of value; or 2) in connection with the provisions of another legitimate service.
108. **MASSEUR (OR MASSEUSE):** Any individual who performs massages at a massage establishment. The definitions of message establishment, masseur or masseuse does not include the practice of any limited branch of medicine or surgery in accordance with ORC §4731.15 and 4731.16 or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrists, a licensed nurse, licensed massotherapist or any other licensed health professional. As used in this division, "licensed" means licensed, certified, or registered to practice in this state.
109. **MERCHANDISE PRIZE**: Any item of value, but shall not include the following:
    (a) Cash, gift cards, or any equivalent thereof;
    (b) Plays of games of chance, state lottery tickets, bingo, or instant bingo;
    (c) Firearms, tobacco, or alcoholic beverages; or
    (d) A redeemable voucher that is redeemable for any of the items listed in a, b, or c for Merchandise prize.

110. **MINERALS:** Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, or non-metalliferous or, 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 topsoil.
111. **MINI STORAGE:** A limited-storage facility, for private and commercial use, that provides storage for multiple tenants.
112. **MICROBREWERY/BREWPUB/CRAFT BREWERY –** A brewery that produces beer in conjunction with a restaurant/bar use located on the property and is typically much smaller than large scale corporate breweries, is independently owned and generally characterized by their emphasis on quality, flavor and brewing technique.
113. **MOBILE FOOD VENDING UNIT –** Any mobile trailer or motorized vehicle that moves about the township and is designed to be self-contained, portable and not permanently attached to the ground from which the food within the confines of the mobile unit is then is peddled, vended, sold or given away.
114. **MODEL HOME:** A residential dwelling which has been constructed in compliance with the Stark County Building Code for residential dwellings, is not presently for sale, and is temporarily used for the purpose of displaying and promoting the sale of other homes within a subdivision or other residential development in which the model home is located and does not promote other activities of the property owner.
115. **MOTOR VEHICLE:** Any vehicle, including a recreational vehicle, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.
116. **NON-COMMERCIAL MOTOR VEHICLE:** Any motor vehicle, including a farm truck as defined in ORC §4503.04 designed by the manufacturer to carry a load of no more than one (1) ton.
117. **NONCONFORMING BUILDING OR STRUCTURE:** Any building or structure lawfully existing on the effective date of these regulations or any amendment thereto, which, on such effective date, does not conform to the area, height, coverage, or yard regulations; parking requirements; sign regulations; landscaping or screening requirements; or other development standards of the district in which it is situated.
118. **NONCONFORMING LOT:** A lot lawfully existing on the effective date of these regulations or any amendment thereto, which on said effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
119. **NONCONFORMING USE:** Any use of land, use of building or use of land and building in combination, lawfully existing on the effective date of these regulations or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.
120. **NURSING HOME:** An extended or intermediate care facility that cares for individuals who by reason of illness or physical or mental impairment requires skilled nursing care and of individuals who require personal care services by non-skilled nursing care.
121. **NUDITY or a STATE OF NUDITY or NUDE:** Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully

opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernible turgid state, even if entirely covered by an opaque covering; exposing to view any device, costume or covering that gives the appearance of or simulates any of these anatomical areas.

122. **OPEN SPACE:** An area substantially open to the sky. Streets, parking areas, structures for habitation, trash collection sites and the like shall not be included in the calculation of open space.
123. **OPEN SPACE, COMMON:** The area of open land shared by residents in a development and guaranteed by the developer to be maintained in perpetuity.
124. **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping, packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
125. **OUTDOOR FIREPLACE –** An outdoor fireplace is a place for building fires outside of the home which is usually made of stone, brick, or concrete and consists of a firebox and chimney.
126. **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, or merchandise, in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
127. **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.
128. **OUTLOT:** A single-use building and its requisite parking that is placed on a shopping center site in an independent location that has no or little convenient pedestrian connection or visual continuity with the primary shopping center building(s) and function(s). Outlots are typically, but not required to be, located at the front of the site near existing public streets. An outlot may be delineated by lot lines or lease lines and shall constitute a separate site for zoning purposes.
129. **OVERBURDEN:** All of the earth materials that 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.
130. **PARKING LOT:** An area of a parcel made up of parking spaces, also known as a parking area.
131. **PARKING SPACE:** An area outside the public right-of-way for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods. Parking spaces for uses other than single-family shall be arranged to allow ingress and egress of a motor vehicle without the need to move any other vehicle.
132. **PERMITTED USE CERTIFICATE:** A certificate required to be obtained from the Zoning Inspector before the occupancy or change of occupancy of any nonresidential use

permitted or conditionally permitted in any district in Jackson Township. (Previously called a Certificate of Compliance Permit).

133. **PERSONAL SERVICES:** Any business enterprise which primarily offers services to the general public, such as shoe repair, watch repair, barber and beauty shop and similar activities.
134. **PLAN REVIEW:** The reviewing of a specific site plan "PR".
135. **PLANNED BUSINESS OR OFFICE COMPLEX:** Two (2) or more primary business or office use structures placed on one lot.
136. **PLANNED UNIT DEVELOPMENT (PUD):** An area of land in which a variety of housing types and subordinate commercial and other nonresidential facilities are accommodated under more flexible standards, including lot sizes, setbacks, and density. Depending on the zoning classification of the PUD, a PUD may require a percentage of open space and may consist of single family detached, single family attached, two-family, and/or multi-family units as designed as a planned residential community. Commercial uses may only be included as part of an R-6 PUD.
137. **PROJECT AREA:** Any contiguous or abutting areas being developed for non-farm, commercial, industrial, residential, or other non-farm purposes which meets the minimum required area for development. All separate parcels of land within a project area shall be in common ownership.
138. **PRINCIPALLY PERMITTED USE:** The main permitted use for which the land or building is primarily occupied.
139. **PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).
140. **PROCESSING:** The production of a product or technology that results through a series of actions, changes, or functions as it relates to research and technology.
141. **PUBLIC MAINTENANCE FACILITY:** Any building, structure, or land owned and operated by a governmental entity that is used for the operation or maintenance of roads, streets, or bridges.
142. **PUBLIC PARKS:** Land owned by a governmental entity which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar pubic land within the township which is under the control, operation, or management of the township, county, or state.

143. **PUBLIC SAFETY FACILITY:** Any building, structure, or land owned and operated by a governmental agency for the purpose of housing safety agencies such as fire and/or police facilities and their associated offices.

144. **PUBLIC SERVICE FACILITY:** Any building, structure, or land owned and operated by a governmental entity that is used for the operation or maintenance of water or sewage pumping stations.

145. **RECREATIONAL FACILITY/USE:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities or entertainment activities, but not including those uses otherwise specifically defined or regulated in this resolution. This does not include a recreational use that is an accessory to a residence. As provided in this resolution, recreational facilities are classified into four types:

    Recreational Facility/Use, Type A: Outdoor recreation facilities/uses, usually requiring a large space, which are relatively quiet and compatible with residential uses, including, but not limited to, a regulation golf course and related facilities, picnic area, park, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motorized vehicles), fishing, boating, observation of nature, non-commercial field and court sports and similar facilities and activities.

    Recreational Facility/Use, Type B: Outdoor recreation facilities/uses for the commercial use of intense sports and athletic activities, and including, but not limited to, field sports, baseball field, soccer field, swimming pools, tennis courts, basketball court, miniature golf course and golf driving range.

    Recreational Facility/Use, Type C: Indoor recreation and entertainment facilities/uses, including, but not limited to, those required for indoor court sports & field sports, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, health and fitness spa, miniature golf course, swimming pool, and social clubs.

    Recreational Facility/Use, Type D: Recreation facilities/uses which are not classified as Type A, Type B, or Type C which may generate noise and may otherwise not be compatible with residential uses, including, but not limited to, shooting range, amusement park, water park, race track for motorized vehicles, animal race track, amphitheaters, paintball games and campground.

146. **RECREATION PRIVATE USE**: Privately owned and utilized recreation facilities located on a lot with a dwelling and used by the occupants of the dwelling and their non-paying guests thereof as an accessory to the dwelling use of the property.

147. **RECREATIONAL VEHICLE:** A vehicle portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classified as follows:

    a) "Travel Trailer" means a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division(s) of ORC §4517.01.

b) "Motor Home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

c) "Truck Camping" means a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon an attached to a motor vehicle. Truck camper does not include truck covers that consist of walls and roof but do not have floors and facilities for using same as a dwelling.

148. **RECREATIONAL EVENTS:** Temporary activities including fairs, festivals, block parties and various entertainment.
149. **RECYCLE/COLLECTION CONTAINER –** A small container utilized by the public for the temporary storage of paper, plastic, aluminum, cloths, etc. for recycling purposes.
150. **RECYCLING CENTER OR TRANSFER FACILITY:** A facility for the collection of products such as paper, glass, plastic and metals that are stored, flattened, crushed, or bundled within a building or structure to be taken to another site for processing.
151. **RECYCLING PLANT –** A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, glass, metal, plastic, and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.
152. **REDEEMABLE VOUCHER:** Any ticket, token, coupon, receipt, or other noncash representation of value.
153. **REPAIR GARAGE:** A facility in which major auto repair, rebuilding and reconstruction of motor vehicles is performed. For the purpose of this Resolution, major auto repair includes collision service, spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repair; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.
154. **RESIDENTIAL FACILITY:** A home or facility in which handicapped person resides, except a home subject to ORC Chapter 3721 or the home of a relative or legal guardian in which a handicapped person resides, as defined by ORC §5123.19(A)(1).
155. **RETAINING WALL**: A structure constructed to hold back or support an earthen bank.
156. **RESTAURANT,** – An establishment which is located in a building that is primarily engaged in the preparation and serving of meals and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the establishment and/or engage in providing customers with take-out service of food and beverages for off-site consumption. This definition shall include taverns, lounges, bars, clubs and lodges.
157. **RESTAURANT, DRIVE THRU** – An establishment in which there is no seating inside or outside the establishment for customers and meals or beverages are served at a drive up window only.
158. **SANITARY LANDFILL:** A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the

solid wastes in thin layers, compacting the solid wastes to the smallest, practical volume, and applying and compacting cover material daily.

159. **SCHOOL, ELEMENTARY AND SECONDARY:** Any public or private facility that provides a curriculum of elementary or secondary academic instruction including kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, and high schools. School includes the school grounds but does not include the facilities used primarily for another purpose and only incidentally as a school.
160. **SCHOOL, BUSINESS AND TRADE:** A higher education facility primarily teaching useable skills that prepare students for jobs in a trade.
161. **SCREENING:** A continuous fence, wall, trees, shrubs, mound or combination thereof that effectively buffers the property and is broken only by access drives and walks.
162. **SEMI-TRAILERS:** Any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semi-trailer into a trailer.
163. **SETBACK LINE:** A line established by this Zoning Resolution generally parallel to and measured from the lot lines, defining the limits of the required front, side and rear yards in which no building or structure may be located, except as otherwise provided in this Zoning Resolution.
164. **SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.
165. **SHOPPING CENTER/COMPLEX** – A commercial development containing four or more individual business retail and/or service uses and designed as a planned development project with shared parking and access drives.
166. **SIGN:** See Section 501.7 for definitions of awning or canopy, banner, civic organization, decorations, directional, festoons, flag, government, incidental, mansard, marquee, nameplate, off-premises, on-premises, outdoor advertising, political, portable, real estate, temporary, wall and yard sign.
167. **SKILL-BASED AMUSEMENT MACHINE**: See Ohio Revised Code 3772 and 2915.01.
168. **SKILL-BASED AMUSEMENT USE:** A use in which skilled base amusement machines Type A, B, and C approved and/or licensed, as applicable, by the Ohio Casino Commission is utilized as a principal or secondary use to a business.
169. **SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE A:** A skill-based amusement machine that does not enable or entitle a player to receive tickets, tokens, vouchers, coupons, merchandise, or any other thing of value; however, delivered. Points or any other score keeping mechanism cannot be exchanged for anything of value, at any

time, including a merchandise prize or redeemable voucher. (Ex. Classic arcade style games.)

170. **SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE B:** A stand-alone, fully enclosed skill-based amusement machine that entitles or enables a person to receive a merchandise prize, not to exceed a wholesale value of ten dollars, automatically and directly from the machine and that has the following characteristics: (Ex. Crane & Claw style games.)

(a) The merchandise prize awarded automatically and directly from the machine is not redeemable and must constitute the sole prize available to a player;

(b) The merchandise prize is not a card for the purchase of gasoline;

(c) The machine does not employ a payout percentage function, regardless of whether the function is turned off or on;

(d) The claw, crane, or other mechanism, which is used to receive a merchandise prize, must be capable of being manipulated by a player to receive the merchandise prize;

(e) The machine is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations; and

(f) The machine does not simulate, display, or utilize rolling or spinning reels or wheels.

171. **SKILL BASED AMUSEMENT MACHINE (SBAM) TYPE C:** Any skill-based amusement machine that is not a type "A" skill-based amusement machine or a type "B" skill-based amusement machine. Type "C" skill-based amusement machines may provide tokens or tickets that may be redeemed for gas cards or prizes so long as the tickets or tokens do not exceed a wholesale value of ten ($10.00) dollars per play.

172. **SMALL STRUCTURE MOUNTED WIND ENERGY CONVERSION SYSTEM (SSM-WECS):** A structure mounted wind energy system that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) SSM-WECS's are attached to a structure's roof, walls or another elevated surface. SSM-WECS's have nameplate capacities that do not exceed ten (10) kilowatts.

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 the 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 rotor with two or more blades.

173. **SOLAR ENERGY EQUIPMENT:** Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.
174. **SOLAR PHOTOVOLTAIC (PV):** The technology that uses a semiconductor to convert light directly into electricity.
175. **SPECIAL EVENT VENDOR PERMIT:** A permit issued for a temporary place of business for the sale of goods or services at Fairs or Festivals within the township.
176. **SPECIFIED SEXUAL ACTIVITIES:** (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above; or (d) performing or appearing nude or semi-nude by employees or patrons.
177. **SPOIL BANK:** Refuse removed from an excavation.
178. **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.
179. **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.
180. **STREET, ARTERIAL:** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways.
181. **STREET, COLLECTOR:** A Street providing for traffic movement between arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.
182. **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 easement.
183. **STREET, PUBLIC:** A public or dedicated thoroughfare subject to public easements thereto, and which affords the principal means of access to abutting property.
184. **STREET, RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and 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 is established, the right-of-way shall be assumed to be fifty (50) feet.
185. **STRIP MINING:** All or any part of the process followed in the production of coal from a natural deposit whereby the coal may be extracted after removing the overburden.
186. **STRUCTURE:** Anything constructed or erected, that may or may not have a roof, and requires a permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground.

187. **STRUCTURAL ALTERATION:** Any change is 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 the building.
188. **SUBSTANTIALLY CONFORM:** Functionally, quantitatively and qualitatively equivalent or identical with all essential and material requirements.
189. **SUPPORT RETAIL SERVICE FACILITIES:** Establishments in the Canal Parkland (C-P) District that offer goods and services that are intended to meet the needs of people who are in the district as users of the Heritage Corridor. Such retail and service uses are intended to complement the characteristics and functions of the corridor.
190. **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.
191. **SWIMMING POOL, COMMERCIAL:** A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semipublic, or private swimming by adults and/or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.
192. **SWIMMING POOL, FAMILY:** A swimming pool used or intended to be used solely by the owner of lessee thereof and his family, and by friends invited to use it without payment of any fee.
193. **TEMPORARY BUILDINGS OR STRUCTURES:** A building or structure intended for a limited duration for uses at special events, including but not limited to, fairs and festivals, which does not have a permanent foundation.
194. **TEMPORARY CONSTRUCTION TRAILERS:** A trailer for uses incidental to construction work intended for a limited duration that does not have a permanent foundation; however, such temporary trailer shall be removed within 30 days of the completion or abandonment of the construction work.
195. **TEMPORARY SALES/OFFICE TRAILER:** A trailer for sales/office use for a limited duration that does not have a permanent foundation incidental to the proposed principal use of the property; however, such temporary trailer shall be removed within 30 days upon completion of principal use.
196. **TEMPORARY STORAGE POD or CONTAINER:** A storage pod or container that has no permanent foundation in which a permit is issued for a temporary period of time at a temporary location.
197. **TOPSOIL:** Superficial soil capable of sustaining plant life indigenous to this area, ordinarily rich in organic matter or humus debris.
198. **TOPSOIL REMOVAL:** Removal of topsoil from the premises.

199. **TOWER:** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
200. **TRAILERS:** Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour, except a manufactured home and travel trailer.
201. **TRANSIENT VENDOR**: See the "Jackson Township Transient Vendor Home Rule Legislation".
202. **TRANSPORTATION TERMINAL:** The use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.
203. **TRUCK TRACTOR:** Any vehicle with greater than six tires, and a fifth wheel.
204. **TRUSTEES:** The Board of Trustees of Jackson Township.
205. **USE:** The purpose for which a building, structure 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 the premises, or the name of a building, place, or thing which name indicated that use or intended use.
206. **VARIANCE:** A 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 the resolution will result in practical difficulty and so that the spirit of the resolution shall be observed and substantial justice done.
207. **VEHICLES:** Everything on wheels or runners, including motorized bicycles.
208. **VETERINARY HOSPITAL:** A place used for care, grooming, diagnosis, or treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.
209. **WAITING SPACE:** An unenclosed area outside the public right-of-way that accommodates customers in vehicles being served or waiting to be served at a drive-thru facility, car wash, gasoline station, or other similar use. Also known as a stacking space.
210. **WATERPARK:** A recreational use that features water play areas, such as water slides, splash pads, spray grounds (water playgrounds), lazy river, or other recreational bathing, swimming, and barefooting environments. Waterparks in more current states of development may also be equipped with some type of artificial surfing or body boarding environment such as a wave pool or a flowrider.
211. **WINERY**: A place of business in which customers can bottle their own wine and/or wine produced on the premises is typically much smaller than a larger-scale corporate wine bottling operation and is independently owned.

212. **YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from ground upward, except as otherwise provided herein.
213. **YARD, FRONT:** A yard extending across the full width of a lot and being perpendicular distance between the front lot line and the nearest portion of any building or structure existing or proposed for construction on said lot.
214. **YARD, REAR:** A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot.
215. **YARD, REQUIRED:** (See also SETBACK LINE). The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located.
216. **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.
217. **ZONING MAP:** The "Zoning Districts Map of Jackson Township, Stark County, Ohio."
218. **ZONING CERTIFICATE:** Document issued by the Township Zoning Inspector authorizing the use of lots or structures in accordance with the Zoning Resolution.
219. **ZONING CERTIFICATION:** An endorsement prepared by the Zoning Department specifying that the use of a particular piece of property is in compliance with the Zoning Regulations or, in the alternative, listing actions which may be taken to bring the property into compliance.

ARTICLE III
GENERAL PROVISIONS

Chapter 301
Districts and Their Boundaries

301.1 Establishment of District
301.2 Districts
301.3 Zoning Districts Map
301.4 Interpretation of District Boundaries

SECTION 301.1 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Jackson 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 301.2 DISTRICTS

The following zoning districts are hereby established for Jackson Township:

O-S	Open Space District
R-R	Rural Residential District
R-1	Single Family Low Density Residential District
R-1A	Single Family Residential District
R-2	Two-Family Residential District
R-3	Residential Planned Unit Development District
R-4	Multi-Family Residential Planned Unit Development District
R-5	Multi-Family High Density Residential Planned Unit Development District
R-6	PUD Planned Unit Development District
C-P	Canal Parkland District
R-P	Parks and Recreation District
R-T	Research and Technology Campus District
B-1	Suburban Office and Limited Business District
B-2	Neighborhood Business District
B-3	Commercial Business District
PBRD	Planned Business Residential Development District
I-1	Industrial District

SECTION 301.3 ZONING DISTRICT MAP

The districts and their boundary lines are indicated upon the map entitled, "Zoning Districts Map of Jackson Township, Stark County, Ohio," which said map is made a part of this Resolution. The said Zoning Districts Map together with all notations, references, and other matters shown thereon are hereby declared a part of this Resolution.

If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map on the effective date of the amendment.

SECTION 301.4 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary when there is a discrepancy or uncertainty as to the precise location of the boundary as shown on the zoning map.

A. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

B. Where 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 of alley line of alleys, or the centerline or right-of-ways of constructed lines of highways, such lines shall be construed to be such district boundaries.

C. 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 center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines 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.

D. Railroad Lines. Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, by construed to coincide with the nearest boundary line of the railroad right-of-way.

E. 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.

Chapter 302
Supplementary Regulations

302.1	**Permitted Height Exceptions**	**302.9**	**Site Improvements Permitted in any District**
302.2	**Corner and Double Frontage Lot**	**302.10**	**Stormwater, Erosion, and Sediment Control**
302.3	**Lots and Yards**	**302.11**	**Interior Remodeling for Commercial**
302.4	**Projections into Yard**	**302.12**	**Inside Vendor**
302.5	**Visibility at Corner Lots**	**302.13**	**Special Event Vendor**
302.6	**Agricultural Uses**	**302.14**	**House Numbering**
302.7	**Surface Mining**		
302.8	**Lateral Support**		

SECTION 302.1 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:

A. Structures for housing of elevators, stairways, tanks, ventilating fans, or similar equipment for operating and maintaining the building;

B. Fire or parapet walls;

C. Skylights, towers, steeples;

D. Stage lofts and screens;

E. Flagpoles, chimneys, smokestacks;

F. Radio and television aerials, wireless masts;

G. Water tanks or similar structures;

SECTION 302.2 CORNER AND DOUBLE FRONTAGE LOT

For corner or double frontage lots, either street may be designated to meet the required front yard setback, as required for such district. A minimum setback of twenty-five (25) feet shall be required on the other street for all structures.

SECTION 302.3 LOTS AND YARDS

No space which has been counted or calculated as part of a lot or yard requirement may be counted or shared to satisfy a different lot or yard requirement.

A. Lots. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and width requirements of the district in which such land is located.

   Any lot of record which was owned separately from adjoining lots on the effective date of this resolution or amendment thereto shall not be reduced in any manner that would increase the degree of nonconformity.

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

C. The required yards surrounding an existing principal building shall not be separated in ownership from that part of the lot upon which the building is located, and no part of the required yard shall be considered as providing a yard for any other principal building. A

yard shall not be reduced to less than the required dimensions for the district in which it is located, and a yard of less than the required width shall not be further reduced.

SECTION 302.4 PROJECTIONS INTO YARD

Unless otherwise specifically permitted, every part of a required yard shall be free from structures except for the ordinary projections of skylights, sills, cornices, bay windows, chimneys, flues, eaves, and ornamental features projecting not to exceed twenty-four (24) inches.

SECTION 302.5 VISIBILITY AT CORNER LOTS

No structure or object placed on a lot located at the intersection of two or more streets or the intersection of a drive entrance or exit and an access road shall cause an obstruction to clear view by motor vehicle drivers.

SECTION 302.6 AGRICULTURAL USES

As provided in ORC 519.21, the following provisions are established to regulate agricultural uses on lots less than five (5) acres:

A. On lots of one acre or less, a minimum setback of fifty (50) feet from all property lines is required for all buildings, structures, and pasture/feeding areas for agricultural animals and storing areas incidental to the use of land for agricultural purposes, including apiary (Bee Keeping). Buildings and structures must comply with the setbacks from the principal building, building height and size regulations for an accessory building or structure applicable to the district in which it is located. Fencing for agricultural animals shall be 50 ft. from all property lines and the maximum height shall not exceed 8 ft.

B. On lots greater than one acre but not greater than five (5) acres, all buildings or structures incidental to the use of land for agricultural purposes shall comply with the required building setback lines, height and size regulations for an accessory structure applicable to the district in which the use is located. Fencing for agricultural animals shall be a minimum of 10 ft. from all property lines and the maximum height shall not exceed 8 ft.

C. A pasture/feeding area that is provided for agricultural animals shall be completely surrounding by a fence that is adequate to contain the animal(s).

D. For the purpose of this Section, an agricultural animal is a domestic animal, including, but not limited to, a horse, cow, llama, goat, hog, mink, and fowl, but does not include an animal commonly kept indoors as a household pet, such as a dog or cat.

E. Permits and fees shall apply to agricultural uses for buildings, structures, and fences on properties five (5) acres or less.

SECTION 302.7 SURFACE MINING/TOPSOIL REMOVAL

A conditional use permit for surface mining or topsoil removal shall not be required when:

A. A Zoning Certificate has been issued for construction of a structure or structures on a development area provided those plans specify the affected areas approved for said structure or structures, including parking, driveway or driveways and roadways in compliance with Chapter 601 of the Jackson Township Zoning Regulations.

B. The removal of peat, and minerals is from those areas that are needed to develop public or private roadways on a final subdivision plat and the plat has been approved by the Stark

County Commissioners for development of residential housing, business, or industrial complex development.

SECTION 302.8 LATERAL SUPPORT

Prior to filling or removal of earth upon a property leaving or creating a slope of more than thirty degrees (30°) off of horizontal shall be done in such a way which is totally contained upon the property and will not adversely affect any adjacent properties. Complete plans and engineering for the construction of retaining walls for slope of more than thirty (30°) shall be approved by the Stark County Building Inspector, when required by the Stark County Building Department. Such plans should include a scaled site plan showing topography, property lines, building footprints, and the cut in grade. Sections of the site showing the worst case scenarios, i.e., steepest topography, shortest length between, face of retaining wall, property lines, buildings and other limited site elements, shall be indicated on the plans, as determined by the Stark County Building Inspector.

SECTION 302.9 SITE IMPROVEMENTS PERMITTED IN ANY DISTRICT

Driveways, public and private water and sewerage facilities, and storm drainage facilities shall be permitted in any zoning district.

SECTION 302.10 STORMWATER, EROSION, AND SEDIMENT CONTROL

Soil disturbing activities are subject to all applicable requirements of the Stark County Water Quality Control Regulations, as administered by the Stark Soil and Water Conservation District (SWCD). Where applicable, a National Pollution Discharge Elimination System (NPDES) permit shall be obtained prior to commencing soil disturbing activity.

SECTION 302.11 INTERIOR REMODELING FOR COMMERCIAL

All interior commercial plans submitted for a zoning certificate shall reference all non-public areas, including square footage, to be deducted when calculating parking space requirements.

SECTION 302.12 INSIDE VENDOR

Any person who opens a temporary place of business for the sale of goods or services that is located within a building in the township shall complete an inside vendor application and obtain a permit.

SECTION 302.13 SPECIAL EVENT VENDOR

Any person who opens a temporary place of business for the sale or goods or services at Fairs or Festivals within the township shall complete a special event vendor application and obtain a permit.

SECTION 302.14 HOUSE NUMBERING

Dwellings and buildings shall have their officially assigned house numbers visibly displayed facing the street within 30 days of the beginning of construction.

Chapter 303
Nonconforming Uses, Buildings, Structures, and Lots

303.1 Purpose
303.2 Nonconforming Use of Buildings and/or Land
303.3 Nonconforming Buildings or Structures
303.4 Nonconforming Signs
303.5 Unsafe Structures
303.6 Nonconforming/Substandard Lots
303.7 Completion of Construction Approved Prior to Resolution
303.8 District Changes
303.9 Converting nonconforming residential to commercial use

SECTION 303.1 PURPOSE

The purpose of this section is to provide for the continuation of uses that do not conform to the existing standards and regulations set forth in this Zoning Resolution but which were in operation prior to the enactment of this Resolution or amendment thereto. The lawful use of any building or land existing at the effective date of this Resolution or amendment thereto may be continued (although such use does not conform with the provisions of this Resolution) subject to regulations which limit their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Resolution to permit such nonconforming status to continue until abandoned, removed, or abated, a nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the land use plan of the Township and should be discouraged.

SECTION 303.2 NONCONFORMING USE OF BUILDING AND/OR LAND

A. Change in Use of Building or Land: A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is equal to or in less conflict with the character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

B. Displacement: No nonconforming use shall be extended to displace a conforming use except as otherwise provided in Section 303.3A.

C. 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.

SECTION 303.3 NONCONFORMING BUILDINGS OR STRUCTURES

A. Alterations and Enlargements: 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, upon application and approval by the Township Zoning Inspector. However, such alteration or enlargement shall be constructed in compliance with the current regulations of the district in which the nonconforming building, structure, or use is permitted.

   A nonconforming use shall not be enlarged or expanded so as to encroach upon any adjacent or contiguous lot of record. Such contiguous/adjacent lots of record, or any portion thereof, shall not constitute part of the "Zoning Lot" of a nonconforming use.

B. Restoration of Damaged Building or Structure: 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, provided such replacement or repair does not extend the nonconforming use in square foot area, except as permitted in Section 303.3A.

SECTION 303.4 NONCONFORMING SIGNS

All legally nonconforming signs may be replaced, rebuilt or restored at the same location, height, and square footage of signage in existence at the time this resolution takes effect upon obtaining a zoning permit as long as the sign has not been discontinued for a period of two (2) years or more.

SECTION 303.5 UNSAFE STRUCTURES

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a nonconforming building or structure declared unsafe by a proper authority.

SECTION 303.6 NONCONFORMING/SUBSTANDARD LOTS

SUBSTANDARD LOT-RESIDENTIAL

Any parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations and containing less than seven thousand-five hundred (7,500) square feet in area shall not be issued a permit for residential dwelling use except upon approval of the Board of Appeals.

Any parcel being a lot of record or a lot which a land contract has been issued before the effective date of these regulations and containing seven thousand-five hundred (7,500) square feet or more, conforming to all front, side and rear yard requirements and permitted uses of that Residential District may be issued a permit for residential use upon review by the Zoning Inspector.

SUBSTANDARD LOT-BUSINESS AND INDUSTRIAL

Any parcel being a lot of record or a lot for which a land contract has been issued before the effective date of these regulations and containing less than fifteen thousand (15,000) square feet in area shall not be issued a permit for Business or Industrial use except upon approval of the Board of Zoning Appeals.

Any parcel being of lot of record or a lot for which land contract has been issued before the effective date of these regulations and containing fifteen thousand (15,000) square feet or more, conforming to all front, side and rear yard requirements and permitted uses of that Business or Industrial District may be issued a permit for Business or Industrial use upon review by the Zoning Inspector.

"Approval of any substandard lot shall be subject to the Stark County Board of Health's approval." (RPC)

SECTION 303.7 COMPLETION OF CONSTRUCTION APPROVED PRIOR TO RESOLUTION

Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building of 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 adoption of this Resolution, 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.

SECTION 303.8 DISTRICT CHANGES

Whenever the boundaries of a district are 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.

SECTION 303.9 CONVERTING NON-CONFORMING RESIDENTIAL USE TO COMMERCIAL USE

For any use that is being converted from a non-conforming residential use to a commercial use all buildings, landscaping, and parking lot additions must comply with the zoning regulations per the district in which it is located. A zoning application shall be submitted to the zoning department along with 2 sets of construction plans, 2 site plans showing buildings, parking, landscaping, and setbacks, and an approval letter from Stark County Regional Planning.

Chapter 304
Wireless Telecommunication Facilities

304.1 Intent
304.2 Definitions
304.3 Permitted Locations
304.5 Collocation Covenant of Good Faith
304.6 Standards Applicable to all Wireless Telecommunications Facilities
304.7 Abandoned Telecommunications Facilities
304.8 FCC Compliance

SECTION 304.1 INTENT

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

A. To protect property values;
B. To regulate a commercial use so as to provide for orderly and safe development within the Township;
C. To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
D. To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities.
E. To promote collocation of wireless telecommunications facilities in order to decrease the number of towers in the Township; and
F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

SECTION 304.2 DEFINITIONS

A. Collocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
B. Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
D. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

SECTION 304.3 PERMITTED LOCATIONS

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances. Efforts shall be made to locate in the areas listed in the order of priority listed.

A. First priority: New wireless antennas may collocate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, and cooling towers.

B. Second priority: A wireless telecommunication tower and/or antenna facility may be located in a B-1, B-2, B-3, PBRD, I-1 zoning district as set forth on the Zoning Map.

SECTION 304.4 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL

A wireless telecommunications tower or facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals and the issuance of a conditional use permit and zoning certificate provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 431.2 and the procedures set forth in Chapter 802.

A. Locations. Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas, in the order of priority listed.
   1. First priority. In an R-R, R-1 or R-1A District located at least 200 feet from an existing residential dwelling.
   2. Second priority. In an R-2 or R-3 Residential PUD District located at least 200 feet from an existing residential dwelling.
   3. Third priority. In an R-4, R-5 R-6PUD or C-P District located at least 200 feet from an existing residential dwelling.

B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:
   1. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in Section 304.3; or
   2. If another tower, building or structure set forth in Section 304.3 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure; or
   3. If an area set forth in Section 304.3 is technically suitable, the applicant must show that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 304.3 under reasonable terms and that each request was rejected.

With the conditional use permit application, the applicant must demonstrate that a technically suitable location is not available in any area set forth in Section 304.3 and shall list the location of every tower, building or structure and all of the areas set forth in Section 304.3 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

SECTION 304.5 COLLOCATION COVENANT OF GOOD FAITH

A. All towers, owned by a licensed carrier, upon which this Chapter permits collocation, of additional antennae, shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically collocated thereon. However, such licensed carrier may charge a reasonable fee for the collocation of additional antennae upon said tower.

B. All licensed carriers shall cooperate with each other in collocating additional antennae upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to collocate upon its tower, the Zoning Inspector may require a third party technical study to evaluate the feasibility of collocation at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this Chapter for a new tower.

C. Any licensed carrier that allows collocation upon a tower permitted pursuant to this Chapter may condition said collocation to assure that the collocated antennae does not cause electronic or radio-frequency interference with its existing antennae. In the event that the collocated licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow collocation of the interfering antennae upon its structure.

SECTION 304.6 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS TOWER FACILITIES NOT EXEMPT UNDER ORC 519.211

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.

B. The minimum setback of the tower from all property lines shall be:

1. The height of the tower plus 25 feet, or
2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:
    a. 40 feet from any property line abutting a nonresidential lot.
    b. 75 feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure shall comply with the front yard setbacks for the district in which it is located.

C. Towers located as a conditional use in accordance with Section 304.04 shall not exceed a height of 200 feet and shall be monopole structures.

D. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet and shall not exceed 50 square feet in area, either above or below ground.

E. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.

F. Prior to approving a new tower, a tower height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited to: height, opportunities or collocation, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).

G. The base of the tower, including any guy wires, and all related facilities shall be completely enclosed with a secure fence having a minimum height of 8 feet. The fence shall include three strands of barbed wire along the top and shall be equipped with a locked gate. The fence shall be completely screened from view by at least one of the following:

   1. A row of evergreen trees spaced not less than ten feet on center. The initial plantings shall be no less than six feet tall.
   2. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
   3. Other appropriate landscaping that achieves the screening objective.

H. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

I. The tower shall be equipped with an appropriate anti-climbing devise or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.

J. The tower shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Authority. Any lighting so required shall be installed to minimize the impact on adjoining properties.

K. Any accessory buildings shall comply with the location regulations set forth for the district in which the tower is located.

L. “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include a local or toll free telephone number of whom to contact in the event of an emergency. The warning sign shall be 12 inches by 12 inches. No other signs or advertising shall be located anywhere on the facility.

M. The applicant shall submit a reclamation plan at the time of the development plan review. All towers, structures and equipment shall be removed by the owner of the tower or facility,

and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

SECTION 304.7 ABANDONED TELECOMMUNICATIONS FACILITIES

A. The owner or operator of a tower shall, on an annual basis, submit a written report to the Zoning Inspector, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the tower for a period of three months during the prior year. Annual compliance reports shall be submitted by January 1st of each calendar year. Provided, however, that a tower permitted and installed within nine months prior to January 1st shall not be required to submit the first compliance report until the following January 1st.

B. Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within 180 days after receipt of a notice from the Zoning Inspector to do so.

C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

D. If a tower and facilities are not removed within 180 days after receipt of a notice from the Township requiring said removal, the Township may seek and obtain a court order directing such removal and imposing a lien upon which such tower is situated in an amount equal to the cost of removal.

SECTION 304.8 FCC COMPLIANCE

Prior to receiving final inspection by the Zoning Inspector, documentation shall be submitted to the Zoning Inspector certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

ARTICLE IV
DISTRICT REGULATIONS

Chapter 401
Residential Districts

401.1 Purpose
401.2 Use Regulations
401.3 Schedule of Permitted Uses
401.4 Regulations for Individual Lots with a Single Principal Building
401.5 Lot Requirements for Subdivided Lots
401.6 Minimum Required Yards for Principal Uses on Lots
401.7 Front Yard and Side Yard Exceptions
401.8 Height Requirements
401.9 Dwelling Unit Requirements
401.10 Parking and Driveway Requirements
401.11 Accessory Use Yard and Height Regulations
401.12 Supplemental Accessory Use Regulations
401.13 Home Occupation
401.14 Parking of Certain Vehicles
401.15 Regulations of Planned Developments
401.16 Project Requirements for Planned Developments
401.17 Open Space Requirements in R-3 and R-6 PUD District
401.18 Site Development Requirements for Planned Developments in an R-6 PUD District
401.19 Regulations for R-3 Residential Planned Unit Development District
401.20 Site Development Requirements for Planned Developments in R-4 and R-5PUD Districts
401.21 Review Requirements for Planned Unit Developments
401.22 Permitted Use Certificate Required
401.23 Minimum Required Yards for Public Elementary and Secondary Schools, Colleges, Universities and Technical Schools in Residential Districts

SECTION 401.1 PURPOSE

A. O-S Open Space District. To provide open space and community parks for Jackson Township residents, offering a broad range of recreation, scenic, economic, and ecological benefits. This district is established for the purpose of protecting and preserving the values of distinctive geologic, topographic, botanic, historic, recreational, and scenic areas. Protection of the ecological balances of these areas and conservation of natural environmental resources such as waterways and tracts of forestland is desired by this district.

B. R-R Rural Residential District. This district is established to accommodate one single-family residential dwelling per lot with or without central sewer and water facilities. A minimum lot size of 20,000 square feet is intended to provide for areas of semi-suburban character in the community and to prevent excessive demands on the sewerage and water systems, streets, schools, and other community facilities.

C. R-1 Single-Family Low Density Residential District. This district is established to accommodate one single-family residential dwelling per lot. The permitted density is intended to provide for areas of suburban character in the community and to prevent excessive demands on the sewerage and water systems, streets, schools, and other community facilities.

D. R-1A Single-Family Residential District. The purpose of this district is to allow one single family residential dwelling per lot in areas that are in close proximity to urban centers or adjacent to existing development of such density in areas served by central water and sewer systems.

E. R-2 Two Family Residential District. The purpose of this district is to permit two-family dwelling units and detached single family units at densities of up to six (6) dwelling units per acre in area served by central water and sewer systems.

F. R-3 Residential Planned Unit Development District. The purpose of this district is to promote the development of attached and detached single family dwellings in an atmosphere which provides a degree of flexibility in development where final approval or denial for same is given at the conclusion of the amendment process, with a maximum density of six (6) dwelling units per acre for an R-3 attached single family PUD and a maximum of 2.2 dwelling units per acre for an R-3 detached single family PUD. No commercial uses are permitted.

   This type of development may occur 1) between residential and multi-family zoning classifications, or 2) between residential and commercial zoning classifications, and 3) shall have access onto an arterial, collector or local street according to the Stark County Area Transportation Study street classification, and 4) as determined to be compatible with surrounding land uses and appropriate for the area when considered within the context of an integrated development plan consistent with the Planned Unit Development concept.

G. R-4 Multi-Family Residential Planned Unit Development District. The purpose of this district is to permit attached single-family and multi-family developments at densities of up to ten (10) dwelling units per acre. Development shall provide for the efficient development and utilization of community facilities such as water, sewers, and streets.

H. R-5 Multi-Family High Density Residential Planned Unit Development District. The purpose of this district is to permit multi-family developments at densities of up to twenty-five (25) dwelling units per acre in areas of the community where high-density housing may be desirable.

I. R-6 PUD Planned Unit Development District. The Planned Unit Development (PUD) District is established to provide a degree of flexibility in the development of single-family and multi-family homes with a density not to exceed eight (8) units per acre. Use of the R-6 PUD is intended to facilitate the preservation of significant natural or manmade features. Limited commercial uses are permitted on parcels of one hundred (100) or more acres.

SECTION 401.2 USE REGULATIONS

In the O-S, R-R, R-1, R-1A, R-2 R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, and R-6 PUD Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved, or structurally altered, only for a permitted principal use specified for such district in Schedule 401.3, a permitted conditional use in accordance with Section 431, or an accessory use to a permitted or conditional permitted use in accordance with Sections 401.11 through 401.14.

A. Principal Use. Uses enumerated in Schedule 401.3, below, when denoted with the letter "P" are principal uses permitted by right in the district so indicated, provided that all requirements of other Jackson Township regulations have been met.

B. Conditional Permitted Uses. Uses enumerated in Schedule 401.3, when denoted with the letters "CUP" are conditional uses which may (together with their accessory uses) be permitted in the

district so indicated, provided they conform to the conditions, standards, and requirements of these regulations and are approved for a particular parcel in accordance with the administrative procedures of Chapter 802.

C. Uses Permitted in an R-3 Residential, R-4 and R-5 Multi-Family Residential PUD and R-6 PUD Districts. All development in an R-3 Residential PUD, R-4 and R-5 Multi-Family Residential PUD and R-6 PUD District shall be planned and designed as a planned unit development and shall be reviewed and approved according to the procedures set forth in Chapter 805. Uses enumerated in Schedule 401.3, when denoted with the letter "PR", are uses that shall (together with their accessory uses) be permitted as part of a planned unit development.

D. Accessory Uses. Accessory uses, buildings, and structures subject to regulations as specified herein, are permitted in association with and subordinate to a permitted principal or conditional use in the O-S, R-R, R-1, R-1A, R-2, R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, and R-6 PUD Districts and include, but are not limited to, the following:

1. Home occupations-See Section 401.13;
2. Accessory buildings, such as garages and storage sheds-Section 401.11 and 401.12A;
3. Accessory structures, such as porches, decks, patios, swimming pools-Section 401.11 and 401.12B,C and D;
4. Satellite Dishes-Section 401.11 and 401.12G;
5. Temporary Buildings-Section 401.11 and 401.12E;
6. Fences-Section 401.11 and 401.12F;
7. Signs-Article V, Chapter 501-504;
8. Parking-Article VI, Chapter 601;
9. Parking of Certain Vehicles-Section 401.14;
10. Recreational and community facilities for use by residents of a residential development-Section 401.11 and/or 401.12H;
11. Freestanding Wind Energy Conversion System-See Section 401.12K for WECS requirements;
12. Small Structure Mounted Wind Energy Conversion System (SSM-WECS)-See Section 401.12L;
13. Outdoor Wood Burning Furnaces-See Section 401.12J;
14. Temporary Storage Pod (unit)-Section 401.11 and 401.12I;
15. Hot Tub-Section 401.12M;
16. Pergola or Arbor-401.12N.
17. Recreation, Private Use

SECTION 401.3 SCHEDULE OF USES

Column A.	B.	C.	D.	E.	F.	G.	H.	I.	J.
LAND USE CATEGORY	**O-S**	**R-R[d]**	**R-1[d]**	**R-1A[d]**	**R-2**	**R-3 PUD [a]**	**R-4 PUD[g]**	**R-5 PUD[g]**	**R-6 PUD [b]**
1. Residential Uses:									
a. Single-family Dwelling(s) Detached		P	P	P	P	PR			PR
b. Two Family Dwelling					P	PR	PR	PR	PR
c. Single-family Attached Dwelling						PR	PR	PR	PR
d. Multi-family Dwelling(s)							PR	PR	PR
e. Group Dwelling Development					CUP				PR
f. Licensed Family Home for Handicapped Persons		P	P	P	P	PR	PR	PR	
g. Licensed Group Home for Handicapped Persons					CUP	PR	PR	PR	
h. Congregate Living Development					CUP				
i. Congregate Living Facility		CUP	CUP	CUP	CUP	PR	PR	PR	PR
j. Bed and Breakfast, Residential			CUP			PR			PR
2. Retail and Service Uses:									
a. Retail sales, personal services, and restaurants w/o drive thru									PR
b. Farm Market		P	P	P	P	P	P	P	PR
c. Agricultural Uses-(in compliance with 102.1 & 302.6)	P	P	P	P	P	P	P	P	P
3. Recreational, Entertainment Uses:									
a. Temporary recreational events, fairs, festivals	P	P	P	P	P	P	P	P	P
b. Recreational Facilities, Type A		P	P	P	P	PR	PR	PR	PR
4. Community Facilities									
a. Elementary and secondary schools and related facilities, public [f]		P	P	P	P				PR
b. Elementary and secondary schools and related facilities-Private		CUP	CUP	CUP	CUP				PR
c. Public Safety Facilities		P	P	P	P	P	P	P	P
d. Public Service Facilities	P	P	P	P	P	P	P	P	P
e. Public Maintenance Facilities	P	P	P	P	P	P	P	P	P
f. College/University/ Technical school and related facilities-Private		CUP	CUP	CUP	CUP				

SECTION 401.3 SCHEDULE OF PERMITTED USES

Column A.	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**	**H.**	**I.**	**J.**
LAND USE CATEGORY	**O-S**	**R-R[d]**	**R-1[d]**	**R-1A[d]**	**R-2**	**R-3 PUD [a]**	**R-4 PUD[g]**	**R-5 PUD[g]**	**R-6 PUD [b]**
g. College/University/ Technical school and related facilities-Public [f]		P	P	P	P				
h. Library, Museum		CUP	CUP	CUP	CUP				
i. Adult or Child Day Care Center		CUP	CUP	CUP	CUP				PR
j. Family Day Care Home Type A		CUP	CUP	CUP	CUP				PR
k. Family Day Care Home Type B		P	P	P	P	P	P	P	P
l. Churches and other places of worship		CUP	CUP	CUP	CUP	PR	PR	PR	PR
m. Hospital			CUP	CUP	CUP				PR
n. Telecommunication Facilities		(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)
o. Surface Mining [e]		CUP	CUP	CUP	CUP				PR

Notes to Schedule of Permitted Uses:

(a) See Section 401.15, 401.16, 401.19, and 401.21 for regulations for R-3 Residential PUD's.
(b) See Section 401.15, 401.16, 401.17, 401.18 and 401.21 for regulations for R-6 PUD's.
(c) See Chapter 304 for regulations for Wireless Telecommunication Facilities.
(d) Only one (1) residential dwelling unit per lot is permitted unless otherwise stated in these regulations.
(e) Requires renewal of a conditional use permit on an annual basis.
(f) See section 401.23 for regulations.
(g) See Section 401.15, 401.16, 401.20, 401.21 for regulations for R-4 and R-5 Multi-Family Residential PUD's.

SECTION 401.4 REGULATIONS FOR INDIVIDUAL LOTS WITH A SINGLE PRINCIPAL BUILDING

The provisions of Section 401.4 through 401.14 inclusive of this Chapter apply to the development of a lot with only one principal permitted or conditional building, unless otherwise specifically stated elsewhere in these regulations. Specific development regulations for planned unit developments in R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD and R-6 PUD Districts are set forth in Sections 401.15 through 401.20.

SECTION 401.5 LOT REQUIREMENTS FOR SUBDIVIDED LOTS

The minimum area, width and frontage of a lot that may be used for purposes of one principal building, maximum density of dwelling units and minimum open space requirements are set forth in Schedule 401.5.

Schedule 401.5

Lot Area, Width, Frontage, Density and Open Space Requirements

Column A.	B.	C.	D.	E.	F.
Zoning District	**Minimum Lot Area**	**Minimum Lot Width at 100' setback**	**Minimum Lot Frontage**	**Maximum Density of Units**	**Maximum Building & Parking Coverage**
1. O-S	1 Acre	50 feet	50 feet	N/A	N/A
2. R-R	20,000 sq. ft.	100 feet	50 feet	N/A	N/A
3. R-1	14,500 sq. ft.	80 feet	50 feet	N/A	N/A
4. R-1A	12,000 sq. ft.	80 feet	50 feet	N/A	N/A
5. R-2	14,500 sq. ft.	80 feet	50 feet	6 un/ac	85%
6. R-3PUD	(b)	(b)	(b)	(b)	(b)
7. R-4PUD	(c)	(c)	(c)	(c)	(c)
8. R-5PUD	(c)	(c)	(c)	(c)	(c)
9. R-6PUD	(a)	(a)	(a)	(a)	(a)

Notes to Schedule 401.5:

(a) See Sections 401.15 thru 401.18 and 401.21for regulations for R-6 PUD's.
(b) See Section 401.15, 401.16, 401.19 and 401.21 for regulations for R-3 PUD's.
(c) See Section 401.15, 401.16, 401.20 and 401.21 for regulations for R-4 and R-5 PUD's.
Un/ac = dwelling units per acre.

A. Maximum Density. The density of a single-family attached or multi-family residential development shall not exceed the number of dwelling units per acre set forth in Schedule 401.5. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of land area devoted to public right-of-way existing at the time an application is submitted, by the number of dwelling units permitted per acre.

B. Maximum Building and Parking Coverage. For each single-family attached or multi-family residential development, the maximum building and parking coverage of the lot is set forth in Schedule 401.5.

SECTION 401.6 MINIMUM REQUIRED YARDS FOR PRINCIPAL USES ON LOTS (See Chapter 413 Riparian Areas for minimum required yards for principal uses on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

For each principal use, front, side and rear yards shall be provided in accordance with the dimensions specified in Schedule 401.6, unless otherwise specifically stated in these regulations. Each yard shall be unobstructed by a structure except as otherwise provided in these regulations. No structure shall be permitted to be built across a lot line; however, lots may be legally combined to meet the required setbacks.

Such areas, together with all other portions of the zoning lot that are not covered by permitted structures shall be landscaped with grass, trees, shrubbery, and/or other appropriate ground cover or landscaping material, which shall be adequately maintained, so as to assure absorption of rainfall, and to

prevent erosion from rapid runoff of surface water. Landscaping shall be implemented within 6 months of the completion of the building or structure.

Schedule 401.6

Minimum Required Yards For Principal Uses on Lots

Column A	B.	C.	D.	E.
District	**Front Yard Depth [(a)]**	**Rear Yard Depth**	**Side Yard Width**	**Side and Rear Yard Depth When Abutting R-R or R-1 Districts**
1. O-S	35 feet	25 feet	25 feet	25 feet
2. R-R	40 feet	25 feet	10 feet	[(b)]
3. R-1	40 feet	15 feet	10 feet	[(b)]
4. R-1A	40 feet	15 feet	10 feet	15 feet
5. R-2	40 feet	25 feet	10 feet	35 feet
6. R-3PUD	(d)	(d)	(d)	(d)
7. R-4PUD	(e)	(e)	(e)	(e)
8. R-5PUD	(e)	(e)	(e)	(e)
9. R-6PUD	(c)	(c)	(c)	(c)

Notes to Schedule 401.6:

(a) For corner and double frontage lots, either street may be designated to meet the front yard setback, as required for such district. A minimum setback of twenty-five (25) feet shall be required on the other street for all structures.
(b) Same as the requirement specified in columns C and D respectively.
(c) See Section 401.18 for regulations for R-6PUD's.
(d) See Section 401.19 for specific R-3 PUD requirements.
(e) See Section 401.20 for specific R-4 and R-5 PUD requirements.

SECTION 401.7 FRONT AND SIDE YARD EXCEPTIONS

In any "R" District where the average depth of at least two (2) existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front is less than the least front yard depth prescribed in Schedule 401.6, the required depth of the front yard on such lot may be modified. In such cases, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on any lot shall not be less than twenty-five (25) feet.

In any Residential District where the lot width of any lot platted prior to November 13, 1959, is sixty (60) feet or less, at the required front building line, the side yard setback shall be permitted to be five (5) feet on each side for the principal and accessory buildings and structures.

SECTION 401.8 HEIGHT REQUIREMENTS

The maximum height of principal buildings in the O-S, R-R, R-1, R-1A, R-2, R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, and R-6 PUD districts shall be 40 feet, except as otherwise set forth in Section 302.1 and 431.6.

Building height shall be the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to 1) the highest point of the roof for flat roofs, 2) the deck line for mansard roofs, and 3) the mean height between eaves and ridge for gable, hip, and gambrel roofs.

SECTION 401.9 DWELLING UNIT REQUIREMENTS

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum foundation sizes and floor areas of dwelling units. For the purpose of determining the minimum foundation size and floor area, porches, steps, breezeways, attached or built-in garages, or other attached structures not intended for human occupancy shall be excluded.

A. The foundation size of a single-family dwelling shall have an area of not less than seven hundred fifty (750) square feet, or
B. The total floor area of a full two (2) story single-family dwelling shall not be less than twelve hundred (1,200) square feet.
C. A building addition to a principal dwelling shall be considered attached if the principal dwelling and the addition are connected by a solid roof or a shared party wall.

SECTION 401.10 PARKING AND DRIVEWAY REQUIREMENTS

A. Driveways for residential uses shall have a width not less than eight (8) feet.
B. Off street parking, exclusive of driveways, shall occupy no more than one-third of any front or rear yard, or one third of any side yard when abutting a secondary road right of way in any R-R, R-1 or R-1A district. The location of off-street parking facilities for more than five (5) vehicles may be located in required yards in any O-S, R-2, R-4 PUD and R-5 PUD district. Driveways and parking areas for residential uses do not require a zoning permit.

SECTION 401.11 ACCESSORY USE YARD AND HEIGHT REGULATIONS (See Chapter 413 Riparian Areas for minimum yard requirements for accessory uses or structures on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek.)

Accessory uses, buildings and structures permitted in the O-S, R-R, R-1, R-1A, R-2, R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD and R-6 PUD districts shall conform to the location, coverage and height standards contained in this Section, except where otherwise noted. An accessory building or structure shall be located as set forth in Schedule 401.11 below, however, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in Section 401.12.

Accessory building or structure height shall be the vertical distance measured from the average elevation of the proposed finished grade at the front of the building or structure to 1) the highest point of the roof for flat roofs, 2) the deck line for mansard roofs, and 3) the mean height between the eaves and ridge for gable, hip, and gambrel roofs.

Schedule 401.11
Minimum Yard Requirements and Height for Accessory Uses or Structures

Column A.	B.	C.	D.	E.	F.	G.
Accessory building, use or structure [a]	Yard in which use or building permitted	Minimum distance in feet from structure to:				Maximum Height of Structures (in ft.)
		Rear Lot Line	Side Lot Line	Street R-O-W Line	From Principal Building	
1. Detached Accessory Building & Structures (not specifically listed) 120 sq. ft. or less	Rear and Side	5	5	25	15	15
2. Detached Accessory Building & Structures (not specifically listed) >120 sq. ft.	Rear and Side	10	10	25	15[b]	18
3. Dog houses, Children's Toy Playhouse, Children's Treehouse & other accessory buildings 32 sq. ft. or less and Gym Equipment. No permit required	Rear and Side	5	5	25	N/A	10
4. Temporary Storage Pods and Temporary Storage Containers	See Section 401.12 (I)					
5. Swimming Pool, Hot Tubs, Sauna, Gazebos, Pergola, Arbors, & Temporary Carports[a]	Rear and Side	10	10	25	N/A	18
6. Satellite Dishes >25" in diameter or 491 sq. in.	Rear or side	5	5	25	May be attached	Not located on rooftops
7. Farm Markets	Front, side or rear	10	10	25	15	18
8. Temporary buildings and uses	Front, side or rear	10	10	25	20	18
9. Fences)	Front, side or rear	See Section 401.12F				
10. Outdoor Wood Burning Furnace	See Section 401.12J for outdoor wood burning furnace requirements					
11. Freestanding Wind Energy Conversions System	See Section 401.12 (K) for WECS requirements					
12. Small Structure Wind Energy Conversion System	See Section 401.12(L) for SSM-WECS requirements					
13. Outdoor Fireplace	Rear and Side	10	10	25	15[b]	18
14. Porches, Balconies, Decks, Patio's and Sidewalks	See Section 401.12(C)					
15. Boat Docks	Rear and Side	See Section 401.12(Q)				
16. Commercial Trash Containers & Dumpsters	See Section 401.12(R)					

Notes to Schedule 401.11:
(a) See also Section 401.12.
(b) 15 ft. from all adjacent buildings.

SECTION 401.12 SUPPLEMENTAL ACCESSORY USE REGULATIONS

In addition to the yard and height regulations set forth in Section 401.11, accessory uses shall comply with the following supplemental regulations.

A. Accessory buildings:

1. Garages and other accessory buildings attached to the principal dwelling shall be considered part of the dwelling unit and shall comply with the required setbacks for dwellings. Detached garages and carports shall comply with all requirements for accessory buildings.
2. Accessory buildings shall not be used as living quarters.
3. The total of all unattached accessory buildings on a lot or parcel in the R-R, R-1, or R-1A districts shall not exceed the following:
   a) One thousand two-hundred (1,200) square feet for parcels or lots one acre or less.
   b) Three-thousand (3,000) square feet or three percent (3%) of the lot or parcel, whichever is greater, for parcels or lots that are greater than one acre.
   c) The square footage of an unattached accessory building shall be calculated by the square footage of the buildings foundation plus any attached porches, patio's or deck's with a roof and balconies.
4. Buildings as an accessory use to a residential dwelling in R-2, R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD and R-6 PUD Districts shall comply with the following, except as otherwise specifically permitted.
   a) The total square footage of all accessory buildings in the R-2, R-4 and R-5 districts shall not exceed 500 square feet times the number of dwelling units per property.
   b) The maximum square footage of all accessory building for any individual dwelling unit in the R-3 and R-6 PUD districts shall not exceed 500 square feet.
   c) The square footage of an unattached accessory building shall be calculated by the square footage of the buildings foundation plus any attached porches, patio's or deck's with a roof and balconies.
5. A Residential Accessory Building Affidavit shall be completed and submitted for any single, detached accessory building over seven hundred (700) square feet prior to issuance of a permit.
6. Accessory buildings shall not be constructed or placed on a lot without a principal dwelling unit. If two lots are in common ownership an accessory building can only be constructed or placed on the lot with the principal dwelling unit.
7. One accessory building that is 32 sq. ft. or less and not more than 10 ft. in height shall be permitted on a lot or parcel without a permit. The building shall comply with the rear, side and right of way setbacks per Schedule 401.11 of the zoning resolution; however need not comply with the setbacks from the principal dwelling.
8. Accessory structures, such as pergolas, arbors, temporary carports, and unroofed porches, decks, and patio's, shall not be calculated as square footage when considering the total square footage of accessory buildings that are permitted on a lot or parcel of land; however, they shall comply with other regulations set forth in Section 401.11 and 401.12.

B. Swimming Pools:

1. All above ground swimming pools greater than (3) feet in height and all in ground swimming pools require a permit and shall comply with all setback requirements.
2. Construction, plumbing and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state building codes.
3. No pool shall be filled with water until the appropriate means of preventing uncontrolled access from the street or adjacent properties has been completed. The type of uncontrolled access must be stipulated on the site plan and application.
4. In Ground Pools
   a) All in-ground swimming pools shall be enclosed with a wall or fence having a minimum height of four (4) feet and be equipped with a gate and locking device that is securely latched to prevent uncontrolled access from adjacent properties.
   b) For lots or parcels five acres or greater an in-ground swimming pool may be secured with an automatic pool cover that meets the American Society for Testing and Material Standards (ASTM F1346-91) in lieu of a wall or fence. Cover should always be closed when pool is not in use.
5. Above Ground Pools – All above ground swimming pools greater than three (3) feet in height with a wall height less than four (4) feet shall be secured with the following:
   a) The pool area or the entire property on which it is located shall be enclosed with a wall or fence having a minimum height of four (4) feet and be equipped with a gate and locking device that is securely latched to prevent uncontrolled access from adjacent properties.
6. Above Ground Pools-All above ground swimming pools with a wall height four (4) feet or greater shall be secured with one of the following:
   a) The pool shall have steps or a ladder that swings up and locks in place off the ground or removed when the pool is unattended.
   b) The pool platform or deck has a gate with a locking device to prevent uncontrolled access from adjacent properties.
   c) The pool area or the entire property on which it is located shall be enclosed with a wall or fence having a minimum height of four (4) feet and be equipped with a gate and locking device that is securely latched to prevent uncontrolled access from adjacent properties.
7. All enclosures shall be maintained in good condition.
8. All above ground swimming pools less than thirty-seven (37) inches in height but more than twenty-four (24) inches in height shall be covered when not in use to prevent uncontrolled access.
9. Swimming pools two (2) feet or less shall not be regulated.

Abandoned Swimming pools:

A swimming pool shall be considered abandoned when the use has ceased and the pool is not maintained on a continued basis.

1. Above ground residential or commercial swimming pools which have been abandoned for more than twenty-four (24) months shall be removed from the property.
2. In-ground residential or commercial swimming pools which have been abandoned for more than twenty-four (24) months shall be filled-in.

C. Porches, Decks, Patios, and Sidewalks:

1. Porches, balconies and decks as an accessory to a principal or accessory building shall meet the setbacks from property lines for the principal or accessory building, except that decks without a roof, such as around a swimming pool, shall be permitted to be 10 ft. from the side and rear property line.
2. Accessory structures such as porches, patio's, and decks with a roof, and balconies as part of a principal or an accessory building shall be counted as part of the square footage for the principal or the accessory building.
3. The installation of cement, brick, or block patios (without a roof or footers) and sidewalks shall not be regulated and do not require a permit.
4. Stand Alone Freestanding Decks 120 sq. ft. or less as an accessory to a boat dock shall be a minimum of 5 ft. from the side property line. Stand Alone freestanding decks as an accessory to a boat dock that are greater than 120 sq. ft. shall be a minimum of 10 ft. from the side property line. Decks for boat docks do not require a setback from or into the water.

D. Dog houses, Children's Toy Playhouses, Children's Treehouses, Playground and Gym Equipment: Uses such as doghouses, children's toy playhouses and children's treehouses 32 sq. ft. or less, and playground and gym equipment shall not require a permit.

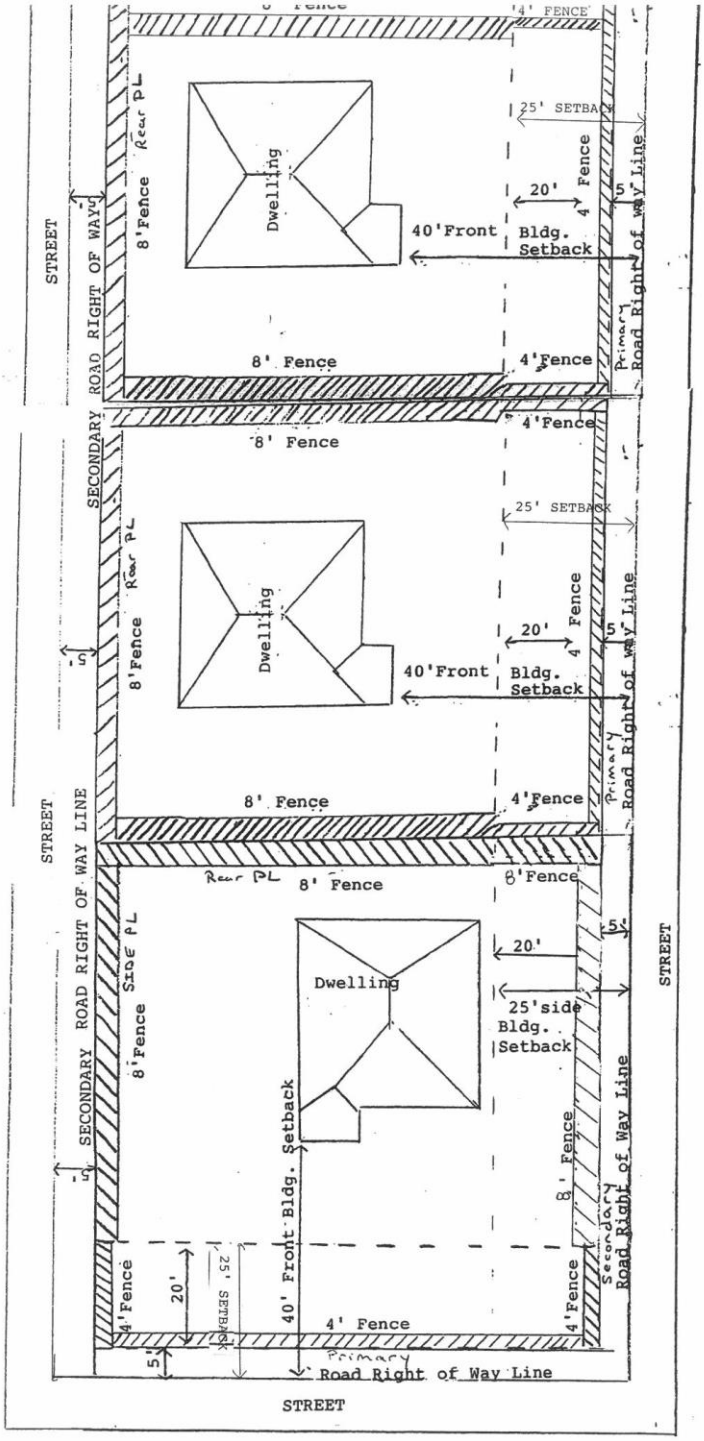
E. Temporary construction buildings and uses:

1. Temporary buildings, including tents and construction trailers, for uses incidental to construction work may be erected in any residential zoning district.
2. Temporary buildings shall be removed upon completion or abandonment of construction work.
3. Signs shall be permitted in compliance with Article V, Chapter 501-504.
4. Parking shall be required in compliance with Article VI, Chapter 601.
5. On-street parking shall not be permitted.
6. Temporary uses shall comply with Section 801.16.

F. Fences:

1. A permit must be obtained prior to the construction of a new or replacement fence. A permit is not required for the repairing of an existing fence.
2. All fences must be a minimum of 5 ft. from any road right of way.
3. The maximum height of any fence shall be 8 ft., unless otherwise specified in these regulations.
4. Fences located in the front yard area parallel to the front property line shall not exceed a maximum height of 4 ft.
5. Fences located parallel to the side property lines that are within 25 ft. of the front property line shall not exceed a maximum height of 4 ft.
6. Fences located parallel to the side property lines that are setback greater than 25 ft. from the front property line shall not exceed a maximum height of 8 ft.
7. All fences should be constructed in a professional manner and shall be maintained in good condition at all times.
8. A gate constructed separately or as part of a fence shall be considered a fence for the purpose of these regulations.
9. A wall constructed for the purpose of fencing, excluding retaining walls, shall be considered a fence for the purpose of these regulations.

Fence illustration



G. Satellite Dishes: Satellite dishes <25" in diameter or 491 square inches shall not require a permit.

H. Recreational and Community Facilities Located in a Residential Development: Recreational and community facilities that are accessory to a multi-family development shall be designed and intended for use only by the residents of the development and shall comply with the setback requirements for principal buildings for the district in which the development is located.

I. Temporary Storage Pod and Temporary Storage Container:
No more than one temporary storage pod or temporary storage container per lot or parcel shall be permitted per calendar year. A permit shall be valid for a period of 90 consecutive days per calendar year. An extension of an additional 90 consecutive days may be approved by the Zoning Inspector at the request of the applicant upon evidence of an ongoing project, such as rehabilitation or interior construction work. Temporary POD's and containers must be located a minimum of 10 ft. from any road right of way line and 5 ft. from a side or rear property line.

J. Outdoor Wood Burning Furnace:
An outdoor wood burning furnace may be permitted within the R-R Rural Residential District on lots that are five (5) acres or greater. An outdoor wood burning furnace shall not be permitted in any other zoning district. All wood burning furnaces shall meet the following requirements:
1. Must be located in the rear yard only;
2. Must be setback 200 ft. from all property lines;
3. No outdoor wood burning furnace shall be utilized as a waste incinerator;
4. Fuels are limited to seasoned hardwood, corncobs, or wood chips;
5. Must comply with Stark County Building Department regulations (building, mechanical, electrical, heating) and Ohio EPA Air Pollution Control Division regulations;
6. Fire Department approval of furnace location;
7. Minimum stack height shall be 20 feet from the ground at unit base.

No person shall cause, allow or maintain the use of an outdoor wood burning furnace without a valid zoning permit.

K. Freestanding Wind Energy Conversion System:
Freestanding Wind Energy Conversion System for energy uses shall be permitted as an accessory to a principal use within the R-R Rural Residential Districts on lots 5 acres or greater and comply with the following regulations:
1. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
2. Placement of WECS towers at a density of no greater than one (1) per five (5) acres.
3. No WECS shall be located in any required front yard area.
4. Maximum height shall be 100 ft. 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.
5. Minimum setback from all property lines, structures, and above ground utility lines shall be the height of the tower, measured from the natural grade to the tip of the blade in a vertical position, plus 25 ft.
6. Anchor points for guy wires for the tower shall be located no closer than 25 ft. to the property lines and not on or across any above ground electric transmission or distribution line.
7. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 ft.

8. Blade color shall be white or light gray.
9. Lighting of the tower for aircraft and helicopter will conform with Federal Aviation Administration (FAA) standards for wattage and color, when applicable.
10. The tower should have either:
    a. Tower climbing apparatus located no close than 12 feet to the ground level at the base of the structure.
    b. A locked anti-climbing device installed on the tower, or
    c. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
11. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
12. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
13. No variance shall be issued for the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

Site Plan Requirements include but are not limited to:

1. Property lines and physical dimensions of the site.
2. Location of WECS tower, guy wires, and setbacks from property lines, above ground utility lines and structures on the property.
3. Location of signage.
4. Elevation of the proposed WECS tower.
5. Location of trees within a 100 ft. radius of the proposed WECS.
6. Make, model, picture, and manufacturer's specification, including noise decibels.

Decommissioning:

1. The WECS owner/applicant shall complete Decommissioning within 12 months after the end of the WECS useful life. The term "useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WECS.
2. All Decommissioning expenses are the responsibility of the Owner/Applicant.
3. The Board of Zoning Appeals, my grant an extension of the Decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one year.
4. If the WECS Owner/Applicant fails to complete the act of Decommissioning within the period described in this Section, the Jackson Township Trustees may deem the WECS a public nuisance.
5. Following removal of the WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

Windmills 18 ft. in height or less shall be permitted in any residential district and shall have a minimum setback of 15 ft. from any building, rear or side property line, or equal to the height of the windmill, whichever is greater, and 25 ft. from any right of way line.

L. Small Structure Mounted Wind Energy Conversion System (SSM-WECS):

Small Structure Mounted Wind Energy Conversion Systems (SSM-WECS) shall be permitted in any residential zoning district as an accessory to a principal use and comply with the following regulations.

1. The lowest extension of any rotor blade or other exposed moving component of an SSM-WECS shall be at least 15 feet above the ground, as measured from the highest point of grade within 30 feet of the base of the SSM-WECS. In addition, the lowest extension of any rotor blade or other exposed moving component of an SSM-WECS shall be at least 15 feet above any outdoor areas intended for human use that are located below the SSM-WECS. Examples include balconies, roof gardens, etc.
2. An SSM-WECS shall not produce vibrations that are perceptible to humans beyond any property line upon which a SSM-WECS is located.
3. Guy wires or similar apparatus shall not be allowed as part of an SSM-WECS or installation.
4. The total height of an SSM-WECS shall not exceed 15 feet above the maximum permitted height of the structure per the district in which it is located.
5. An SSM-WECS shall be setback a minimum of 15 feet from any property line, public right-of-way, public easement or overhead utility lines.
6. If the SSM-WECS is affixed by an extension to a structure's walls, roof, or other elevated surface then the setback from property lines, public right-of-way, public easements or overhead utility lines shall be measured from the furthest outward extension of moving SSM-WECS components.
7. If more than one SSM-WECS is installed on a property, then a distance equal to the mounted height of the adjacent SSM-WECS must be maintained between the bases of each SSM-WECS.

Decommissioning:

1. The WECS owner/applicant shall complete Decommissioning within 12 months after the end of the WECS useful life. The term "useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WECS.
2. All Decommissioning expenses are the responsibility of the Owner/Applicant.
3. The Board of Zoning Appeals, my grant an extension of the Decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one year.
4. If the WECS Owner/Applicant fails to complete the act of Decommissioning within the period described in this Section, the Jackson Township Trustees may deem the WECS a public nuisance.
5. Following removal of the WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

M. Hot Tubs:

Hot Tubs shall be covered when not in use to prevent uncontrolled access.

N. Pergola or Arbor:

A pergola or arbor shall have no less than 2 inches between slats along the top of the pergola or arbor and may or may not have footers.

O. Outdoor fireplace:

No outdoor fireplace shall be utilized as a waste incinerator.

P. Temporary Carports:
For the purposes of this section temporary carports are carports that are temporary in nature, do not have footers and are not structurally attached to a building.

Q. Boat Docks:
Boat docks shall be a minimum of 5 ft. from the side property line of land area. For properties that extend into the water the setbacks shall not be regulated in the water area. A permit shall not be required for a boat dock.

R. Commercial Trash Containers or Dumpsters:
No commercial trash container or dumpster shall be permitted on any single family residential lot or parcel utilized for residential purposes, except that one (1) commercial trash container or dumpster shall be permitted to be located on a lot or parcel of land for a period not to exceed 90 consecutive days while work is actively taking place during the rehabilitation, or preparing for sale of a dwelling or structure located on the property. An extension of time period may be approved by the Zoning Inspector upon evidence of an ongoing project. Trash containers or dumpsters shall be a minimum of 10 ft. from any road right of way line and 5 ft. from any side or rear property line. For the purpose of this section the time period of 90 days shall not apply when the trash container or dumpster is being utilized for new construction.

SECTION 401.13 HOME OCCUPATIONS

A home occupation shall be permitted in any residential district, and any commercial or industrial district under a non-conforming residential use, 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 owned and operated solely by the person or persons residing in the dwelling unit and shall only employ those persons who reside in the dwelling unit.
D. One (1) unlighted nameplate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
E. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
F. Such use shall not generate more than four (4) cars at a time.
G. Parking spaces shall be provided off-street for any traffic generated by such use.
H. There shall be no retail sales of items not produced on the property.

SECTION 401.14 PARKING OF CERTAIN VEHICLES

A. 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 is prohibited in any residential district unless it is parked or stored completely within an enclosed building.

B. The parking of boats, recreational vehicles and recreational trailers in an R-R, R-1 or R-1A district shall be limited to one (1) boat and one (1) recreational vehicle or recreational trailer per lot or parcel to the extent such parking complies with all other regulations set forth in Section 401.14. At no time shall more than 24 ft. of any recreational vehicle, boat or any trailer extend into the front yard area of any residential lot or parcel with the exception of temporary parking due to loading,

unloading, and/or minor repairs will be granted in the front driveway for recreational vehicles, boats or trailers greater than 24 ft. in length upon owner's request of the Township Zoning Department. This temporary parking authorization will be valid for a period of (7) seven calendar days from notification. The only extension that will be given consideration on the (7) seven calendar time limit will be for repair provider delays, unsafe travel conditions, and/or owner medical emergencies.

C. Parking or storage of semi tractors or tractor-trailers in any residential district is prohibited. The parking or storage of any trailer that has commercial license plates and is greater than 15 feet in length in any residential district is prohibited.

D. The parking, only of one (1) commercial vehicle in connection with the residential use of the property within any residential district shall be permitted provided said vehicle does not exceed 9,000 lbs. GVW (gross vehicle weight) and the maximum height of the vehicle body does not exceed seven (7) feet in height and is currently used by the occupant of the dwelling as transportation to or from work. The parking and storage of excavating equipment in any residential district is prohibited.

SECTION 401.15 REGULATIONS OF PLANNED UNIT DEVELOPMENTS

The provisions of Sections 401.15 through 401.21 inclusive of this Chapter apply to planned unit developments in R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5-Multi-Family Residential PUD and R-6 PUD Districts. These regulations are intended to encourage the creation of planned developments in order to accomplish the general purpose of this Zoning Resolution and to achieve the following objectives.

A. Planned Unit Developments in R-3 Residential Planned Unit Development District. The purpose of an R-3 Residential Planned Unit Development (PUD) is to allow for residential developments exclusive of commercial or nonresidential uses in an integrated manner according to an approved overall development plan designed to promote the economical and efficient use of land. Furthermore the R-3 PUD Single Family Detached shall provide for specific open space and/or recreational amenities, and shall consist of single family detached units only.

B. Planned Unit Developments in R-4 and R-5 Multi-Family Residential Planned Unit Development District. The purpose of an R-4 and R-5 Multi-Family Residential Planned Unit Development District (PUD) is to allow for residential developments in an integrated manner according to an approved overall development plan designed to promote the economical and efficient use of land. Furthermore the R-4 and R-5 Multi-Family Residential PUD shall consist of single family attached and multi-family units only.

C. Planned Unit Developments in R-6 PUD Districts. The purpose of a Planned Unit Development in an R-6 PUD District is to promote the economical and efficient use of land, and for projects involving more than 100 acres, to provide for limited commercial uses to meet the needs of the proposed residential development. The uses permitted shall be limited to those set forth in Schedule 401.3 for the R-6 PUD District.

SECTION 401.16 PROJECT REQUIREMENTS FOR PLANNED DEVELOPMENTS

All planned developments shall comply with the following project requirements.

A. Minimum Project Area. The gross area of a tract of land shall not be less than that set forth in Schedule 401.16. The entire tract of land to be developed shall be considered one zoning lot.

B. Maximum Commercial Permitted. In an R-6 Planned Unit Development with a project area not less than 100 acres, a maximum of five (5) percent of the project area shall be permitted to be devoted to commercial uses.

C. Maximum Density R-3 and R-6 PUD. The density of a planned development shall not exceed the number of dwelling units per acre set forth in Schedule 401.16. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of land devoted to commercial uses, public rights-of-way existing at the time the development plan is submitted, and areas determined to be unsuitable for development pursuant to Section 401.17D(6) through 401.17D(8), by the number of dwelling units permitted per acre.

D. Maximum Density R-4 and R-5 PUD. The density of an R-4 and R-5 Multi-Family Residential Planned Development shall not exceed the number of dwelling units per acre set forth in Schedule 401.16. The total number of dwelling units permitted shall be calculated by multiplying the total project area by the number of units permitted per acre.

Schedule 401.16
Project Area, Frontage, and Density Requirements for Planned Unit Developments

Column A.	**B.**	**C.**	**D.**
Zoning District	**Minimum Project Area**	**Minimum Street Frontage**	**Maximum Dwelling Units per Acre**
1. R-3 PUD	4 acres	100 feet	6 for Attached [(a)] 2.2 for Detached
2. R-4 PUD	4 acres	100 feet	10
3. R-5 PUD	4 acres	100 feet	25
4. R-6 PUD Res/Comm.	100 acres	100 feet	8
Notes to Schedule 401.16 (a) Provided there shall not be more than four units attached in one building.			

SECTION 401.17 OPEN SPACE REQUIREMENTS FOR PLANNED DEVELOPMENTS IN R-3 and R-6 PUD DISTRICTS

Every planned unit development in an R-3 Single Family Detached PUD & R-6 PUD District shall include area devoted to common open space in compliance with the following:

A. Purpose. The purpose of the common open space is to conserve land in its natural state as a natural resource and for environmental benefits, including wetlands, flood plains, wildlife habitats, and to set aside open area for its recreational benefit.

B. Minimum Area Required. Each project shall provide common open space in compliance with the following:

1. Each project in an R-6 PUD District shall be designed with a minimum 25% of the total project area devoted to common open space.
2. Each project for an R-3 Single Family Detached PUD shall be designed with a minimum of 10% common open space, or as indicated in schedule 401.17 based on the density of the proposed project, after subtracting areas unsuitable for development pursuant to Section 401.17D(6) through 401.17D(8).

3. If single family attached and single family detached dwellings are incorporated into one overall R-3 PUD plan, the required open space and maximum density shall be in accordance with R-3 Single Family Detached requirements.

Schedule 401.17
Reduced Minimum Open Space Based on Reduced Density

Density of Proposed R-3 Project		R-3 Single Family Attached- No required Open Space
R-3 Single Family Detached	**Minimum Common Open Space for R-3 Single Family Detached or combined Detached and Attached**	
2.2 units/acre	25%	6 units/acre
2.0 units/acre	20%	
1.9 units/acre	15%	
1.8 units/acres	10%	

C. Design Criteria. Common open space shall be located and designed for an R-3 Single Family Detached PUD or R-6 PUD, to be consistent with the following criteria:

1. Be sufficiently aggregated to create large areas of planned open space;
2. Be integrally related to the overall design of the development with respect to its location, distribution, size, and shape, so as to be beneficial and easily accessible to the maximum possible number of residents of the R-3 Single Family Detached PUD or R-6 PUD;
3. Conserve significant natural features, such as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, and similar conservation-oriented area, to the extent practicable;
4. May incorporate areas that can be used for outdoor recreation;
5. Be incorporated with open space areas on abutting parcels wherever practical.

D. Areas Not Included as Common Open Space. Land areas that do not meet the design criteria set forth in Section 401.17C, shall not be included in the calculation of the minimum common open space. Land areas not counted include but are not limited to areas devoted to the following.

1. Public street right of way, private streets and parking areas;
2. Required setbacks between buildings, parking areas and project boundaries and between buildings and public or private streets;
3. Required spacing between buildings and between buildings and parking areas;
4. Private yards within subdivided lots;
5. Portions of common areas between subdivided lots or between subdivided lots and the project boundary that provided no significant active or passive recreational value to the residents of the R-3 Single Family Detached PUD or the R-6 PUD;
6. Land that is subject to pre-existing conservation easements or similar limitations on development, including pre-existing drainage and utility easements;
7. The area of land within any FEMA designated 100 year floodway;
8. The area of lakes, ponds, or designated wetlands, or a combination thereof, exceeding one (1) acre.

E. Recreation Areas. Any common open space intended to be devoted to recreational activities shall be of a useable size and shape for the intended purpose.

1. Natural barriers shall be maintained to lessen the effect of intrusion of recreational uses into adjoining residential areas.
2. Recreational structures may be counted toward the common open space requirement, and shall comply with the following:
   a. Principal recreational buildings for open space uses shall comply with the required setbacks and be limited to 20,000 square feet in the R-3 District for Single Family Detached and 50,000 square feet in the R-6 PUD District.
   b. Only retail uses which are customarily accessory or incidental to the principal recreational or open space use shall be permitted and may include such uses as refreshment stands and souvenir stands.
   c. Accessory structures for open space uses shall be permitted at a rate of 500 square feet per acre of area so designated and be limited to 5,000 square feet ground floor dimensions per building per ten acre parcel and shall meet the setbacks as set forth in Section 401.18.
   d. Outdoor tennis courts, swimming pools, open-air picnic shelters, decks, patios and related structures, shall not be considered accessory structures for purposes of this regulation, but shall comply with setback requirements.

F. Ownership and Maintenance of Common Open Space. Legal instruments setting forth the ownership of the required common open space and providing for the perpetual maintenance of the common open space by a homeowner's association, condominium association or the developer shall be submitted to the Jackson Township Law Director for review and approval.

G. Dedication of Common Open Space. The Township may, but is not required to, accept dedication of common open space. In determining the appropriateness of accepting common open space for public dedication, the Trustees may use criteria to be found in the Comprehensive Plan as a guide and shall consider the topography, drainage, soil conditions, and accessibility of the parcel to existing park land. Prior to making a decision, the proposal shall be forwarded to the Township Park Director for advice and recommendation.

SECTION 401.18 SITE DEVELOPMENT REQUIREMENTS FOR PLANNED DEVELOPMENTS IN R-6 PUD DISTRICTS

The following site development requirements shall apply in all planned developments in the R-6 PUD Districts. Planned developments in the R-3 Residential PUD district shall comply with 401.19. Planned developments in the R-4 and R-5 Multi-Family Residential PUD districts shall comply with section 401.20.

A. Minimum Setback from Existing Public R-O-W. All buildings, structures, and parking areas shall be located no closer than 40 feet to an existing public street right-of way.

B. Minimum Setback from Project Boundary. All buildings, structures, and parking areas shall be located no closer than:

1. 25 feet to a project boundary that abuts an R-R, R-1 or R-1A District.
2. 15 feet to a project boundary that abuts an R-2, R-3 Residential PUD, R-4 PUD, R-5 PUD, or R-6 PUD District.

C. Minimum Setback from Interior Street. All buildings and structures shall be located no close than:

1. 25 feet from newly constructed public right-of-ways.
2. 20 feet to the pavement of a private street.

D. Minimum Distance Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by at least the minimum distance specified below:

1. 20 feet between two detached single-family units.
2. 30 feet between a detached single-family unit and an attached single-family unit and between two attached single-family units.

E. Requirements for Fee-Simple Subdivided Lots. Individually subdivided lots may be included as part of a PUD project and need not comply with the lot area, lot width or yard requirements established in Section 401.5 to 401.6, except that the minimum lot size for any fee simple subdivided lots in an R-3 Single Family Detached PUD and an R-6 PUD shall be 7,500 sq. ft. and the minimum rear and side yard building setback shall be 10 ft. for the principal building and the minimum lot frontage shall be 40 ft. for cul-de-sacs and 50 ft. for all other lots.

F. Commercial Uses. When approved as part of an R-6 PUD Planned Unit Development, commercial uses shall comply with the following:

1. The maximum size of a commercial building shall be 20,000 square feet.
2. Principal commercial structures shall be located at least 100 feet from any residential use. Such principal commercial structure may be located 50 feet from any residential uses provided an earthen mound or bufferyard is constructed.
3. The commercial site shall not have direct access to an arterial street.

G. Accessory Building Requirements. Other accessory uses, buildings, and structures shall meet the requirements of Section 401.11 through 401.14.

H. Street Requirements.

1. All public streets shall be designed and constructed in accordance with Stark County Subdivision Regulations.
2. Private streets shall be at least twenty-two (22) feet in width and cul-de-sac on private streets shall have a minimum radius of forty-four (44) feet, measured from the center of the cul-de-sac.
3. Permanent dead ends streets shall not exceed eight hundred (800) feet in length.
4. Private streets providing access to four or more units shall be constructed in accordance with Stark County Subdivision Regulations pertaining to construction materials standards or specifications.
5. In the event of any intention of the developer to request future acceptance of private streets by the Township, such private streets shall be built according to Stark County Subdivision Regulations with sufficient land set aside to serve as the public right-of-way as required by said County Regulations.
6. Obstructions in private or public roads shall be permitted only upon review and approval by the Board of Trustees, and may include, but are not limited to, planters, islands, boulevards, and landscaping.

I. Supplemental Design Criteria.

1. Privacy for individual principal buildings shall be maintained through the use of landscaping and screening and shall be so designated on the development plan.
2. Each planned development shall be served by central water and sanitary sewer facilities.
3. House numbers shall be prominently displayed on each principal building.
4. Lighting shall be adequate for safety and security.
5. The planned development shall be maintained so that discarded machinery, vegetation, inoperable motor vehicles, motor vehicle parts, used building materials, discarded plastics, iron, paper, rags, cordage, barrels, doors, gutters, windows, tires, shingles, or appliances are not kept in exposed areas.

SECTION 401.19 REGULATIONS FOR R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

A. This district will provide for:

1. Detached and attached planned housing developments. This will provide an alternative to apartment and single family subdivisions with no compromise in beauty or livability.
2. Houses with traditional appearances and designs, adequate parking, and landscaping and designed for privacy as well as appearance.
3. Promotion and protection of open space.

B. Requirements:

1. The maximum building and paving coverage shall be seventy (70%).
2. Projects with more than one dwelling shall be considered as one (1) dwelling for the purpose of determining front, side and rear yard setback requirements, except individually subdivided lots shall comply with Section 401.19(B)(6).
3. The minimum front yard setbacks shall be forty (40) feet measured from any existing public street right-of-ways. The minimum setback from the edge of any private street shall be twenty (20) feet. The minimum setback from any newly constructed public right-of-ways shall be twenty-five (25) feet.
4. The minimum setback of units on the perimeter of the development shall be twenty-five (25) feet measured from adjacent property lines.
5. Porches (open and unenclosed) and decks may extend a maximum of ten (10) feet into said minimum yard area, except individually subdivided lots.
6. The minimum distance between two or more single family detached dwellings shall be twenty (20) feet. Individually subdivided lots may be included as part of an R-3 Residential PUD project and need not comply with the lot area, lot width, or yard requirements established in Section 401.5 to 401.6, except that the minimum lot size for any fee simple subdivided lot in an R-3 Single Family Detached PUD shall be 7,500 sq. ft. and the minimum rear and side yard building setback shall be 10 ft. for the principal building.
7. The minimum distance between a single-family attached, a two-family or multi-family dwelling and any other dwelling shall be thirty (30) feet.
8. No portion of common open space areas may be utilized to meet minimum building setbacks or required yard area or serve as part of the required separation between buildings.

C. Height shall be regulated by Section 401.8.

D. Accessory buildings shall be regulated by 401.11.

E. Minimum single family dwelling size shall be regulated by 401.9.

F. Site Plan Requirements:

1. All development features, including the principal dwellings, 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. The site plan includes adequate provisions for the screening of parking area, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence. Active recreation areas may be included but are not obligated to be included and such area may include picnic pavilions, tennis and basketball courts, swimming pools, and similar recreational facilities to be used by occupants and owners of this District.
3. Grading and surface drainage provisions to be prepared by a registered engineer or reviewed and approved by the Stark County Subdivision Engineer. Notice of Intent must be filed, where applicable, with the Ohio EPA for storm water runoff.
4. The site plan is so designed to permit adequate access by fire and police and ambulance vehicles.
5. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and recreation areas, or any other facilities, shall conform to and be construed in accordance with the approved site plan.
6. Parking and loading as required in Chapter 601.
7. Signs as permitted in Chapters 501-504.

G. Street Requirements:

1. All public streets shall be designed and constructed in accordance with Stark County Subdivision Regulations.
2. Private streets shall be at least twenty-two (22) feet in width and cul-de-sac on private streets shall have a minimum radius of forty-four (44) feet, measured from the center of the cul-de-sac.
3. Permanent dead end streets shall not exceed seven-hundred fifty (750) feet in length.
4. In the event of any intention of the developer to request future acceptance of private streets by the Township, such private streets shall be built according to Stark County Subdivision Regulations with sufficient land set aside to serve as the public right-of-way as required by County Regulations.

SECTION 401.20 SITE DEVELOPMENT REQUIREMENTS FOR PLANNED DEVELOPMENTS IN R-4 AND R-5 MULTI-FAMILY RESIDENTIAL PUD DISTRICTS

A. This district will provide for:
   1. Attached single family and multi-family planned housing developments.

B. Requirements:
   1. The maximum building and paving coverage shall be eighty-five (85%).
   2. The minimum front yard setback shall be forty (40) feet measured from any existing public street right-of-ways. The minimum setback from the edge of any private street shall be twenty (20) feet. The minimum setback from any newly constructed public right-of-ways shall be twenty-five (25) feet. The minimum setback of units on the perimeter of the development shall be thirty-five (35) feet when abutting an R-R, R-1, or R-1A district and twenty-five (25) feet from all other districts measured from adjacent property lines.
   3. The minimum distance between single family attached and multi-family dwellings shall be thirty (30) feet measured from the building foundation or attached permanent structure, whichever is the lesser distance.
   4. A bufferyard shall be required around the perimeter of the property where it abuts an R-R, R-1, or R-1A district. The bufferyard shall comply with section 411.9(C)(2)&(3) of these regulations. A landscaping plan shall be submitted and indicate compliance with the landscaping and screening requirements. The landscaping plan shall be implemented within one (1) year of the completion of each building or phase of the development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.
   5. All development features, including the principal dwellings, service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent development.
   6. Active recreation areas may be included but are not obligated to be included and such area may include picnic pavilions, tennis and basketball courts, swimming pools, and similar recreational facilities to be used by occupants and owners of this district. Recreational structures shall be limited to 5,000 sq. ft. The minimum setback of recreational structures on the perimeter of the development shall be thirty-five (35) feet from an R-R, R-1 or R-1A district and twenty-five (25) feet from all other districts measured from adjacent property lines.
   7. Grading and surface drainage provisions to be prepared by a registered engineer or reviewed and approved by the Stark County Subdivision Engineer. Notice of Intent must be filed, where applicable, with the Ohio EPA for storm water runoff.
   8. The site plan is so designed to permit adequate access by fire and police and ambulance vehicles.
   9. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and recreations areas and any other facilities, shall conform to and be substantially constructed in accordance with the approved site plan.

C. Height shall be regulated by Section 401.8.

D. Accessory buildings shall be regulated by Section 401.11.

E. Parking as required in Chapter 601.

F. Signs as permitted in Chapters 501 thru 504.

G. Street Requirements:

1. All public streets shall be designed and constructed in accordance with the Stark County Subdivision Regulations.
2. Permanent dead end streets shall not exceed seven-hundred fifty (750) feet in length.
3. Private streets shall be at least twenty-two (22) feet in width and cul-de-sac on private streets shall have a minimum radius of forty-four (44) feet, measured from the center of the cul-de-sac or in compliance per the Ohio Fire Code Appendix D for adequate movement of safety vehicles.
4. In the event of any intention of the developer to request future acceptance of private streets by the Township, such private streets shall be built according to Stark County Subdivision Regulations with sufficient land set aside to serve as the public right of way as required by County Regulations.
5. R-4 and R-5 Multi-Family Residential PUD's with more than fifty (50) dwelling units shall provide at least two (2) access points to public streets.

H. General Development Site Plan Requirements:

An application for general development plan review shall include a plan for the entire area, drawn to scale, of the proposed R-4 or R-5 PUD. Three sets of the application shall be submitted to the Zoning Inspector. The application for general development plan shall disclose all uses proposed for the development and their general location and shall include the following items, unless a specific item(s) is determined by the Zoning Inspector to be inapplicable or unnecessary and is waived in writing by the Zoning Inspector.

1. An accurate legal description of the entire property prepared by or certified by a registered surveyor of the state.
2. The general location of existing structures and access points on adjacent parcels within 50 feet surrounding the site.
3. The general location of the parking areas, buildings, and access points.
4. General dimensions of all buildings or building pads, setbacks, and parking areas.
5. Distance between buildings or building pads.
6. Proposed topography, major vegetation features, and wooded areas.
7. General location of storm water management.
8. The general layout of the proposed internal road system, indicating the proposed right of way of public streets or pavement of private streets.
9. Bufferyard and landscaping around the perimeter of the property, where applicable.
10. A summary table showing total acreage of the proposed development, the number of dwelling units permitted and the number and type of dwelling units proposed and the percentage of lot coverage devoted to streets, buildings and parking areas.
11. Proposed phases if the project is to be developed in stages.
12. An accurate list of names and addresses of adjacent property owners.

I. Final Development Plan Submission Requirements:

An application for final development plan review shall be required for each phase of the development. Three sets of the application shall be submitted to the Zoning Inspector. An application for final development plan shall disclose all uses proposed for the development and their location and shall include the following unless a specific item(s) is determined by the Zoning Inspector to be inapplicable or unnecessary and is waived in writing by the Zoning Inspector.

A. A final development plan indicating:
   1. Location of proposed buildings and structures.
   2. Dimensions of all buildings, setbacks, and parking areas.
   3. Distance between buildings.
   4. Location of streets and right of ways.
   5. Location and configuration of off-street parking areas.
   6. Buffering and landscaping plan, if applicable.
   7. Sanitary sewers, water and other utilities including fire hydrants, as required and proposed drainage and storm water management.
   8. Proposed topography, major vegetation features and wooded areas.
   9. Summary table showing the total acres of the proposed development; number of units permitted and number of units proposed by type, and the percentage of lot coverage devoted to streets, buildings, and parking areas.
   10. Phases of the development, if applicable.

401.21 REVIEW REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Planned unit developments shall be permitted only upon review and approval according to Chapter 805, application procedures for planned unit developments.

SECTION 401.22 PERMITTED USE CERTIFICATE REQUIRED

According to Section 801.17, a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in an "R" District.

SECTION 401.23 MINIMUM REQUIRED YARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, COLLEGES, UNIVERSITIES AND TECHNICAL SCHOOLS IN RESIDENTIAL DISTRICTS

The minimum lot area for a public elementary or secondary school shall be three (3) acres with a minimum lot width of 100 ft. The minimum front building setback shall be 50 ft. and the side and rear yard setback shall be 35 ft. The minimum front, side and rear parking setback shall be 20 ft.

The minimum lot area for a public college, university, or technical school shall be three (3) acres with a minimum lot width of 100 ft. The minimum front building setback shall be 50 ft. and the side and rear building setback shall be 100 ft. The minimum front, rear and side parking setback shall be 20 ft. A 10 ft. buffer shall be required around the perimeter of the property when abutting an R-R, R-1, R-1A or R-2 district in compliance with Section 411.9C2. Related facilities such as dormitories, student union halls, parking and athletic facilities shall be located on the same lot as the college, university or technical school or adjacent to the lot in which the college, university or technical school is located.

Chapter 402
Parks and Recreation District

402.1 Purpose
402.2 Principal Permitted Uses
402.3 Schedule of Permitted Uses
402.4 Minimum Required Yard for Principal Uses
402.5 Building Space
402.6 Height Requirements
402.7 Minimum Parking Setback Requirements
402.8 Accessory and/or Secondary Uses

SECTION 402.1 PURPOSE

Parks and Recreation District. The purpose of the Parks and Recreation District is to provide mixed recreational type uses to provide opportunities for community interaction and unification, and complement economic development for recreational uses and tourism while ensuring such recreational structures and activities are located and arranged so as to minimize potential negative impacts to surrounding properties.

SECTION 402.2 PRINCIPAL PERMITTED USES

Real Estate owned by the township, or any other property owner requesting rezoning to this district which has been designed for park and recreational uses. In the Parks and Recreation District, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved, or structurally altered, only for a permitted principal use specified for such district in Schedule 402.3.

A. Principal Uses. Uses enumerated in Schedule 402.3 when denoted with the letter "P" are principal uses permitted by right in the district so indicated, provided that all requirements of other Jackson Township regulations have been met.

B. Accessory Uses. Accessory uses, building and structures subject to regulations as specified herein shall be permitted as an accessory or secondary use to a permitted principal use in the Parks and Recreation District.

1. Accessory buildings, uses, or structures-Section 402.8
2. Restaurants, Lounges, snack bars-Section 402.10
3. Driving Range-Section 402.8
4. Temporary Fairs and Festivals-Section 402.8
5. Fences-Section 402.8
6. Signs-Article V
7. Parking-Chapter 601

SECTION 402.3 SCHEDULE OF PERMITTED USES

Column A	Column B
Land Use Category	**Parks and Recreation District**
1. Parks	P
2. Playground	P
3. Golf Course	P
4. Basketball, Volleyball or Tennis Courts	P
5. Garden or Botanical Center	P
6. Fishing	P
7. Athletic Fields including, but not limited to, football, soccer, or baseball fields	P
8. Horseshoe Pits	P
9. Picnic Facilities	P
10. Skate Park	P
11. Wilderness or Open Space areas	P
12. Nature Trails	P
13. Pedestrian or Bicycle paths	P
14. Swimming Pool	P
15. Recreational facility/use Type A, B, C & D	P

SECTION 402.4 MINIMUM LOT AREA, WIDTH AND FRONTAGE REQUIREMENTS, except as otherwise listed in these regulations per section 402.5

Schedule 402.4
Lot Area, Width and Frontage Requirements

Column A.	B.	C.	D.
Zoning District	**Minimum Lot Area**	**Minimum Lot Width[(a)]**	**Minimum Lot Frontage [(b)]**
1. Parks and Recreation	1 Acre	50 feet	50 feet
Notes to Schedule 402.4 (a) Distance in feet at the front setback line. (b) Measured at the front lot line.			

SECTION 402.5 MINIMUM LOT AREA, WIDTH AND FRONTAGE REQUIREMENTS FOR RECREATIONAL FACILITY/USE TYPE D

The minimum area, width and frontage of a lot that may be used for Type D recreational purposes in the parks and recreation district are specified in Schedule 402.5

Schedule 402.5
Lot Area, Width and Frontage Requirements

Column A.	B.	C.	D.
Zoning District	**Minimum Lot Area**	**Minimum Lot Width [(a)]**	**Minimum Lot Frontage [(b)]**
1. Parks and Recreation	10 Acres	100 feet	100 feet
Notes to Schedule 402.5 (a) Distance in feet at the front setback line. (b) Measured at the front lot line.			

SECTION 402.6 MINIMUM REQUIRED YARDS FOR PRINCIPAL USES

For each structure located in the Parks and Recreation District, the front, side and rear yards shall be provided in accordance with the dimensions specified in Schedule 402.6. Each yard shall be unobstructed by any structure except as otherwise provided in these regulations.

Areas with more than one principal use shall be considered as one (1) use for the purpose of determining front, side, and rear yard setback requirements, except that setbacks for all structures from an interior access drive shall be 25 ft.

Schedule 402.6

Column A	Column B	Column C	Column D	Column E
Zoning District	**Front Yard Depth**	**Side and Rear Yard Depth**	**Side and Rear Yard Depth for Recreational uses Type C when abutting a residential district**	**Side and Rear Yard Depth for Recreational uses Type D when abutting residential districts**
Parks and Recreation District	50 ft.	35 ft.	75 ft.	150 ft.
Notes: For corner lots, either street may be designated to meet the required front yard setback, as required for such district. A minimum setback of thirty-five (35) feet shall be required on the other street for all structures.				

SECTION 402.7 BUILDING SPACE

Whenever there is more than one principal building on a lot in the parks and recreation district, the minimum distance between buildings shall be at least 30 feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

SECTION 402.8 HEIGHT REQUIREMENTS

Principal buildings for a Recreational Facility/Use Type D shall not exceed the maximum height of 50 ft., except as otherwise set forth in Section 302.1. Principal buildings for all other uses in the Parks and Recreation District shall not exceed the maximum height of 30 feet, except as otherwise set forth in Section 302.1.

SECTION 402.9 MINIMUM PARKING SETBACK REQUIREMENTS

Off street parking facilities shall be provided in accordance with Chapter 601 and shall be located and designed in compliance with the regulations set forth in this section.

A. Off-street parking may be located within the front, side, and rear yard set forth for principal uses in Section 402.3, provided such parking areas comply with the minimum setbacks specified in Schedule 402.9.

B. Areas with more than one (1) parking facility shall be considered as one (1) parking facility for the purpose of determining front, side, and rear yard setback requirements.

Schedule 402.9

Column A	Column B	Column C	Column D
Zoning District	**Front**	**Rear and Side**	**Rear and Side for Recreational Uses Type C & D when abutting a residential district**
Parks and Recreation District	20 ft.	10 ft.	20 ft.

C. The side and/or rear parking setback may be waived if two (2) or more adjacent properties are developed under a common site plan and/or owned by the same individual and the waiver enhances traffic flow.

SECTION 402.10 ACCESSORY AND/OR SECONDARY USES

Accessory and/or secondary buildings or uses as specified in Schedule 402.10 shall conform to the location, coverage and height standards contained in this section, except where otherwise noted. An accessory building or structure shall be located as set forth in Schedule 402.10.

Schedule 402.10

Column A	Column B	Column C	Column D	Column E	Column F
Accessory building use or structure	**Front Setback**	**Rear Setback**	**Side Setback**	**Maximum Height of structures in feet**	**Distance from principal building**
Restaurants, Lounges, Snack Bars	Shall comply with all setback regulations per principal buildings and be limited to no more than 30% of the parcel or 150,000 sq. ft., whichever is less.				
Accessory buildings or structures less than 200 sq. ft.	Not permitted	16 ft.	16 ft.	15 ft.	30 ft.
Accessory buildings or structures 200 sq. ft. or greater	Not permitted in the front yard. Shall comply with all setback regulations per principal building.				
Driving Ranges	50 ft.	16 ft.	16 ft.	N/A	N/A
Temporary Fairs and Festivals	50 ft.	16 ft.	16 ft.	N/A	N/A
Fences	5 ft. from right-of-way	N/A	N/A	N/A	N/A
Notes: Accessory structures or buildings, except Restaurants, Lounges or Snack Bars are prohibited within the front yard. Setbacks from an interior access drive shall be 25 ft.					

SECTION 402.11 LANDSCAPING AND SCREENING REQUIREMENTS

All portions of the zoning lot not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping material. All trees and shrubbery shall be planted so that it will not obstruct the view of drivers at driveway entrances or road intersections at the time of planting or in the future.

1. Additional landscaping and screening requirements in the Parks and Recreation District for RECREATIONAL FACILITY/USE TYPE D abutting or across the street from the Residential Districts must be in compliance with the following:
   A. Screening Along Public Streets Across from Residential Districts. When parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public street when a Recreational Facility/Use Type D is across the street from any Residential District, screening shall be required between the street and the parking lot. Such screening shall have a minimum height of three feet.
   B. Screening When Abutting a Residential District. When a lot in any Parks and Recreation District that is utilized as a Recreational Facility/Use Type D abuts a Residential District screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.
      1. Width of Bufferyard. The area within the parking setback between the Residential District and the Parks and Recreation District specified in Schedule 402.9(D) shall be established and maintained as the bufferyard.
      2. Screening. Screening within the bufferyard shall consist of one (1) or a combination of two (2) or more of the following:
         a) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer and that will form a six (6) foot high screen within three (3) years of planting.
         b) A non-living opaque structure such as a solid masonry wall, or a solid fence that is at least six (6) feet in height but no higher than eight (8) feet and is compatible with the principal structure.
         c) A maintained, landscaped earthen-mound at least five (5) feet wide, that is not less than four (4) feet or more than six (6) feet in height and has ten (10) shrubs per every 100 linear feet in length.
         d) Maintenance of the existing natural vegetation that, in its natural state, forms a sufficient screen with a height not less than six (6) feet.
      3. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the bufferyard to maximize the screening effect as determined by the Site Plan Review Committee. The bufferyard plan shall be specific to the type of option to be used.
   C. Landscaping Plan Required. A landscape plan shall be submitted for all developments in the Parks and Recreation District for a Recreational Facility/Use Type D when across the street or abutting a residential district. The landscaped plan shall indicate compliance with the above landscaping and screening requirements.
      1. The landscape plan shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.

2. Changes to the landscape plan shall be approved by the Zoning Inspector prior to completion.

D. Maintenance and Replacement. Landscaping shall be maintained by the property owner or agent to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water and shall not obstruct the view of traffic exiting the property. Any landscaping material that is a required element of an approved landscaped plan that dies or is destroyed shall be replaced within six (6) months.

Chapter 411
Commercial and Industrial District

411.1 Purpose
411.2 Use Regulations
411.3 Schedule of Permitted Uses
411.4 Minimum Lot Area, Width and Frontage Requirements
411.5 Minimum Required Yards for Principal Uses
411.6 Building Space
411.7 Height Requirements
411.8 Parking Setback Requirements
411.9 Landscaping and Screening Requirements
411.10 Accessory Use, Yard and Height Regulations
411.11 Supplemental Accessory Use Regulations
411.12 Outdoor Business Display/Storage and Patios
411.13 Supplemental Regulations for Gasoline Stations
411.14 Supplemental Regulations for PBRD Planned Development Districts
411.15 Supplemental Regulations for Canal Parkland Districts
411.16 Sexually Oriented Businesses
411.17 Permitted Use Certificate
411.18 Dangerous, Exotic and Wild Animals
411.19 Mobile Food Vending
411.20 Senior Community Campus

SECTION 411.1 PURPOSE

A. B-1 Suburban Office and Limited Business District. This district is established to create an environment conducive to office building sites designed to accommodate professional offices, non-profit organizations, and limited business service activities.

B. B-2 Neighborhood Business District. This district is established primarily to accommodate the sale of convenience retail goods and personal services purchased frequently or daily for 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 efficient and safe methods of handling vehicular and pedestrian traffic.

C. B-3 Commercial Business District. The purpose of this district is to provide for a variety of retail, service, and administrative establishments, which are necessary to serve a large trading area population, as well as a senior community campus. This district is also intended to accommodate retail trade establishments and economic development areas in the community that cannot be practically provided for in a neighborhood business district development. This district is advantageous along major thoroughfares and at outlying locations in the community.

D. PBRD Planned Business-Residential Development District. This district is established to provide for progressive and innovative planning development that creates a comprehensive environment in which Suburban Office and Medium Density Multi-Family uses can be blended in an aesthetically and environmentally unified approach. The use of larger tracts of land is encouraged to promote the public welfare, health and safety and a greater opportunity of living and workplace environments by permitting a variety of building types and a flexibility of their placement on the land.

E. I-1 Industrial District. The purpose of this district is to provide an environment for, and conducive to, the development and protection of modern industrial and administrative

facilities, research institutions and other similar uses. This district shall also provide for light industrial uses in the field of repair, storage, retailing, wholesaling and distribution, limited manufacturing and processing, free from the encroachment of all residential uses.

F. C-P Canal Parkland District. This district is established to preserve and protect of the traditional character of the Ohio-Erie Canal Corridor which is characterized by 1) natural open space, 2) support of commercial activities which accommodate visitors and which are consistent with the character of the corridor, and 3) the maintenance of the rustic and rural look of the area with small buildings, natural development and existing landscaping preservation of existing landscaping. This district endeavors to protect and promote the educational, cultural and general welfare of the public through the restoration, preservation and protection of the traditional character of the Ohio Erie Canal Corridor by limiting development to those uses which are consistent with the preservation of the area, will serve to benefit the area.

SECTION 411.2 USE REGULATIONS

In the B-1, B-2, B-3, PBRD, I-1 and C-P Districts, land and structures shall be used or occupied, and structures shall be erected, constructed, enlarged, moved or structurally altered, only for a permitted principal use specified for such district in Schedule 411.3, below, a permitted conditional use in accordance with Section 431, or an accessory use to a permitted principal or conditional permitted use in accordance with Section 411.10 and 411.11.

A. Principal Uses. Uses enumerated in Schedule 411.3, when denoted with the letter "P", are principal uses permitted by right in the district so indicated, provided that all requirements of other Jackson Township regulations have been met.

B. Conditional Permitted Uses. Uses enumerated in Schedule 411.3, when denoted with the letters "CUP", are conditional uses which may (together with their accessory uses) be permitted in the district so indicated, provided they conform to the conditions, standards and requirements of these regulations and are approved for a particular parcel in accordance with the administrative procedures of Chapter 802.

C. Uses Permitted in a PBRD District. All development in a PBRD Planned Development District shall be reviewed and approved according to the procedures set forth in Chapter 805. Uses enumerated in Schedule 411.3, when denoted with the letter "PR" are uses that may (together with their accessory uses) be permitted as part of a PBRD planned development.

D. Accessory Uses. Accessory uses, buildings and structures subject to regulations as specified herein, are permitted in association with and subordinate to a permitted principal or conditional use in the B-1, B-2, B-3, PBRD, I-1 and C-P Districts and include, but are not limited to, the following:

1. Accessory buildings-Section 411.10 and 411.11A
2. Accessory structures-Section 411.10 and 411.11
3. Satellite Dishes-Section 411.10 and 411.11D
4. Temporary buildings and uses-Section 411.10 and 411.11E
5. Fences-Section 411.10
6. Signs-Article V
7. Parking-Chapter 601
8. Freestanding Wind Energy Conversion System (WECS)-Section 411.11G
9. Small Structure Mounted Wind Energy Conversion System (SSM-WECS)-Section 411.11H.
10. Recreation, Private Use

SECTION 411.3 PERMITTED USES

The Schedule of permitted uses per schedule 411.3 delineates uses that are permitted within specific zoning districts. As a land use matter, per Schedule of Permitted Uses, Retail Sales Establishments shall not include the sale or dispensing of medical marijuana, and Factory-Manufacturing, Compounding, Processing, Assembling and Packaging, shall not include medical marijuana cultivators, dispensaries and processing, as defined in House Bill 523, effective September 8, 2016, and are hereby prohibited within the Township, to protect the health, safety, and welfare of the residents of Jackson Township per Resolution #16-118 adopted by the Jackson Township Trustees on September 8, 2016.

411.3 SCHEDULE OF PERMITTED USES.

Column A	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**
LAND USE CATEGORIES	**B-1**	**B-2**	**B-3**	**PBRD**	**I-1**	**C-P**
1. Residential Uses:						
a. Single-family dwelling						P
b. Family home for handicapped						P
c. Two-family dwelling						P
d. Multi-family dwelling				PR		
e. Bed and breakfast Inn		CUP	P	PR		P
f. Congregate Living Facility	CUP	P	P	PR		
g. Senior Community Campus-See Section 411.20 for regulations			P			
2. Office, Professional Service Uses:						
a. Business, professional, medical and dental office	P	P	P	PR	P	P
b. Financial facility/banking with or without drive-thru	P	P	P	PR	P	P
c. Stand-alone drive up automated teller machines	P	P	P	PR	P	P
d. Planned office complex	P	P	P	PR	P	P
e. Hospital, medical clinic	CUP	CUP	P	PR	P	
3. Retail and Service Uses:						
a. Retail sales establishments, seventy-five hundred (7,500) sq. ft. or less		P	P	PR	P	
b. Retail sales establishments greater than seventy-five hundred (7,500) sq. ft.			P	PR	P	
c. Restaurants without drive-thru		P	P	PR	P	P
d. Restaurants with drive-thru		CUP	P		P	
e. Supporting retail and services that reinforce the character of the district, such as stores selling arts and crafts, gifts, and/or incidental food, ice cream, bike rental/repair, ATM, restaurants		P	P	PR	P	P
f. Personal Services		P	P	PR	P	
g. Planned Business Complex		P	P	PR	P	

SECTION 411.3 SCHEDULE OF PERMITTED USES

Column A.	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**
LAND USE CATEGORIES	**B-1**	**B-2**	**B-3**	**PBRD**	**I-1**	**C-P**
h. Funeral Home	P	P	P	PR	P	
i. Hotel, Motel			P		P	
j. Landscaping business			CUP		P	
k. Outdoor display			P	PR	P	P
l. Kennel (overnight boarding)		CUP	CUP		P	
m. Veterinary hospital, animal clinic, dog grooming		P	P	PR	P	
n. Sexually oriented business according to Section 411.16, Adult Entertainment Establishment and Massage Establishment					P	
o. Arts and Crafts festivals with outdoor display and sales & Arts and Cultural decorative display-See 411.10 for outdoor arts and crafts display regulations		P	P	PR	P	P
p. Furniture repair/refinishing			P		P	
q. Microbrewery/Brewpub/Craft Brewery/Winery (Brewery/Wine making area 5,000 sq. ft. or less)			P		P	
r. Microbrewery/Brewpub/Craft Brewery/Winery (Brewery/Wine making area greater than 5,000 sq. ft.)					P	
s. Dance/Night Club			P		P	
t. Garden Supply Sales			P		P	
4. Vehicular Services:						
a. Automobile, truck, boat, trailer, and farm implement storage and/or repair			CUP		P	
b. Automobile, truck, boat, trailer, and farm implement sales			P		P	
c. Car Wash Facilities		CUP	P		P	
d. Gasoline stations/automotive service station			P		P	
e. Landscaping & Construction vehicle and equipment storage-when not used in conjunction with onsite business			CUP		P	
f. Parking lot as principal use		P	P	PR	P	P
g. Transportation terminal					CUP	
h. Automobile Rental			P		P	
i. Terminal for Fleet Vehicles			P		P	

SECTION 411.3 SCHEDULE OF PERMITTED USES

Column A.	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**
LAND USE CATEGORIES	**B-1**	**B-2**	**B-3**	**PBRD**	**I-1**	**C-P**
5. Recreational, Entertainment Uses						
a. Recreational Facilities, Type A	P	P	P	PR	P	P
b. Recreational Facilities, Type B			P	PR	P	P
c. Recreational Facilities, Type C			P	PR	P	
d. Recreational Facilities, Type D					P	CUP
e. Skill-Based Amusements Type A, B & C approved and/or licensed, as applicable, per the Ohio Casino Commission (See definitions-Section 201.2)			P		P	
6. Storage and Distribution:						
a. In-store bakery distribution center			CUP		P	
b. Mini-storage facility			CUP		P	
c. Outdoor storage			P		P	
d. Warehouse					P	
e. Wholesale outlet			P		P	
7. Industrial, Manufacturing Facilities						
a. Experimental testing and research facilities					P	
b. Factory-manufacturing, compounding, processing, assembling, packaging					P	
c. Slaughter House					CUP	
d. Manufacture of products from raw materials					CUP	
e. Junkyard, scrapyard, auto wrecking yard [(a)]					CUP	
f. Recycling plant [(a)]					CUP	
g. Recycling Center or Transfer facility			P		P	
h. Sanitary landfill [(a)]					CUP	
i. Surface and Strip Mining [(a)]	CUP	CUP	CUP	PR	CUP	CUP
j. Certified Composting Facility [(a)]			CUP		CUP	CUP
k. Top Soil Removal [(a)]	CUP	CUP	CUP		CUP	CUP
8. Community Facilities:						
a. Cemetery	CUP	CUP	CUP	PR	CUP	
b. Adult or Child Day Care Center	CUP	P	P	PR	P	
c. Churches, other places of worship, buildings for public assembly	CUP	CUP	P		P	CUP
d. College/University/Technical/ Business/Trade school and related facilities-Public	P	P	P	PR	P	

411.3 SCHEDULE OF PERMITTED USES

Column A.	B.	C.	D.	E.	F.	G.
LAND USE CATEGORIES	**B-1**	**B-2**	**B-3**	**PBRD**	**I-1**	**C-P**
e. College/University/Technical Business/Trade School and related facilities-Private	CUP	CUP	P	P	P	
f. Elementary and secondary schools and related facilities, public or private	P	P	P	PR	P	
g. Library, Museum	P	P	P	PR	P	CUP
h. Public Service Facilities	P	P	P	PR	P	P
i. Public Safety Facilities	P	P	P	PR	P	P
j. Public Maintenance Facilities	P	P	P	PR	P	P
k. Public parks, playgrounds, outdoor recreational Facilities	P	P	P	PR	P	P
9. Other Uses						
a. Wireless Telecommunication Towers	P	P	P	P	P	CUP
b. Temporary Fairs, Festivals	P	P	P	PR	P	P
c. Radio & Television Station w/out Tower	CUP	P	P	PR	P	
d. Dangerous, Exotic and Wild Animals- See Section 411.18 for regulations					P	
Notes: (a) Requires administrative renewal of a conditional use permit on an annual basis.						

SECTION 411.4 MINIMUM LOT AREA, WIDTH, AND FRONTAGE REQUIREMENTS

The minimum area, width, and frontage of lots that may be used for purposes of commercial or industrial uses are specified in Schedule 411.4.

Schedule 411.4
Minimum Lot Area, Width, and Frontage Requirements

Column A.	B.	C.	D.
Zoning District	**Minimum Lot or Project Area**	**Minimum Lot Width [(a)]**	**Minimum Lot Frontage [(b)]**
1. B-1	20,000 sq. ft.	75 ft.	50 ft.
2. B-2	20,000 sq. ft.	75 ft.	75 ft.
3. B-3	20,000 sq. ft.	100 ft.	100 ft.
4. PBRD	4 acres	100 ft.	100 ft.
5. I-1	20,000 sq. ft.	100 ft.	100 ft.
6. C-P A. Nonresidential	None	None	50 ft.
B. Residential	13,500 sq. ft.	75 ft.	50 ft.
Notes to Schedule 411.4: (a) Distance in feet at the required front setback line. (b) Measured at the front lot line.			

SECTION 411.5 MINIMUM REQUIRED YARDS FOR PRINCIPAL USES (See Chapter 413 Riparian Areas for minimum required yards for principal uses on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

For each principal use located in the B-1, B-2, B-3 or PBRD, I-1 and C-P districts, front, side, and rear yards shall be provided in accordance with the dimension specified in Schedule 411.5. Each yard shall be unobstructed by any structure except as otherwise provided in these regulations.

Schedule 411.5
Minimum Required Yards for Principal Uses

Column A.	B.	C.	D.
Zoning District	**Front Yard Depth [(a)]**	**Side and Rear Yard Depth**	**Side and Rear Yard Adjacent to Residential Districts**
1. B-1	30 ft.	16 ft.	50 ft.
2. B-2	30 ft.	16 ft.	75 ft.
3. B-3	50 ft.	16 ft.	75 ft.
4. PBRD[(b)]	40 ft.	25 ft.	75 ft.
5. I-1	50 ft.	25 ft.	100 ft.
6. C-P A. Nonresidential	40 ft.	20 ft.	50 ft.
B. Residential	35 ft.	10 ft. side 15 ft. rear	10 ft. side 15 ft. rear

Notes to Schedule 411.5:

(a) For corner or double frontage lots, either street may be designated to meet the required front yard setback, as required for such district. A minimum setback of twenty-five (25) feet shall be required on the other street for all structures.

(b) See Section 411.14 for supplemental requirements for PBRD Districts.

SECTION 411.6 BUILDING SPACE

Whenever there is more than one principal building on a lot in a B-1, B-2, B-3, PBRD, I-1 or C-P district, the minimum distance between the buildings shall be at least 30 feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

SECTION 411.7 HEIGHT REQUIREMENTS

Principal buildings shall not exceed the maximum height, as listed below, for the district in which the building is located, except as otherwise set forth in Section 302.1.

The height of the principal building with walk out basements shall be measured from the natural grade of the front of the building.

A. B-1 – 35 ft.
B. B-2 – 35 ft.
C. B-3 – 80 ft.
D. PBRD – 50 ft.
E. I-1 – 80 ft.
F. C-P – 40 ft.

SECTION 411.8 PARKING SETBACK REQUIREMENTS (See Chapter 413 Riparian Areas for minimum parking requirements on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

In all districts, in connection with every use hereafter established, sufficient off-street parking facilities shall be provided in accordance with Chapter 601 and shall be located and designed in compliance with the regulations set forth in this Section.

A. Off-street parking areas may be located within required front, rear, and side yards set forth for principal uses in Schedule 411.5, provided such parking areas comply with the minimum setbacks specified in Schedule 411.8.

Schedule 411.8
Minimum Parking Setback Requirements

Column A.	**B.**	**C.**	**D.**
Zoning District	**Front**	**Rear and Side** (a) (c)	**Rear and Side abutting Residential** (b)
1. B-1	10 ft.	5 ft.	20 ft.
2. B-2	10 ft.	5 ft.	20 ft.
3. B-3	20 ft.	5 ft.	20 ft.
4. PBRD	20 ft.	5 ft.	20 ft.
5. I-1	20 ft.	5 ft.	25 ft.
6. C-P	20 ft.	5 ft.	25 ft.

Notes to Schedule 411.8:
(a) A landscaped strip shall be required within this setback area.
(b) A bufferyard shall be required within this setback area.
(c) The side and rear parking setback when abutting a road right of way shall be a minimum of 10 ft.

B. The side and/or rear parking setback may be waived if two (2) or more adjacent properties are developed under a common site plan and/or owned by the same individual and the waiver enhances traffic flow.

C. Two (2) driveway openings of a width not to exceed thirty (30) feet shall be permitted to traverse the side and/or rear parking setback to allow safe ingress/egress from adjacent properties that are not developed under a common site plan with the subject property.

D. In the case of shared parking areas, ingress/egress locations, applicant shall be required to provide a completed, recorded agreement between the parties to assure access will always be guaranteed.

E. For areas where there is no parking, the minimum parking setback per Section 411.8 shall apply.

SECTION 411.9 LANDSCAPING AND SCREENING REQUIREMENTS

All portions of the zoning lot not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping material. All trees and shrubbery shall be planted so that it will not obstruct view of drivers at driveway entrances or road intersections at the time of planting or in the future. Landscaping and screening must be in compliance with the following:

A. Landscaping Along the Street Frontage. All areas within the required front parking setback, whether parking is provided or not, excluding driveway openings, shall be landscaped. However, the zoning inspector may modify the landscaping requirements within the front parking setback along the street frontage when there is written proof that a utility easement exists within the front parking setback therefore prohibiting the planting of trees or shrubs. The following minimum plant materials shall be provided and maintained.

   1. Five (5) shade trees and twelve (12) shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches. Trees and shrubs may be aggregated appropriately.
   2. Grass, ground covers or other live landscape treatment, excluding paving or gravel.
   3. Landscaping is encouraged to be sloped and depressed to allow water flow into the landscaped area.

B. Screening Along Public Streets Across from Residential Districts. Whenever parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public street when the Commercial or Industrial District is across the street from any Residential District, screening shall be required between the street and the parking lot. Such screening shall have a minimum height of three feet.

C. Screening When Abutting a Residential District. When a lot in any Commercial or Industrial District abuts a Residential District screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.

   1. Width of Bufferyard. The area within the parking setback between the Residential District and a non-residential district specified in Schedule 411.8A shall be established and maintained as the bufferyard.
   2. Screening. Screening within the bufferyard shall consist of one (1) or a combination of two (2) or more of the following:
      a) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer and that will form a six (6) foot high screen within three (3) years of planting.
      b) A non-living opaque structure such as a solid masonry wall, or a solid fence that is at least six (6) feet in height but no higher than eight (8) feet and is compatible with the principal structure.
      c) A maintained, landscaped earthen-mound at least 5 feet wide, that is not less than four (4) feet or more than six (6) feet in height and has ten (10) shrubs per every 100 linear feet in length.

d) Maintenance of the existing natural vegetation that, in its natural state, forms a sufficient screen with a height not less than six (6) feet.

3. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the bufferyard to maximize the screening effect as determined by the Site Plan Review Committee. The bufferyard plan shall be specific to the type of option to be used.

D. Landscape Plan Required. A landscaped plan shall be submitted for all development in a B-1, B-2, B-3, PBRD, I-1, or C-P District. The landscaped plan shall indicate compliance with the above landscaping and screening requirements.

1. The landscape plan shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.
2. Changes to the landscape plan shall be approved by the Zoning Inspector prior to completion.

E. Maintenance and Replacement. Landscaping shall be maintained by the property owner or agent to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water and shall not obstruct the view of traffic exiting the property. Any landscaping material that is a required element of an approved landscaped plan that dies or is destroyed shall be replaced within six (6) months.

SECTION 411.10 ACCESSORY USE, YARD AND HEIGHT REGULATIONS (See Chapter 413 Riparian Areas for minimum required yards for accessory buildings, structures or uses on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

Accessory uses, buildings, and structures permitted in the B-1, B-2, B-3, PBRD, I-1 and C-P districts, shall conform to the location and height standards contained in this section, except where otherwise noted. An accessory building or structure shall be located as set forth in Schedule 411.10, below. An accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in Section 411.11.

Schedule 411.10

Minimum Yard Requirements and Height for Accessory Buildings, Structures or Uses (in feet)

Column A.	B.	C.	D.	E.	F.	G.
Accessory building, use or structure	**Yard in which use or building permitted**	**Minimum distance from structure to:**				**Maximum Height of Structures**
		Rear Lot Line	**Side Lot Line**	**Street R-O-W Line**	**From Principal Building**	
1. Detached storage building, structure or use less than 200 sq. ft. [(a) (b)]	Rear and Side	16 ft.	16 ft.	25 ft.	20 ft.	24 ft.
2. Detached trash enclosure [(a) (c)]	Rear and Side	5 ft. [(f)(e)]	5 ft. [(f) (e)]	25 ft.	15 ft.	8 ft. fence
3. Temporary storage pod (unit) [(a)]	Rear and Side	16 ft. [(d)]	16 ft. [(d)]	25 ft.	5 ft.	20 ft.
4. Swimming Pool, Commercial [(a)]	Rear and side	15 ft. [(f)]	10 ft. [(f)]	25 ft.	15 ft. or attached by decking	N/A
5. Satellite Dishes >25" in diameter or 491 sq. in. [(a)]	Rear and Side	5 ft.	5 ft.	25 ft.	May be attached	15 ft. above roofline
6. Temporary buildings/trailers [(a)]	Front, Side and Rear	10 ft.	10 ft.	25 ft.	20 ft.	18 ft.
7. Fences [(a) (c)]	Front, Side and Rear	N/A	N/A	10 ft.	N/A	8 ft.
8. Freestanding Wind Energy Conversion System[(a)]			See Section 411.11(G) for WECS requirements			
9. Outdoor display for Arts & Crafts festivals/display/sales and Arts & Cultural outdoor-decorative display [(a)]	Front, Side and Rear	5 ft.	5 ft.	10 ft.	N/A	10 ft. (outdoor display items)
10. Small Structure Mounted Wind Energy Conversion Systems[(a)]			See Section 411.11(H) for Regulations			
11. Detached Recycling/Collection Container [(a)]	Front, Rear and Side	5 ft. [(f)(e)]	5 ft. [(f)(e)]	15 ft.	15 ft.	8 ft.

Schedule 411.10

Minimum Yard Requirements and Height for Accessory Buildings, Structures or Uses (in feet)

Column A.	B.	C.	D.	E.	F.	G.
Accessory building, use or structure	**Yard in which use or building permitted**	**Minimum distance from structure to:**				**Maximum Height of Structures**
		Rear Lot Line	**Side Lot Line**	**Street R-O-W Line**	**From Principal Building**	
12. Outdoor Patios without a roof	Front, Rear and Side	10 ft. [(a)]	10 ft. [(a)]	25 ft.	N/A	N/A
13. Outdoor Patios with a roof [(a)]	Front, Rear and Side	See Section 411.11 Outdoor Patios				

Notes to Schedule 411.10:
(a) Also see Section 411.11 of these regulations.
(b) All buildings with a ground floor area of 200 or more square feet shall be considered principal buildings and shall comply with all regulations for principal buildings.
(c) Permits are not required.
(d) 50 ft. when abutting a residential district.
(e) 8 ft. when abutting an access road or street.
(f) 20 ft. when abutting a residential district.

SECTION 411.11 SUPPLEMENTAL ACCESSORY USE REGULATIONS

A. Accessory buildings or structures shall not be constructed or placed on a lot without a principal building or use. If two adjoining lots are in common ownership an accessory building can only be built on the lot with the principal building or use.

B. Trash Receptacles. All waste shall be disposed of and temporarily stored in a proper waste receptacle that is enclosed on all sides with a solid fence or wall. Enclosure may be attached to building; however the dumpster enclosure shall not extend more than 10 ft. into the building setback and shall not contain a roof. Dumpsters themselves should be kept a minimum of 5 ft. from the building. Buildings that include a restaurant should contact the Stark County Health Department for any additional requirements.

C. Swimming Pool Commercial. Swimming pools, hot tubs or whirlpools shall be either contained in a completely enclosed building or surrounded by a fence with a minimum height of eight (8) feet. Fences shall be installed in conjunction with pool construction.

D. Satellite Dishes. Rooftop dishes shall be securely attached to the main roof supports of the building. Satellite dishes less than 25” in diameter or 491 square inches shall not require a permit.

E. Temporary Construction Buildings and Uses.
1. Temporary buildings for uses incidental to construction work may be erected in any of the districts herein established.
2. Temporary buildings shall be removed upon the completion or abandonment of the construction work.

F. Temporary Storage Pods.
1. Shall not decrease required parking spaces.
2. Shall not block fire lanes.
3. Permit required for each pod.
4. Not to exceed six (6) months per permit.

G. Freestanding Wind Energy Conversion System. Freestanding Wind Energy Conversion System for energy uses shall be permitted as an accessory to a principal use within the I-1 Industrial Districts on lots five (5) acres or greater and comply with the following regulations:

1. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
2. Placement of WECS towers at a density of no greater than one (1) per five (5) acres.
3. No WECS shall be located in any required front yard area.
4. Maximum height shall be 100 ft. 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.
5. Minimum setback from all property lines, structures, and above ground utility lines shall be the height of the tower, measured from the natural grade to the tip of the blade in a vertical position, plus 25 ft.
6. Anchor points for guy wires for the tower shall be located no closer than 25 ft. to the property lines and not on or across any above ground electric transmission or distribution line.
7. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 ft.
8. Blade color shall be white or light gray.
9. Lighting of the tower for aircraft and helicopter will conform with Federal Aviation Administration (FAA) standards for wattage and color, when applicable.
10. The tower should have either:
    a. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure.
    b. A locked anti-climb device installed on the tower, or
    c. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
11. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
12. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
13. No variance shall be issued for the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

Site Plan Requirements include but are not limited to:

1. Property lines and physical dimensions of the site.
2. Location of WECS tower, guy wires, and setbacks from property lines, above ground utility lines and any structures on the property.
3. Location of signage.
4. Elevation of the proposed WECS tower.
5. Location of trees within a 100 ft. radius of the proposed WECS.
6. Make, model, picture and manufacturer's specification, including noise decibels.
7. RPC approval, when applicable.

Decommissioning:

1. The WECS owner/applicant shall complete Decommissioning within 12 months after the end of the WECS useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WECS.
2. All Decommissioning expenses are the responsibility of the Owner/Applicant.
3. The Board of Zoning Appeals may grant an extension of the Decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one year.
4. If the WECS Owner/Applicant fails to complete the act of Decommissioning with the period described in this Section, the Jackson Township Trustees may deem the WECS a public nuisance.
5. Following removal of the WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

Windmills 18 ft. in height or less shall be permitted in any commercial district and shall have a minimum setback of 16 ft. from any building, rear or side property line, or equal to the height of the windmill, whichever is greater, and 25 ft. from any right-of-way line.

H. Small Structure Mounted Wind Energy Conversion Systems (SSM-WECS)-Small Structure Mounted Wind Energy Conversion Systems (SSM-WECS) shall be permitted in all commercial and industrial zoning districts as an accessory to a principal use and comply with the following regulations:
   1. The lowest extension of any rotor blade or other exposed moving component of an SSM-WECS shall be at least 15 feet above the ground, as measured from the highest point of grade within 30 feet of the base of the SSM-WECS. In addition, the lowest extension of any rotor blade or other exposed moving component of an SSM-WECS shall be at least 15 feet above any outdoor areas intended for human use that are located below the SSM-WECS. Examples include balconies, roof gardens, etc.
   2. An SSM-WECS shall not produce vibrations that are perceptible to humans beyond any property line upon which a SSM-WECS is located.
   3. Guy wires or similar apparatus shall not be allowed as part of an SSM-WECS or installation.
   4. The total height of an SSM-WECS shall not exceed 15 feet above the maximum permitted height of the structure per the district in which it is located.
   5. An SSM-WECS shall be setback a minimum of 15 feet from any property line, public right-of-way, public easement or overhead utility lines.
   6. If the SSM-WECS is affixed by any extension to a structure's wall, roof or other elevated surface then the setback from property lines, public rights-of-way, public easements or overhead utility lines shall be measured from the furthest outward extension of moving SSM-WECS components.
   7. If more than one SSM-WECS is installed on a property, then a distance equal to the mounted height of the adjacent SSM-WECS must be maintained between the bases of each SSM-WECS.

Decommissioning

1. The SSM-WECS owner/applicant shall complete Decommissioning within 12 months after the end of the SSM-WECS useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular SSM-WECS.
2. All Decommissioning expenses are the responsibility of the Owner/Applicant.
3. The Board of Zoning Appeals may grant an extension of the Decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one year.
4. If the SSM-WECS Owner/Applicant fails to complete the act of Decommissioning within the period described in this Section, the Jackson Township Trustees may deem the SSM-WECS a public nuisance.
5. Following removal of the SSM-WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

I. Fencing: A wall constructed for the purpose of fencing, excluding retaining walls, shall be considered a fence for the purpose of these regulations.

J. Arts and Cultural outdoor decorative display
Artwork may be displayed on a property as part of the decorative landscaping. One plaque one (1) square foot or less displaying the name and sponsor of the artwork may be placed on or abutting the decorative artwork.

K. Recycling/Collection Container: A public utilized storage container used for the temporary storage of paper, plastic, aluminum, cloths, etc. for recycling purposes shall comply with the following: (This does not include accessory containers used for a principal recycling business use on the property)

1. No more than three recycling/collection containers permitted per property, lot or parcel.
2. Shall not decrease required parking spaces.
3. Shall not block fire lanes.
4. Maximum size 49 sq. ft. per container.
5. Shall contain a closed lid.
6. Any recycling/collection container exceeding 49 sq. ft. shall be considered a detached storage building and shall comply with the detached storage building, structure or use regulations per schedule 411.10.

L. Outdoor Patios - Outdoor patios with a roof as part of a principal building shall meet the setback requirements per the principal building. Outdoor patios with a roof that are not part of the principal building shall be considered an accessory building and shall comply with the requirements per Schedule 411.10(1). All outdoor patios are permitted to be surrounded by a fence or decorative wall.

SECTION 411.12 OUTDOOR BUSINESS DISPLAY/STORAGE

All uses, excluding patios, shall be conducted within completely enclosed buildings except in the B-3 and I-1 Districts.

A. Outdoor Display. The outdoor display of goods for sale shall comply with the following:
   1. Display areas shall comply with the parking setbacks set forth in Schedule 411.8A.
   2. Such display areas shall not be located in areas intended for traffic circulation.
   3. Only ten (10%) percent of the existing parking spaces may be used for temporary display when the display area is located within the parking lot.

B. Outdoor Storage. Outdoor storage shall comply with the following:
   1. All areas devoted to outdoor storage shall be located in the side or rear yard, a minimum of 16 feet from a side or rear lot line.
   2. Outdoor storage areas shall not exceed the ground floor area of principal building on the site.

SECTION 411.13 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS

All gasoline stations shall comply with the following supplemental standards.

A. Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Schedule 411.8A.
B. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and fluids.

SECTION 411.14 SUPPLEMENTAL REGULATIONS FOR PBRD PLANNED DEVELOPMENT DISTRICTS

The following supplemental regulations apply to all developments in a PBRD District. These regulations are in addition to the regulations set forth in Section s 411.1 through 411.12. In case of a conflict between these regulations and regulations in Sections 411.1 through 411.12, the regulations in this Section shall govern.

A. Permitted Uses. The uses permitted in PBRD planned development shall be limited to those set forth in Schedule 411.3 for the PBRD, provided that:
   1. A minimum of 30% of planned development's total building floor area shall be devoted to residential uses the density of which shall not exceed 10 units per acre.
   2. A minimum of 15% of the total project area shall be set aside as open space.

B. Common Open Space Requirements. Common open space shall be located and designed to the satisfaction of the Site Plan Review Committee in accordance with the following:
   1. Definition. Common open space, for purposes of this Section, shall be defined as:
      a. Areas that include natural environmental features, water areas, picnic areas, playgrounds, and parking for uses accessory to recreational uses. Recreational structures may be counted toward the common open space requirement when they comply with the requirements of this Section.
      b. Bodies of water, storm retention or detention basins, shall be credited as one-half acre of common open space for each one (1) acre of land. Storm water retention/detention areas may receive full credit towards the open space requirement if they are designed and improved for appropriate open space or recreational uses in addition to storm water detention.
   2. Areas Not Included as Common Open Space. Land area devoted to the following shall not be included as meeting the common open space requirement:
      a. Public street right of way, private streets and parking areas;
      b. Required setbacks between buildings, parking areas and project boundaries and between buildings and public or private streets, except that area within the required setback shall be included as common open space when it is contiguous to and part of a larger area of common open space;
      c. Required spacing between buildings, and between buildings and parking areas;
      d. Private yards within subdivided lots.
   3. Recreation Areas. Any common open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purpose as determined by the Site Plan Review Committee.
      a. Open space for active recreation may include uses such as ball fields, playgrounds, picnic areas, and other active uses requiring open and dry space.
      b. Natural barriers should be maintained to lessen the effect of intrusion into adjoining residential areas.
      c. Recreational structures may be counted toward the common open space requirement when they comply with the following:

1. Principal recreational buildings for open space uses shall comply with the required setbacks set forth in Schedule 411.5 and shall not exceed 50,000 square feet in building floor area.
2. Only retail uses which are customarily accessory or incidental to the principal recreational or open space use shall be permitted in recreational buildings and may include such uses as refreshment stands and souvenir stands.
3. Accessory structures for open space uses shall be permitted at a rate of 500 square feet per acre so designated and be limited to 5,000 square feet first floor dimension per building per ten acre parcel. Such accessory structures shall comply with the required building setbacks set forth in Schedule 411.5.
4. Outdoor tennis courts, swimming pools, open-air picnic shelters, decks, patios and related structures may be considered open space for the purposes of this regulation, and shall comply with the required building setbacks set forth in Schedule 411.5.

4. Ownership and Maintenance of Common Open Space. Legal instruments setting forth the ownership of the required common open space and providing for the perpetual maintenance of the common open space by a homeowner's association, condominium association, other association or the developer shall be submitted to the Jackson Township Law Director for review and approval. Approval shall be based on the following:
   a. The instruments shall guarantee that common open space as shown on the final development plan will remain as such and is free of encumbrances.
   b. When the development is improved in phases, common open space in each phase should equal the minimum percentage required for the entire development. The open space for the entire development shall be platted in its entirety with the plat of the first phase.
   c. Jackson Township shall may be included as a third party in the case of lack of maintenance to usable common open space and may maintain said open space when deemed necessary by the Board of Trustees, in which case the homeowner's association, condominium association, or development residents shall be assessed for said maintenance.

C. Site Development Requirements.
   1. For the purpose of determining the perimeter yard requirements, the development shall be considered as one (1) building; the entire development requiring one (1) front, one (1) rear and two (2) side yards as specified in Schedule 411.5. Setbacks shall be measured from the right-of-way for dedicated streets and from the edge of road for private or undedicated driveways.
   2. Accessory buildings for multi-family dwelling units shall be limited to the rear or side yards and shall not be more than 500 square feet per unit and located at least 20 feet from the principal multi-family buildings.

D. Street and Driveway Requirements. Street and driveway shall comply with the following requirements:

1. All public streets shall be designed and constructed in accordance with Stark County Subdivision Regulations.
2. Private streets shall be at least twenty-two (22) feet in width, except that cul-de-sac streets may have a minimum width of eighteen (18) feet. Each cul-de-sac shall have a minimum radius of forty-four (44) feet, measured from the center of the cul-de-sac.
3. Permanent dead ends streets shall not exceed eight hundred (800) feet in length.
4. Private streets providing access to four or more units shall be constructed in accordance with Stark County Subdivision Regulations.
5. In the event of any intention of the developer to request future acceptance of private streets by the Township, such private streets shall be built according to Stark County Subdivision Regulations with sufficient land set aside to serve as the public right-of-way as required by said County Regulations.
6. Obstructions in private or public roads shall be permitted only upon review and approval by the Jackson Township Board of Trustees, and may include, but are not limited to, planters, islands, boulevards, and landscaping.

E. Supplemental Criteria.
1. Buildings shall have their officially assigned house numbers visibly displayed facing the street.
2. Grading and surface draining provisions must be prepared by a registered engineer or reviewed and approved by the Stark County Subdivision Engineer.

SECTION 411.15 SUPPLEMENTAL REGULATIONS FOR CANAL PARKLAND DISTRICT

The following supplemental regulations apply to all nonresidential development in a C-P District. These regulations are in addition to the regulations set forth in Sections 411.1 through 411.12. In case of a conflict between these regulations and regulations in Section 411.1 through 411.12, the regulations in this Section shall govern.

A. Maximum Lot Coverage. Buildings and parking areas shall comply with the following maximum lot coverage regulations based on the total area of the lot.
1. On lots less than 5 acres, buildings shall not cover more than 25% of the lot; buildings and parking areas shall not cover more than 75% of the lot.
2. On lots between 5 acres and 10 acres, buildings shall not cover more than 20 % of the lot; buildings and parking areas shall not cover more than 70% of the lot.
3. On lots larger than 10 acres, buildings shall not cover more than 15% of the lot; buildings and parking areas shall not cover more than 65% of the lot.

B. Principal Building Design Review Criteria:
1. Building sites, parking and service areas, driveway locations, drainage facilities and other improvements shall be developed with consideration given to minimizing the removal of trees, changes of topography and other factors which will affect the existing character of the neighborhood.
2. Exterior building construction shall be designed, constructed and maintained to promote and provide for the architectural and historic qualities, cohesiveness and compatibility with existing development in the area.

a. Buildings, structures and uses shall be a unity of character and design with the forms and the use, texture and color of materials of neighboring properties.

b. The location, scale and design of structures, buildings and uses shall enhance rather than detract from the character, value and attractiveness of the surroundings.

c. Additions and remodeling to building roofs should have a minimum pitch of four (4) feet vertical to twelve (12) feet horizontal. Varied offsets in rooflines and exterior walls shall be permitted.

d. All buildings and facades shall be designed to create a harmonious whole, while providing individual identity. Materials shall express their function clearly and not appear as a material foreign to the rest of the building, or to the neighborhood.

e. Buildings are not required to look alike in order to be harmonious. Harmony can be achieved through the proper consideration of scale, proportions, site planning, landscaping materials and color.

C. Landscaping and Screening Requirements: These requirements are in addition to Section 411.9.

1. Existing landscaping should be preserved where possible.
2. Maximum visual and auditory privacy for surrounding residential dwellings and occupants shall be provided through design of, and relationship between, buildings, fences and walls, landscaping, topography and open house.
3. Screening of parking areas and service areas from surrounding properties and streets shall be provided through landscaping or ornamental walls or fences to promote harmony with adjacent development and lands. Materials uses in any ornamental wall or fence shall be compatible with the character of the proposed development and adjoining properties.
4. Refuse storage and pick up facilities shall be indicated on the site plan and shall be fenced, screened, or landscaped to prevent the blowing or scattering of refuse and to provide an adequate visual barrier from residential uses.

D. Drainage and Grading:

1. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams and public streets and to minimize the possibility of erosion.
2. Grading and drainage plans shall be reviewed and approved by the Stark County Engineers Office.

E. Conversion: Conversions resulting in a change of use shall require appropriate approvals from other agencies.

F. Phased Development:

1. If the development is to be implemented in phases, each phase must have adequate provisions for access, parking, storm water management and other public improvements to serve the development.
2. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent damage to completed phases, to future phases and to adjoining properties.

SECTION 411.16 SEXUALLY ORIENTED BUSINESSES

A. PURPOSE. It is the purpose of this Amendment to regulate Sexually Oriented Businesses, Adult Entertainment Establishments and Massage Establishments in order to promote the health, safety, and morals of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses, Adult Entertainment Establishments and Massage Establishments with the Township. The provisions of this Amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this A mendment to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Amendment to condone or legitimize the distribution or obscene material.

Sexually oriented business are required to obtain a permit under the attached Board of Trustees February 8, 1994, legislation for sexually oriented businesses which the terms contained therein and any future amendments there are fully incorporated herein except for definitions.

B. DEFINITIONS.

1. As used in this section:

a) "adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by, " "nude," "nudity," "state of nudity," "seminude," "state of seminudity," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Revised Code.

b) "adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater, " "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

2. ADULT ENTERTAINMENT ESTABLISHEMENT – shall have the same meaning as a Sexually Oriented Business.

3. COVERING – means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomical area beneath it.

4. ESTABLISHMENT – means and includes any of the following:

(a) the opening or commencement of any Sexually Oriented Business as a new business;

(b) the conversion of an existing business, whether or not Sexually Oriented Business, to any Sexually Oriented Business;

(c) the additions of any Sexually Oriented Business to any other existing Sexually Oriented Business; or

(d) the relocation of any Sexually Oriented Business.

5. EMPLOYEE - means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, lessee or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

6. **MASSAGE –** means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.
7. **MASSAGE ESTABLISHMENT –** means any fixed place of business where a person offers massages, either in exchange for something of value, or in connection with providing another legitimate service.
8. **MASSEUR OR MASSEUSE** – means any person who performs massages at a massage establishment. Masseur or masseuse does not include the practice of any limited branch of medicine or surgery in accordance with ORC 4731.15 and 4731.16 or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, licensed massotherapist or any other licensed health professional. As used in this division, "licensed" means licensed, certified, or registered to practice in this state.
9. **OPERATE -** means to control or hold primary responsibility for the operation of a sexually oriented business, adult entertainment establishment or massage establishment either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.
10. **OPERATOR –** means any individual on the premises of a sexually oriented business, adult entertainment establishment or massage establishment who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.
11. **PERSON –** means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of wherever form or character.
12. **PRINCIPAL BUSINESS PURPOSE –** means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental consideration, whichever is the greater.
13. **SEXUALLY ORIENTED BUSINESS –** means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Paragraph (B), sub-paragraph (a) and (b) of this Section, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.
14. **SPECIFIED ANATOMICAL AREAS –** means:
    (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
    (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

15. **SPECIFIED SEXUAL ACTIVITIES –** means any of the following;
    (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
    (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
    (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above; or
    (d) performing or appearing nude or semi-nude by employees or patrons.
16. **SUBSTANTIAL ENLARGEMENT** of a Sexually Oriented Business, Adult Entertainment Establishment and Massage Establishment – means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this Amendment takes effect.

C. LOCATION OF SEXUALLY ORIENTED BUSINESS, ADULT ENTERTAINMENT ESTABLISHMENT AND MASSAGE ESTABLISHMENT

1. A Sexually Oriented Business, Adult Entertainment Establishment and Massage Establishment may be located only in accordance with the restrictions contained in (2) through (6) below.
2. A Sexually Oriented Business, Adult Entertainment Establishment and Massage Establishment may be located only in the Industrial District.
3. No Sexually Oriented Business, Adult Entertainment Establishment and Massage Establishment may be established within 1,000 feet of:
    (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    (b) A public or private educational facility including but not limited to child day care facilities, nursery school, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
    (c) A boundary of a residential district as defined in the Zoning Resolution, Chapter 401;
    (d) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of either the Township or which is operated or managed by another entity, or
    (e) An entertainment business which is oriented primarily towards children or family entertainment; or
    (f) A lot containing a residential structure, including multi-family dwellings, a nursing home, convalescent home, extended care facility, library, museum, historical site, or historical landmark.

4. No Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment may be established within 1,000 feet of the property line of a lot devoted to a residential use. For the purpose of this section, and other references to "residential use," residential use includes, but is not limited to, non-conforming residential uses, residential uses permitted by right, or residential uses permitted by a conditional use permit.
5. No Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment may be established, operated or enlarged within 1,000 feet of another Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment.
6. Not more than one Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment in any building, structure, or portion thereof containing another Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment may not be increased.
7. For the purpose of subsections (3) and (4) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment is operated, to the nearest property line of the premises of a use listed in subsection (3) and (4).
8. For the purpose of subsection (5) of this Section, the distance between any two Sexually Oriented Businesses, Adult Entertainment Establishment or Massage Establishment shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

D. PROHIBITION

No operator or person employed in a Sexually Oriented Business, Adult Entertainment Establishment or Massage Establishment located in the unincorporated area of the Township shall violate any section of the Jackson Township Legislation as to Sexually Oriented Businesses, Adult Entertainment Establishments, Massage Establishments, and/or Criminal Conduct in a Sexually Oriented Business.

E. SEVERABILITY

If any section, subsection, or clause of this Amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All Amendments or Parts of Amendments in conflict with the provisions of this Amendment are hereby repealed.

SECTION 411.17 PERMITTED USE CERTIFICATE

A Permitted Use Certificate shall be required to be obtained prior to occupancy of any permitted or conditional permitted use for all businesses in accordance with Section 801.17. Any change in use from one use to another, addition of a use or from one owner/tenant to another will require a new Permitted Use Certificate.

SECTION 411.18 DANGEROUS, EXOTIC AND WILD ANIMALS

The owning, harboring, keeping or breeding of any dangerous, exotic or wild animal shall be permitted within the I-1 Industrial District on lots five (5) acres or greater. The owning, harboring, keeping or breeding of any dangerous, exotic or wild animal shall not be permitted in other zoning districts.

For the purpose of this section "Dangerous, Exotic and Wild Animals" shall be defined as any animal, amphibian, reptile, mammal, bird, or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and is indigenous or not indigenous to the State of Ohio, including, but not limited to, lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarondi, bears, hyenas, wolves, or coyotes, or any life threatening reptiles and arachnids including, but not limited to, crocodilians and poisonous reptiles and tarantulas.

All animals must be kept within a fenced area that is adequate to contain the animal(s).

The keeping, harboring or breeding of animals, including buildings in which animals are kept, shall be located no closer than 200 ft. to any B-1, B-2, B-3, C-P or PBRD district or 1,000 ft. to any residential district, church , park, preschool or school. If a church, park, preschool or school is located in the B-1, B-2, B-3, C-P or PBRD district the 1,000 ft. setback shall apply.

The keeping of dangerous, exotic, and wild animals, including buildings in which animals are kept shall be located no closer than 50 ft. to any property line within an I-1 Industrial district.

The keeping of dangerous, exotic, and wild animals as a pet is prohibited in all residential, B-1, B-2, B-3, C-P, and PBRD districts.

Such animals may be temporarily displayed in any zoning district during a special event such as a circus or carnival, or during educational visits to schools, nursing homes, or other institutions, upon application and issuance of a zoning permit.

For the purpose of this section a dangerous, exotic or wild animal shall not include any domestic animal including, but not limited to, a horse, cow, llama, goat, hog, mink, fowl or an animal commonly kept indoors as a household pet, such as a dog or cat.

The provisions of this section shall not apply to the keeping or dangerous, exotic and wild animals in the following cases:

1. Animals in zoos or zoological parks operated by political subdivisions of the State of Ohio.
2. Animals in a bona fide, licensed veterinary hospital for treatment.

SECTION 411.19 MOBILE FOOD and STATIONARY VENDING

Mobile Food Vending is defined as any mobile trailer or motorized vehicle that moves about the township and is designed to be self-contained, portable and not permanently attached to the ground from which the food within the confines of the mobile unit is then peddled, vended, sold or given away.

Mobile food vending shall fall under the Transient Vendor Legislation and a transient vendor permit shall be obtained, except that vendors attending fairs, festivals and special events within the township shall not be required to obtain a transient vendor permit but shall fall under the special event regulations, unless exempt.

Transient Vendor permits are issued for a period of ninety (90) days and are renewable upon paying the renewal fee.

Stationary Vending is defined as any vendor selling food, drinks, clothing or other misc. items that set up at a fixed location for a period of time not to exceed one-hundred eighty (180) days per permit.

A current food license must be submitted prior to the issuance of any permit, either mobile or stationary, for the vending of food.

Stationary Transient Vendor permits are issued for a period of one-hundred eighty (180) days and shall comply with the following regulations:

Regulations for Stationary Vending:

1. Stationary vending is permitted to operate on a lot or parcel in the B-1, B-2, B-3, I-1 and C-P districts.
2. Stationary vendors are not permitted to sell from any public road right of way or within 10 ft. of a public road right of way.
3. Stationary vending units must not block the entrance or exits to the property, fire lanes or drive isles.
4. Vending operators must have permission from property owners (public or private) or, in case of township owned property, written permission from the Jackson Township Trustees, or their designee, to operate a mobile food vending unit on the property.
5. Stationary vendors are permitted to have a canopy or tent utilized for selling purposes.
6. No more than two stationary vendor units are permitted per property at any one time.
7. Stationary vendors shall not provide or allow any seating areas, including but not limited to, tables and chairs, booths, bar stools, benches and stand up counters.
8. Stationary vendors must supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff on the vending operation. All trash and debris generated by customers and staff shall be collected by the vendor and remove from the site by the vendor.
9. The use of PA systems, bells or music is prohibited.
10. Stationary vendors may display one freestanding sign without a permit at a maximum size of 6 sq. ft/5 ft. in height during selling hours.

SECTION 411.20 REGULATIONS FOR A SENIOR COMMUNITY CAMPUS IN THE B-3 DISTRICT

A. Purpose.
   1. A Senior Community Campus in the B-3 district will provide for attached single family dwelling units that are targeted to adults age 55 or older in which at least one person who is age 55 or older resides in at least eighty (80) percent of the occupied units.

B. Acreage.
   1. The minimum acreage required for the Senior Community Campus in the B-3 district shall be twelve (12) acres.

C. Density.
   1. The maximum density shall not exceed seventeen (17) units per acre. The total number of dwelling units permitted shall be calculated by multiplying the total project area by the number of units permitted per acre.

D. Requirements for Principal Structures.
   1. The minimum setbacks of units around the perimeter of the Senior Community Campus shall be twenty-five (25) feet.
   2. The minimum front yard setback shall be forty (40) feet measured from an existing or newly constructed public road right of way.
   3. The minimum setback from the edge of pavement of an interior private street shall be twenty (20) feet.
   4. The minimum distance between two single-family attached dwellings shall be thirty (30) feet.

E. Height.
   1. The maximum height of the dwelling units shall not exceed fort (40) feet.

F. Accessory Buildings, Structures and Use Requirements.
   1. Accessory buildings, structures, and uses shall comply with Section 411.10 of the zoning regulations.

G. Recreational Uses.
   1. Active recreation areas may be included, but are not obligated to be included, and such areas may include picnic pavilions, swimming pools and similar recreational facilities to be used by the occupants and owners of the campus.

H. Circulation and Parking shall be provided for the project in compliance with the following:
   1. A minimum of two (2) parking spaces shall be provided per dwelling unit.
   2. Parking Lots.
      a. The minimum setback from an existing or newly constructed public right of way shall be twenty (20) feet.
      b. The minimum setback from the edge of pavement of an interior private street shall be ten (10) feet.
      c. All parking lots must comply with the current fire safety standards and must be approved by the fire department.
      d. Parking spaces for parking lots shall be clearly marked with paint or wheel guards to indicate the location of each parking space and must be a minimum of one-

hundred sixty-two (162) square feet in area measuring, 9 feet by 18 feet, exclusive of access drives or aisles.

e. The width of aisles between rows of parking spaces shall not be less then twenty-four (24) feet.

f. All parking areas shall be paved with concrete, asphalt, gravel or equivalent surfacing.

g. All lighting used to illuminate such parking lots shall be so arranged as to direct the light away from adjoining properties or streets, and no open light sources such as the stringing of light bulbs shall be permitted.

I. Streets.

1. Private streets shall be at least twenty-two (22) feet in width and cul-de-sacs on private streets shall be incompliance per the Ohio Fire Code Appendix D for adequate movement of safety vehicles.
2. Permanent dead end streets shall not exceed seven-hundred fifty (750) in length.
3. At dead ends, turnarounds shall be approved by the Jackson Township Fire Department.
4. If the campus has more than fifty (50) dwelling units at least two (2) access points into the campus shall be provided, unless otherwise approved by the Jackson Township Fire Department.

J. Entrances and Exits.

1. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.
2. There shall be not more than two (2) accessways entering into the Senior Community Campus abutting on any one (1) street, except that one (1) additional accessway shall be permitted entering into the Senior Community Campus that has five-hundred (500) feet or more of road frontage provided the proper approvals are obtained from the Township, County or State authorities.
3. Accessways into the campus shall not be less than twenty-seven (27) feet in width at the right of ways line nor more than thirty-five (35) feet in width at the curb cut line of the street, with the following exceptions:
   a. Emergency access driveways may be less than twenty-seven (27) feet in width when approved by the Fire Department.
   b. Ohio Department of Transportation and County approved accessways shall supersede these regulations, where applicable.

K. Screening.

1. Screening with a minimum of ten (10) feet shall be provided around the perimeter of the property where it abuts an R-R, R-1, or R-1A district. Screening shall comply with Section 411.9(C)(2)&(3) of these regulations and be implemented within six (6) months of completion of each building or phase of the campus which abuts a common boundary. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

L. Signs.
   1. One (1) freestanding sign per street frontage shall be permitted per street entrance into the campus at a maximum of 50 sq. ft. 9 ft. in height.
   2. In lieu of a freestanding sign one decorative wall containing signage may be placed on each side of one entrance drive per street frontage provided the wall does not exceed 5 ft. in height, signage does not protrude above the wall height and signage does not exceed 50 sq. ft. per wall.
   3. One wall sign for identification purposes, excluding addresses, shall be permitted per building not to exceed 6 sq. ft. Wall signs shall not protrude above the roof line.
   4. Incidental signs such as entrance/exit and directional signage shall be permitted within the campus at a maximum of 6 sq. ft. 3 ft. in height.

Chapter 412
Research and Technology Campus District

412.1 Purpose
412.2 Use Regulations
412.3 Schedule of Permitted Uses
412.4 Minimum Lot Area, Width and Frontage Requirements
412.5 Minimum Required Yards of Principal Uses
412.6 Building Space
412.7 Height Requirements
412.8 Accessory and/or Secondary Uses
412.9 Supplemental Accessory and/or Secondary Use Regulations
412.10 Parking Setback Requirements
412.11 Landscaping and Screening Requirements
412.12 Supplemental Regulations for the R-T Campus District

SECTION 412.1 PURPOSE

The purpose of this district is to create an environment to accommodate and promote the establishment and expansion of business in the field of advanced research, technology, product development, product assembly and prototyping, along with those facilities which provide goods and services in connection with such uses. It is the intent of the R-T Campus District to provide an environment conducive to the development of such facilities and this district shall be utilized as part of an overall regional economic development strategy to protect public health and general welfare in accordance with the current comprehensive land use plan. To achieve maximum regional economic impact, the township specifically encourages the location and expansion of businesses in the fields of power and propulsion; bioscience; advanced materials; information technology; instruments; controls; electronics and similar activities. The R-T Campus District shall provide sites, in a park-like setting, that will buffer adjacent less intense land use.

The general goals of the R-T Campus District include, but are not limited to, the following:

a. Provide a location of a variety of research offices and laboratories to promote the production of prototype products, plans and designs. The purpose of prototype products is limited to research, development, or evaluation of the merits of those products, plans, or designs. Offices and support services are permitted. However, under no circumstances, shall products be produced for sale or be used in production at a location off the premises nor shall retail or wholesale distribution activities be permitted from the R-T Campus District.
b. Protect adjacent areas by minimizing the danger of fires, explosives, toxic and other noxious matter, radiation, offensive noise, vibration, smoke, odor and other objectionable influences or hazards as controlled by the appropriate regulatory agencies.
c. Promote the most desirable use of land in accordance with the current comprehensive plan, while maintaining property values and protecting the township's tax revenue.
d. Provide a visually stimulating and attractive area in which to work and which will enhance the township's image. The use of property and the construction of facilities, in the R-T Campus District, shall be designed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use shall not change the essential character of the same area.

SECTION 412.2 USE REGULATIONS

In the R-T Campus District, land and structures shall be used or occupied, and structures shall be erected, constructed, enlarged, moved or structurally altered, only for a permitted principal use specified for such district in Section 412.3, or an accessory or secondary use to a permitted principal use.

A. Principal Uses: Uses enumerated in Section 412.3 when denoted with the letter "P" are principal uses permitted by right in the district so indicated, provided that all requirement of other Jackson Township regulations have been met.

B. Accessory Uses: Accessory uses, buildings and structures subject to regulations as specified herein shall be permitted as an accessory or secondary use to a permitted principal use in the R-T Campus District.

1. Accessory buildings, uses, or structures-Section 412.8
2. Fences-Section 412.9
3. Signs-Section 501-504
4. Parking-Chapter 601
5. Trash Receptacles-Section 412.9

SECTION 412.3 SCHEDULE OF PERMITTED USES

Column A	Column B
LAND USE CATEGORIES	**R-T CAMPUS DISTRICT**
1. College, University, Technical School-Public or Private	P
2. Data processing and computer centers including centers for programming and software development	P
3. Laser Technology Application	P
4. Medical and Bio-safety Laboratories engaged in genetic testing, experimentation, demonstration, display, testing, or the study of contagious materials that do not exceed bio-safety levels one (1) and two (2) as determined by the National Institute of Health. Certification of lab levels shall be provided to the Township prior to its operation.	P
5. Office buildings, including accessory uses within the office building, which are normally necessary and incidental to research and technology activities. The purpose of the building being to house executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or marketing related to the products developed in the R-T Campus District	P
6. Processing and Assembling	P
7. Public Maintenance, Safety and Service Facility	P
8. Research, Technology, Prototyping, and Product testing, design and development, including research in all sciences, product engineering, and product market development in such areas as aerospace; telecommunications; automobiles; satellites; medical; computers; electronics; robotics; nano-technology; and film	P
9. Wireless Telecommunications Towers	P

SECTION 412.4 MINIMUM LOT AREA, WIDTH AND FRONTAGE REQUIREMENTS

The minimum area, width, and frontage of lots that may be used for purposes of the R-T Campus District uses are specified in Schedule 412.4.

Schedule 412.4

Column A	B.	C.	D.
Zoning District	**Minimum Lot or Project Area**	**Minimum Lot Width [(a)]**	**Minimum Lot Frontage [(b)]**
R-T Campus District	2 Acres	100 ft.	100 ft.
Notes to Schedule 412.4: (a) Distance in feet at the front setback line. (b) Measured at the front lot line.			

SECTION 412.5 MINIMUM REQUIRED YARDS FOR PRINCIPAL USES (See Chapter 413 Riparian Areas for minimum required yards for principal uses when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimilsa Creek)

For each principal use located in the R-T Campus District, front, side and rear yards shall be provided in accordance with the dimensions specified in Schedule 412.5. Each yard shall be unobstructed by any structure except as otherwise provided in these regulations.

Schedule 412.5

Minimum Required Yards for Principal Uses

Column A	B.	C.	D.
Zoning District	**Front Yard Depth [(a)]**	**Side and Rear Yard Depth**	**Side and Rear Yard Depth Adjacent to Residential Districts**
R-T Campus District	50 ft.	25 ft.	100 ft.
Notes to Schedule 412.5: (a) For corner and double frontage lots, either street may be designated to meet the required front yard setback, as required for such district. A minimum setback of twenty-five (25) feet shall be required on the other streets for all structures.			

SECTION 412.6 BUILDING SPACE

Whenever there is more than one principal building on a lot in the R-T Campus District, the minimum distance between the buildings shall be at least thirty (30) feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

SECTION 412.7 HEIGHT REQUIREMENTS

Principal buildings shall not exceed a maximum height of forty-five (45) feet in the R-T Campus District.

SECTION 412.8 ACCESSORY AND/OR SECONDARY USES

Accessory and/or secondary uses as specified in Schedule 412.8 shall comply with setbacks, building spacing, yard, height, parking and landscaping requirements as per principal use.

Schedule 412.8
Accessory and/or Secondary Uses

Column A	B.
Accessory use or structure	**Yard in which use or structure in permitted**
1. Day care facilities, Personal services, Indoor Recreation and Health and Wellness uses when provided as an accessory or employee convenience use.	Must be located within the principal building
2. Library, Museum	Front, Rear and Side
3. Retail uses, Restaurants, and Banking facilities not to exceed a maximum of two-thousand five-hundred (2,500) sq. ft. or ten (10%) percent of the gross floor area of the principal building, whichever is less.	Must be located within the principal building
4. Transportation Terminal	Rear
5. Warehouse	Rear
Notes to Schedule 412.8: All setbacks for accessory and/or secondary uses, buildings or structures must comply with setbacks specified for principal uses.	

SECTION 412.9 SUPPLEMENTAL ACCESSORY AND/OR SECONDARY USE REGULATIONS

a. Trash Receptacles. All waste shall be disposed of and temporarily stored in a proper waste receptacle that is enclosed on all sides with a solid fence or wall.
b. Fences. Fences may be located in the front, rear or side yards provided they do not exceed a maximum height of 8 ft. Fences must be located at least ten (10) feet from the road right-of-way.

SECTION 412.10 PARKING SETBACK REQUIREMENTS (See Chapter 413 Riparian Areas for minimum parking requirements on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

In the R-T Campus District, in connection with every use hereafter established, sufficient off-street parking facilities shall be provided in accordance with Chapter 601 and shall be located and designed in compliance with the regulations set forth in this Section.

a. Off-street parking areas may be located within the required front, rear and side yards set forth for principal uses in Schedule 412.3, provided such parking areas comply with the minimum setbacks specified in Schedule 412.10.

Schedule 412.10
Minimum Parking Setback Requirements

Column A.	B.	C.	D.
Zoning District	**Front**	**Side and Rear [(a)(c)]**	**Side or Rear Abutting a Residential District [(b)]**
R-T Campus District	20 ft.	5 ft.	50 ft.

Notes to Schedule 412.10

(a) A landscaped strip shall be required within the setback area.
(b) A bufferyard shall be required when abutting a residential district.
(c) The side and rear parking setback when abutting a road right of way shall be a minimum of 10 ft.

b. If two (2) or more adjacent properties are developed under a common site plan the Board of Zoning Appeals may grant a variance to the side and/or rear parking setback when it is determined that the waiver enhances traffic flow.
c. Two (2) driveway openings of a width not to exceed thirty (30) feet shall be permitted to traverse the side and/or rear parking setback to allow safe ingress/egress from adjacent properties that are not developed under a common side plan with the subject property.
d. In case of shared ingress/egress locations, applicant shall be required to provide a completed, recorded agreement between the parties to assure access will always be granted.

SECTION 412.11 LANDSCAPING AND SCREENING REQUIREMENTS

All portions of the zoning lot not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping material. All trees and shrubbery shall be planted so that it will not obstruct view of drivers at driveway entrances or road intersections at the time of planting or in the future. Landscaping and screening must be in compliance with the following:

A. Landscaping Along the Street Frontage. All areas within the required front and parking setback, excluding driveway openings, shall be landscaped. The minimum plant materials shall be provided and maintained.
   1. Five (5) shade trees and twelve (12) shrubs for every 100 linear feet of lot frontage or fraction thereof not including drive entrances. Each tree, at the time of installation, shall have a clear truck height of at least six (6) feet and minimum caliper of two (2) inches. Trees and shrubs may be aggregated appropriately.
   2. Grass, ground covers or other live landscaped treatments, excluding paving or gravel.
   3. Landscaping is encouraged to be sloped and depressed to allow water to flow into the landscaping area.

B. Screening When Abutting a Residential District: When a lot in an R-T Campus District abuts a Residential District screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations:
   1. Width of Bufferyard. The area within the parking setback between the Residential District and the R-T Campus District specified in Section 412.8 shall be considered the bufferyard.

2. Screening. Screening within the bufferyard shall consist of one (1) or a combination of two (2) or more of the following:
   a. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer and that will form a six (6) feet high screen within three (3) years of planting.
   b. A non-living opaque structure such as a solid masonry wall, or a solid fence that is at least six (6) feet in height but no higher than eight (8) feet in height that is compatible with the principal structure.
   c. A maintained, landscaped earthen-mound at least five (5) feet wide, that is not less than four (4) feet or more than six (6) feet in height and has ten (10) shrubs for every 100 linear feet of length.
   d. Maintenance of the existing natural vegetation that, in its natural state, forms a sufficient screen with a height not less than six (6) feet.
3. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the bufferyard to maximize the screening effect as determined by the Site Plan Review Committee. The bufferyard plan shall be specific to the type of option to be used.

C. Landscaped Plan Required: A landscaped plan shall be submitted for all developments in the R-T Campus District. The landscape plan shall indicate compliance with the above landscaping and screening requirements.
   1. The landscape plan shall be implemented within six (6) months of the completion of each building or phase of the development. A building phase or parking area shall be considered complete the day it is first used for the purpose intended.
   2. Changes to the landscape plan shall be approved by the Zoning Inspector prior to completion.

D. Maintenance and Replacement. Landscaping shall be maintained by the property owner or agent to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water and shall not obstruct the view of traffic exiting the property. Any landscaping material that is a required element of an approved landscape plan that dies or is destroyed shall be replaced within six (6) months.

E. Minimum Tree Coverage for a lot in the R-T Campus District: In addition to other requirements for tree planting or preservation of existing natural vegetation, a minimum amount of tree coverage shall be provided on a lot where a principal building is constructed or enlarged. The minimum amount of tree coverage shall be provided by new tree plantings, preservation of existing trees or a combination thereof anywhere on the lot, at a ratio of not less than one (1) tree for each one-thousand (1,000) square feet of gross floor area of a new principal building space. For the purpose of this section, a tree is defined as having two (2) inches or more of trunk diameter measured four and one-half (4-1/2) feet above ground level.

F. Landscaping Material in the R-T Campus District: The proposed landscape materials should complement the form of the existing trees and plantings, as well as the general design and architecture. All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Artificial plants shall not be used to meet landscaping requirements.

SECTION 412.12 SUPPLEMENTAL REGULATIONS FOR THE R-T CAMPUS DISTRICT

1. UTILITIES

   All utilities, in the R-T Campus District, shall be installed underground. Any access boxes or terminals that must be installed above ground shall be screened and landscaped with plant materials that shall provide seventy-five (75%) percent opacity within two (2) years of planting.

2. LIGHTING

   a. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All exterior lighting shall be shielded from adjacent properties.
   b. All parking areas shall be property illuminated with down lighting.
   c. All exterior lighting used to light vehicular use areas and pedestrian pathways shall be so arranged as to reflect the light away from adjoining premises or streets in the district or adjacent streets.
   d. All other exterior lighting including, but not limited to, doorways, architectural, accent, landscape, signage, decorative, security, floodlighting, or area lighting shall be of fully shielded design and shall not emit any direct light above a horizontal plain passing through the lowest part of the light emitting portions of the luminary or lamp. Any lighted signage must have the lights integrated into the design of the sign.

3. ON-ROOF MECHANICAL FACILITIES

   All on-roof mechanical facilities, such as air conditioning units and satellite dishes, shall be screened on all sides to the height of the mechanical unit. Such screening shall be complementary to the materials of the principal building.

4. NOISE

   Fixed equipment sound levels shall not exceed sound pressure indicated in the following table. Sound pressure levels shall be measured with a Sound Level Meter and/or Octave Bank Analyzer in conformance with the American National Standards Institutes (ANSI) Standard S1, 4. Sound pressure levels shall be measured at the source property line or anywhere beyond the source property line, and need not be contiguous to the receiving property.

Noise Source	**Time**	**Residential**	**Business**
Business	7:00 a.m. to 6:00 p.m.	55 dBA	60dBA
Business	6:00 p.m. to 7:00 a.m.	50 dBA	50 dBA

CHAPTER 413
RIPARIAN AREAS

413.1 Definitions, as used in this section
413.2 Purpose
413.3 General Requirements
413.4 Establishment of Riparian Setbacks
413.5 Permitted Uses within Riparian Setbacks
413.6 Prohibited Uses within Riparian Setbacks
413.7 Non-Conforming Structures or uses in Riparian Setbacks

SECTION 413.1 DEFINITIONS, AS USED IN THIS SECTION

1. **DAMAGED OR DISEASED TREES:** Trees that have split trunks, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root system that puts the tree in imminent danger of falling, leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling.
2. **DESIGNATE WATERCOURSE:** Ohio Erie Canal, Tuscarawas River, Mudbrook Creek, and the Nimisila Creek.
3. **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is being performed.
4. **DUMPING:** The grading, pushing, piling, throwing, unloading or placing of soil or other material.
5. **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
6. **RIPARIAN SETBACK:** This shall mean land adjacent to designated watercourses that if naturally vegetated and/or appropriately vegetated and appropriately sized, limits erosion, reduces flood flows, and/or filters and settles out runoff pollutants, or which performs other functions consistent with the purpose of these regulations.
7. **RIPARIAN SETBACK:** A naturally vegetated area located adjacent to streams and rivers that are intended to stabilize banks and limit erosion.
8. **STREAM BANK OR RIVER BANK:** The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.
9. **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.
10. **WETLAND SETBACK:** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

SECTION 413.2 PURPOSE

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

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

SECTION 413.3 GENERAL REQUIREMENTS

A. These regulations shall apply to all zoning districts.
B. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated water course, except as otherwise provided herein.
C. A designate water course shall be considered as the Tuscarawas River, Ohio Erie Canal, Mudbrook Creek and Nimisila Creek.
D. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

SECTION 413.4 ESTABLISHMENT OF RIPARIAN SETBACKS

A. Riparian setbacks shall be measured from the current (what is in existence at the time of filing for a zoning certificate) stream or river bank of a designated watercourse.
B. Except as otherwise provided in this resolution, riparian setbacks shall be preserved in their natural state.
C. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the attached area provided by Federal Emergency Management Agency (FEMA).
D. Riparian setbacks on designated watercourses shall be established as follows:
    1. A minimum of 50 feet on each side of the Tuscarawas River.
    2. A minimum of 25 feet on each side of the Mudbrook Creek, Nimisila Creek and Ohio Erie Canal.

SECTION 413.5 PERMITTED USES WITHIN RIPARIAN SETBACKS

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

A. Recreational activity: Passive recreational uses, as permitted such as hiking, fishing, hunting, picnicking, and similar uses.
B. Removal of Damaged or Diseased Trees: Damaged or diseased trees may be removed.
C. Re-vegetation and/or Reforestation: Riparian setbacks may be re-vegetated with non-invasive plant species.

D. Maintenance of lawns, gardens and landscaping: Lawns, gardens and landscaping that existed at the time the ordinance became effective, may be maintained as long as they are not increased in size.
E. Streambank Stabilization and Erosion Control Measures may be allowed provided such measures are ecologically compatible and substantially utilize natural materials and native plant species where practical. The streambank stabilization and erosion control measures shall only be undertaken upon approval of a Soil Erosion and Sediment Control Plan approved by Stark County Soil and Water Conservation District.
F. Crossing of designated watercourses and through riparian setbacks by publicly and privately owned roads, drives, sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of the US Army Corps of Engineer and/or Ohio EPA. Soil erosive materials shall not be used in making stream crossings.
G. Construction of fencing shall be allowed with the condition that reasonable efforts be taken to minimize the destruction of existing vegetation, provided that the fence does not impede stream or flood flow, and the disturbed area is replanted to the natural or preexisting conditions before the addition of the fence.
H. Storm Water Retention and Detention Facilities are permitted subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Stark County Soil and Water Conservation District and the Ohio EPA. Storm water retention and detention facilities shall be located a minimum of fifty (50) feet from the current stream or riverbank of the designated watercourse.
I. Signs are permitted in accordance with Article V.

SECTION 413.6 PROHIBITED USES WITHIN RIPARIAN SETBACKS

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

A. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
B. Dredging and Dumping: There shall be no drilling, filling, dredging, or dumping of soils, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials as permitted under these regulations.
C. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
D. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

SECTION 413.7 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

A. A non-conforming use within a riparian setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.
B. A non-conforming accessory structure within a riparian setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the existing building footprint or roofline may not

be expanded or enlarged in such a way that would move the structure closer to the stream, river or creek.

C. A non-conforming structure or use or deteriorated structure within a riparian setback which is in existence at the time of passage of this regulation, and which is discontinued, terminated, or abandoned for a period of two (2) years or more, may not be revived, restored or re-established. This section does not apply to a residence that is vacant and which is not subject to condemnation order by the Stark County Building Department. This section shall also not prohibit ordinary repairs to a residence or residential accessory building that are not in conflict with other provisions in this regulation.

D. In case of a non-conforming residential structure, minor upgrades to the structure that extend further into the riparian setback may be allowed, such as awnings and pervious decks/patios, provided the modifications do not extend more than ten (10) feet further into the riparian setback than the original foundation of the structure existing at the time of passage of this regulation and provided that the modification will not impair the function of the riparian area nor destabilize any slope or stream bank.

CHAPTER 414
SOLAR ENERGY SYSTEMS

414.1 Requirements for Accessory Solar Energy Systems
414.2 Requirements for Solar Energy Production Facility

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

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

SECTION 414.1 REQUIREMENTS FOR ACCESSORY SOLAR ENERGY SYSTEMS

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. A roof/structure mounted solar energy system:
   a) Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
   b) Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located.
   c) May be mounted to a principal or accessory structure.
   d) Combined height of the solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
5. A ground/pole mounted solar energy system:
   a) Shall not exceed the maximum height allowed in that zoning district for accessory buildings.
   b) Shall be permitted in the rear or side yard only.
   c) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
   d) The minimum setback distance from the property lines for solar energy systems and their related equipment shall be at least one hundred ten (110) percent of the height of the solar energy system or at least twenty (20) feet from the nearest property line, whichever is greater.
6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.

7. Solar energy systems shall not be constructed until all applicable zoning and building permits have been approved and issued.
8. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
9. A site plan shall be submitted at the time of application and shall include:
   a) Property lines and physical dimensions of the site.
   b) Location of solar energy system(s) and all related equipment, setbacks from property lines, and any structures on the property.
   c) Letter from the Stark County Health Department or Stark County Sanitary Engineers office stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
   d) Location of any required signage.
   e) Elevation of the proposed solar energy system(s) at it maximum tilt.
   f) Manufacturer's specification, including make, model and picture.
   g) Scaled drawing no smaller than 1"-100'.

SECTION 414.2 REGULATIONS FOR PRINCIPAL SOLAR ENERGY PRODUCTION FACILITIES

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

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

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

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified with the underlying zoning district.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All solar energy systems shall be designed and located in order to prevent reflective glare towards any inhabited building on adjacent properties as well as adjacent street right of ways.
5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.

7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provide screening in accordance with section 411.9(c)(2) of the zoning resolution.
8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located per Schedule 411.5.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days.
10. A site plan shall be submitted at the time of application and shall include:
    a) Property lines and physical dimensions of the site.
    b) Location of solar energy system(s) and all related equipment, setbacks from property lines and any structures on the property.
    c) Letter from the Stark County Health Department or Stark County Sanitary Engineers office stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
    d) Location of any required signage.
    e) Elevation of proposed solar energy system(s) at its maximum tilt.
    f) Manufacturer's specifications, including make, model and picture.
    g) Scaled drawing no smaller than 1"=100'.

Chapter 431

Conditional Use Permits

431.1 Purpose
431.2 General Criteria for all Conditional Uses
431.3 Specific Standard for Conditional Uses
431.4 Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Residential Districts
431.5 Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts
431.6 Supplemental Regulations for Certain Uses

SECTION 431.1 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate those activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities, and traffic generation. Accordingly, conditional use certificates shall conform to the procedures and requirements of Chapter 802.

SECTION 431.2 GENERAL CRITERIA FOR ALL CONDITIONAL USES

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district and only if such use conforms to the following general criteria, which are in addition to specified conditions, standards and regulations set forth in Sections 431.3 and 431.4. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed:

A. Will not be detrimental to property values in the immediate vicinity.

B. Will not restrict or adversely affect the existing use of the adjacent property owners.

C. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall meet the approval of the Township Trustees, or county or state agencies where applicable.

D. Will meet the requirements of EPA for stormwater runoff, when applicable.

E. Will be properly landscaped according to Section 411.9 where applicable pursuant to Chapter 411 or when specified as a condition for approval.

F. Will be constructed and maintained in a neat, orderly and safe condition.

SECTION 431.3 SPECIFIC STANDARDS FOR CONDITIONAL USES

In addition to the general criteria established in Section 431.2, the following specific conditions pertaining to each use or group of uses shall apply.

A. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 431.2.

B. Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.

C. Specific Development Standards.

1. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
2. For parcels of one or more acres, all points of vehicular entrance or exit shall be located no closer than:
   a. One hundred (100) feet from the intersection of two arterial streets, or
   b. Fifty (50) feet from the intersection of an arterial and a local or collector street.
3. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic of any street or highway. All outside lighting shall be shielded from adjacent properties.
4. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupant of adjacent property.
5. All trash receptacles shall be adequately screened.
6. Grading and surface drainage provisions shall be prepared by a registered engineer and reviewed or approved by the Stark County Subdivision Engineer, where applicable.

SECTION 431.4 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS (See Chapter 413 Riparian Areas for minimum yard requirements for conditional uses on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek.)

Schedule 431.4 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal buildings and parking areas for uses when conditionally permitted in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 431.6, and the specific subsections are referenced in Schedule 431.4.

Schedule 431.4
Minimum Area, Width and Yard Regulations for Conditional Uses in Residential Districts

Column A	B.	C.	D.	E.	F.	G.	H.
Conditional Permitted Use:	**Minimum Lot Regulations [b]**		**Minimum Building Setbacks**		**Minimum Parking Setbacks**		**All see Section:**
	Area	**Width**	**Front**	**Side/ Rear**	**Front**	**Side/ Rear**	
1. Bed and breakfast residential	14,500 sf.	80 ft.	(a)	(a)	(a)	(a)	431.6B
2. Church, other place of worship	1 acre	100 ft.	(a)	35 ft.	20 ft.	20 ft.	431.6F
3. Private College, university or technical schools and related facilities	3 acres	100 ft.	50 ft.	100 ft.	20 ft.	20 ft.	431.6E
4. Congregate Living Development	5 acres	100 ft.	See Subsection 431.6G				
5. Congregate Living Facility	3 acres	100 ft.	50 ft.	35 ft.	20 ft.	20 ft.	431.6H
6. Day Care Center, Adult or Child	20,000 sf	100 ft.	(a)	25 ft.	20 ft.	20 ft.	431.6I
7. Private Elementary and Secondary schools and related facilities	3 acres	100ft.	50 ft.	35 ft.	20 ft.	20 ft.	431.6F
8. Family Day Care type A	20,000 sf	100 ft.	(a)	(a)	(a)	(a)	431.6I
9. Group Dwelling Development	3 acres	100 ft.	(a)	(a)	20 ft.	20 ft.	431.6K
10. Group Home for Handicapped persons	20,000 sf	100 ft.	(a)	(a)	20 ft.	10 ft.	431.6L
11. Hospital	3 acres	100 ft.	50 ft.	100 ft.	20 ft.	20 ft.	431.6M
12. Library and museum	1 acre	100 ft.	(a)	35 ft.	20 ft.	20 ft.	431.6F
13. Surface Mining	20 acres	100 ft.	See Subsection 431.6Y				
Wireless Telecommunication Towers as regulated in Chapter 304							

Notes to Schedule 431.4:

(a) Shall comply with district regulations.

(b) The minimum lot area regulations may be modified by the Board of Zoning Appeals when determined by the BZA to be appropriate and consistent with the intent and purpose of the zoning resolution.

N/A –Not applicable

SECTION 431.5 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS (See Chapter 413 Riparian Areas for minimum yard requirements for conditional uses on lots when abutting the Ohio Erie Canal, Tuscarawas River or the Mudbrook or Nimisila Creek)

Schedule 431.5 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal buildings and parking areas for uses when conditionally permitted in a commercial or industrial district. Supplemental requirements pertaining to such uses are set forth in Section 431.6, and the specific subsections are referenced in Schedule 431.5, below.

Schedule 431.5

Area, Width and Yard Regulations for Conditional Uses in Commercial/Industrial Districts

Column A	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**	**H.**
Conditional Permitted Use:	**Minimum Lot Regulations [d]**		**Minimum Building Setback**		**Minimum Parking Setbacks**		**Also See Section:**
	Area	**Width**	**Front**	**Side/ Rear[a]**	**Front**	**Side/ Rear[a]**	
1. Automobile, truck, boat, trailer, farm implement storage and/or repair	1 acre	100 ft.	(b)	(b)	20 ft.	20 ft.	431.6A
2. Bed and Breakfast Inn	(b)	(b)	(b)	(b)	(b)	(b)	431.6B
3. Car Wash Facility	1 acres	100 ft.	(b)	(b)	(b)	(b)	431.6A
4. Cemetery	10 acres	100 ft.	(b)	(b)	(b0	(b)	431.6C
5. Certified Composting Facility	20 acres	100 ft.	100 ft.	100 ft.	50 ft.	25 ft.	431.6W
6. Church, other place of Worship	1 acre	100 ft.	(b)	(b)	(b)	(b)	431.6F
7. Club	1 acre	100 ft.	(b)	(b)	(b)	(b)	431.6D
8. Private College, University, Technical/Business//Trade School and related facilities	3 acres	100 ft.	50 ft.	50 ft.	20 ft.	20 ft.	431.6E
9. Congregate Living Facility	3 acres	100 ft.	50 ft.	35 ft.	20 ft.	20 ft.	431.6H
10. Day Care Center, Adult or Child	20,000 sf	(b)	(b)	(b)	(b)	(b)	431.6I
11. Drive-thru Facility	30,000 sf	100 ft.	(b)	(b)	(b)	(b)	431.6J
12. Family Day Care type A	20,000 sf	(b)	(b)	(b)	(b)	(b)	431.6I
13. Hospital	3 acres	100 ft.	50 ft.	50 ft.	20 ft.	20 ft.	431.6M
14. In-store Bakery Distribution Center	1 acre	100 ft.	50 ft.	50 ft.	20 ft.	20 ft.	431.6N
15. Junk Yard or Scrap Yard	20 acres	100 ft.	See Subsection 431.6O				
16. Kennel (overnight boarding)	1 acre	100 ft.	(b)	(b)	20 ft.	20 ft.	431.6P
17. Landscaping Business	1 acre	100 ft.	(b)	(b)	20 ft.	20 ft.	431.6Q

Schedule 431.5
Area Width and Yard Regulations for Conditional Uses in Commercial/Industrial Districts

Column A	**B.**	**C.**	**D.**	**E.**	**F.**	**G.**	**H.**
Conditional Permitted Use:	**Minimum Lot Regulations[d]**		**Minimum Building Setback**		**Minimum Parking Setbacks**		**Also See Section:**
	Area	**Width**	**Front**	**Side/ Rear[a]**	**Front**	**Side/ Rear[a]**	
18. Landscaping & Construction vehicle and equipment storage when not used in conjunction with onsite business	1 acre	100 ft.	(b)	(b)	20 ft.	20 ft.	431.6R
19. Library, Museum	(b)	(b)	(b)	(b)	(b)	(b)	431.6F
20. Mini Storage Facility	1 acre	100 ft.	50 ft.	50 ft.	20 ft.	20 ft.	431.6S
21. Parking lot as a principal Use	(b)	(b)	N/A	N/A	(b)	(b)	431.6T
22. Recreational facility, Type D	5 acres	100 ft.	50 ft.	100 ft.	20 ft.	20 ft.	431.6U
23. Radio Television Station without tower	20,000 sf	100 ft.	(b)	(b)	(b)	(b)	N/A
24. Recycling Plant	5 acres	100 ft.	100 ft.	100 ft.	20 ft.	20 ft.	431.6V
25. Sanitary Landfill	35 acres	100 ft.	100 ft.	200 ft.	50 ft.	50 ft.	431.6W
26. Slaughter House	50 acres	100 ft.	200 ft.	1500 ft.	20 ft.	20 ft.	431.6Z
27. Surface and Strip Mining	20 acres	100 ft.	See Subsection 431.6X				
28. Transportation Terminal-public or private	5 acres	100 ft.	100 ft.	100 ft.	20 ft.	20 ft.	431.6V
29. Wireless Telecommunication Tower	(c)	(c)	(c)	(c)	(c)	(c)	Chapter 304
30. Top Soil Removal	(b)	See Subsection 431.6Y					

Notes to Schedule 431.5

(a) Regulations apply to all side and rear setbacks unless a greater setback is specified in the district regulations for lots adjacent to residential districts.
(b) Shall comply with district regulations
(c) Shall comply with requirements of Chapter 304
(d) The minimum lot area regulations may be modified by the Board of Zoning Appeals when determined by the BZA to be appropriate and consistent with the intent and purpose of the zoning resolution.

SECTION 431.6 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

The following are specific conditions, standards and regulations for certain conditional permitted uses and are in addition to the criteria and standards set forth in Section 431.2, 431.3, 431.4, and 431.5.

A. Automobile, Truck, Boat, Trailer and Farm Implement Storage or Repair, and Car Wash shall be operated so that all activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.

B. Bed and Breakfast facilities including inns and residential bed and breakfast shall comply with the following:
   1. The bed and breakfast facility shall be located on a parcel abutting, or adjacent to an arterial or collector street, park, or commercial district.
   2. Meals shall be provided only to guests taking lodging in the facility.
   3. Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
   4. Only retail sales customary to overnight facilities shall be permitted.
   5. Bed and Breakfast, Inn facilities shall comply with the following:
      a. Shall have a minimum of four (4) and a maximum of eight (8) guestrooms.
      b. Shall contain a commercial kitchen and shall obtain all required health department food service permits.
   6. Bed and Breakfast, Residential facilities shall comply with the following:
      a. The building shall be compatible with surrounding land use and shall not exceed three (3) guestrooms.
      b. Food or laundry deliveries shall be made at the rear of the building and shall be conducted during daytime hours.
      c. The building shall not contain a commercial kitchen.

C. Cemeteries shall comply with the following:
   1. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
   2. Pavement width of driveways shall be at least twenty (20) feet.
   3. Sufficient parking spaces shall be provided within the cemetery so as not to hinder traffic flow.
   4. Only signs designating entrances, exits, traffic direction and titles shall be permitted and shall be approved by the Board of Zoning Appeals.
   5. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.
   6. Gravesites shall not be located within ten (10) feet of the right-of-way lines of any public street nor within ten (10) feet on an existing property line.

D. Clubs shall comply with the following:

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.

1. No outdoor activities shall be permitted.

E. Private Colleges, Universities, Technical/Business/Trade Schools and related facilities shall comply with the following:

1. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
2. Such development should be located on arterial streets or at intersections of arterial and/or collector streets.
3. Related facilities such as, but not limited to dormitories, student union halls, and athletic facilities, shall be located on the same lot as the college or university.
4. A bufferyard shall be provided around the perimeter of the property where it abuts R-R, R-1, R-1A, or R-2 Districts. The bufferyard plan shall comply with Section 411.9C of these regulations and shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purposes intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.
5. Accessory uses shall be limited to those directly related to the conditional use permit so granted.

F. Community Facilities such as Church and Other Places of Worship, Private Elementary and Secondary Schools and Related Facilities, Libraries and Museums shall comply with the following:

1. Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
2. All outdoor children's activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
3. Churches and other places of worship may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.
4. 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.
5. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

G. Congregate Living Development shall comply with the following:

The development must contain a Congregate Living Facility and Single Family detached or Single Family attached dwelling units and comply with the following:

1. Congregate Living Facility:
   a. The minimum building and parking setback set forth in Schedule 431.4 of the Congregate Living Facility shall apply to the perimeter of the property.
   b. The Congregate Living Facility shall comply with the criteria per Section 431.6(H).
   c. The minimum front, side, and rear building setback for the Congregate Living Facility from a newly constructed interior public or private street shall be 25 ft.
   d. The minimum front, side, and rear parking setback for the Congregate Living Facility from a newly constructed interior public or private street shall be 10 ft.
2. Single Family detached and single family attached dwelling units:
   a. In an R-2 district the maximum number of units permitted to be attached shall be two (2).
   b. Must have common social and recreational facilities.
   c. Density shall not exceed the maximum number of units set forth for the district in which it is located. The total number of dwelling units permitted shall be calculated by multiplying the total project area set aside for single family detached or single family attached dwelling units exclusive of land area devoted to public right-of-way existing at the time an application is submitted.
   d. Minimum front building setback from an existing road right-of-way:
      1. Must comply with the district in which it is located in per Schedule 401.6.
   e. Minimum building setbacks from project boundary:
      1. Thirty-five (35) feet to a project boundary that abuts an R-R, R-1, or R-1A district.
      2. Twenty-five (25) feet to a project boundary that abuts any other district.
   f. Minimum building setback from an interior street:
      1. Twenty-five (25) feet to a newly constructed public right-of-way.
      2. Twenty (20) feet to the pavement of a private street.
   g. Minimum distance between buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by at least the minimum distance specified, below:
      1. Twenty (20) feet between two detached single-family units.
      2. Thirty (30) feet between a detached single-family unit and attached single-family units and between two attached single-family units.
   h. Each dwelling unit must have at least two off-street parking spaces.
3. Circulation shall be provided for the project in compliance with the following:
   a. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent.

b. At dead ends, turnarounds shall consist of forty-four (44) foot paved radius, measured from the center of roadways, for adequate movement of safety vehicles.

c. If the development has more than fifty (50) dwelling units at least two (2) access points to public streets shall be provided.

4. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas and curb cuts shall conform to and be substantially constructed in accordance with the approved development.

5. Screening with a minimum of ten (10) feet shall be provided around the perimeter of the property where it abuts an R-R, R-1, or R-1A district. Screening shall comply with section 411.9(C)(2) of these regulations and be implemented within six (6) months of completion of each building or phase of the development which abuts a common boundary. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

H. Congregate Living Facility shall comply with the following:

1. The following type of residential facilities may be included within the Congregate Living Facility and must have common social, recreational, dining and food preparation facilities:

a. Independent living with congregate dining facilities,

b. Congregate Living,

c. Assisted Living,

d. Nursing Home.

2. Such use should not be located on a local residential street.

3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

4. The maximum height of the building shall be one story, not to exceed twenty (20) feet, in the R-R, R-1 and R-1A district.

5. Screening with a minimum of ten (10) feet shall be provided around the perimeter of the property where it abuts an R-R, R-1, or R-1A district. Screening shall comply with Section 411.9(C)(2) of these regulations and shall be implemented within six (6) months of completion of each building or phase of the development which abuts a common boundary. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

I. Day Care Center, Adult or Child and Family Day Care Type A shall comply with the following:

1. The development plan shall indicate the dimensions of the day-care home, or center, open space areas, parking and emergency entrances or exits and other safety precautions.

2. Property shall be maintained in a neat, orderly and safe condition.

3. All activities shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised to prevent any hazard, disturbance or nuisance.

4. Sixty (60) square feet of outdoor open space and thirty-five (35) feet of indoor open space per occupant shall be provided.
5. All outdoor activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
6. Additional regulations for Family Day Care Type A.
   a. There shall be a minimum of 600 feet between one Type A family day care home and another Type A family day care home.
   b. There shall be no more than one (1) on-premises sign that shall not exceed four square feet in area.
7. Additional regulations for day care center. No portion of a day-care center site may be located within 600 feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosives or hazardous materials.

J. Drive-thru Facilities shall comply with the following:
1. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian or vehicular traffic.
2. Any proposed loud speaker system shall be approved as part of the development plan.

K. Group Dwelling Developments in an R-2 District shall comply with the following:
1. Projects with more than one building shall:
   a. Be considered as one (1) building for the purpose of determining front, side and rear yard setback requirements.
   b. In an R-2 District, provide a minimum of twenty (20) feet of open space between single-family detached dwellings and a minimum of thirty (30) feet of open space between all two-family dwellings and between single-family detached dwellings and two-family dwellings. Such spacing shall be measured from the building foundation or building overhang or attached permanent structure, whichever is the lesser distance.
2. Circulation shall be provided for the project in compliance with the following:
   a. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent.
   b. Vehicular approaches to the property shall be designed to not create an interference with traffic on surrounding public streets or roads.
   c. At dead ends, turnarounds shall be in compliance per the Ohio Fire Code Appendix D for access roads for adequate movement of safety vehicles.
   d. Any group dwelling development with more than fifty (50) dwelling units shall provide at least two (2) access points to public streets.
3. Trash dumpsters shall not be placed between garages causing a separation of less than twenty (20) feet spacing.
4. The development plan shall include adequate provisions for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence. Active recreation areas may include, but

are not limited to, picnic pavilions, tennis and basketball courts, swimming pools and similar recreational facilities.

5. A bufferyard shall be provided around the perimeter of the property where it abuts R-R, R-1, R-1A or R-2 Districts. The bufferyard plan shall comply with Section 411.9(C) of these regulations and shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purposes intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.
6. In parking areas of fifty (50) parking spaces or more, visual relief shall be provided through the use of trees or shrubs planted along the perimeter of the parking areas.
7. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas shall conform to and be substantially constructed in accordance with the approved development plan.

L. Licensed Group Homes for Handicapped Persons shall comply with the following:

1. Such homes shall be licensed according to ORC 5123.19 and evidence shall be presented indicating that the facility meets the certification, licensing, or approval requirements of the appropriate state agency.
2. 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.
3. No such group home shall be located within a thousand (1,000) foot radius of another residential facility for the developmentally disabled licensed under ORC 5123.19.
4. The architectural design and site layout of a group home licensed under ORC Section 5123.19 and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

M. Hospitals shall comply with the following:

1. Such use shall be located on an arterial or collector street.
2. Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.
3. A bufferyard shall be provided around the perimeter of the property where it abuts R-R, R-1, R-1A or R-2 Districts. The bufferyard plan shall comply with Section 411.9(C) of these regulations and shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking areas shall be considered complete the day it is first used for the purposes intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.
4. In parking areas of fifty (50) parking spaces or more, visual relief shall be provided through the use of trees or shrubs planted along the perimeter of the parking areas, and landscaped in compliance with Section 411.9(B).

5. Grading and surface drainage provisions shall be prepared by a registered engineer and reviewed or approved by the Stark County Subdivision Engineer, where applicable.

N. Instore Bakery Distribution Center shall comply with the following:

1. Bakery distribution facilities shall be permitted only on premises where retail bakery sales exist.
2. Distribution of items produced in the bakery shall be limited to not more than ten (10) off-premises locations owned by the owner of the establishment in which the bakery is located. The distribution locations shall be designated in writing.
3. Tractor-trailers shall not be permitted to be used in the distribution of goods from the center to the off premises location.
4. Additions to the bakery distribution center shall be only upon approval of the Board of Zoning Appeals.
5. Interior remodeling of the bakery distribution center shall be permitted only upon approval of the Zoning Inspector.

O. Junkyards and Scrapyards shall comply with the following:

1. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional use permit shall be issued until the necessary county and/or state approvals are obtained.
2. The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
3. Suitable measures shall be taken to control dust.
4. There shall be no burning of refuse, garbage or other waste materials.
5. Scrap yards or junkyards shall be located no closer than two hundred (200) feet to any R-District and/or public street right-of-way line and shall otherwise have side and rear setbacks of at least one hundred fifty (150) feet.
6. A bufferyard, with a minimum width of fifty (50) feet and located within the 200 foot setback, shall be planted according to the following specifications:
   a. Pine, Norway Spruce, and other similar trees shall be planted in a staggered pattern with no more than ten (10) feet between trees.
   b. The fifty (50) foot wide planting strips shall be located within the 200 foot buffer yard to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
   c. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.

P. Kennels, including overnight boarding shall comply with the following:

1. Outdoor areas devoted to kennel operations shall be located in the rear yard and shall comply with the building setback requirements set forth in Schedule 431.5.
2. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

Q. Landscaping Business shall comply with the following:

1. Vehicles and Equipment used in conjunction with the business may be stored on the property.
2. Dismantled or inoperable vehicles or equipment shall not be maintained or stored on the property.
3. Outdoor storage areas shall be located in the side or rear yard in compliance with Section 411.12(B).
4. Materials, such as mulch or topsoil, may be stockpiled on the site provided:
   a. The materials are maintained in compliance with all Stark County Health Department regulations.
   b. Such materials shall not be processed on the site.
   c. Such materials shall not emit any odor that is discernible on adjoining property.
   d. Outdoor retail sales shall comply with Section 411.12(A) and shall not be conducted in required parking or landscaping areas.

R. Landscaping and Construction Vehicle and Equipment Storage when not used in conjunction with an onsite business shall be permitted to be stored in compliance with the following:

1. Dismantled or inoperable vehicles or equipment shall not be maintained or stored on the property.
2. All vehicles and equipment not stored in a building must be within a fenced area and comply with the setback requirements per Section 411.8.
3. Minor repair of vehicles or equipment shall be permitted.

S. Mini-Storage Facilities:

1. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved improved with gravel, concrete, asphalt or equivalent.
2. The maximum size of individual storage compartments shall be 800 square feet.
3. Such uses should be located on an arterial street, adjacent to nonresidential uses or in sparsely settled residential areas.
4. The spacing of storage buildings shall comply with Section 411.6.

T. Parking Lots as Principal Uses shall comply with the following:

1. Such lots should only be permitted in a C-P District when the lot is intended to provide parking to users of the Heritage Corridor.
2. Such lots should be located in areas least disruptive to pedestrian, bicycle or vehicular traffic.

U. Recreational Facilities, Type D shall comply with the following:

1. Delivery trucks shall not be used as refreshment stands, souvenir stands, and concession stands.
2. Campsites, cabins, rooms or other accommodations shall be used on a seasonal basis only. No permanent or year round occupancy shall be permitted.

3. Only retail uses that are customarily accessory and incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. 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 campers in the park.
4. 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 o the community in general.

V. Recycling Plant and Transportation Terminals shall comply with the following:

1. The collection and/or storage of automobiles, trucks, major household appliances, and any self-propelled type vehicles, or parts thereof, shall be prohibited.
2. Vehicular approaches to the property shall be so designed to not create an interference with traffic on surrounding public streets or roads.
3. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved improved with gravel, concrete, asphalt, or equivalent. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
4. Such uses should be located on an arterial street, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

W. Sanitary Landfills or Certified Composting Facility shall comply with the following:

1. All sanitary landfill and certified composting facility sites shall be subject to approval by the County and State Health Departments and subject to their requirements governing landfills. All work connected with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
2. The collection and/or outdoor storage of automobiles, trucks, major household appliances, and any self-propelled type vehicles, or parts thereof, shall be prohibited.
3. The site shall be maintained in a neat, orderly and safe condition so as to prevent injury to any single property, any individual, or to the community in general. Debris shall not be permitted to accumulate on or be blown by the wind off the site.

X. Surface and Strip Mining. All mining operations and related activities shall comply with the following:

1. For the purpose of these regulations, “Operations” and “Related Activities” shall include, but not be limited to: storage of equipment, extraction of minerals, storage of extracted minerals, processing of extracted minerals, loading of extracted minerals, removal of overburden (in preparation for extraction), and construction and/or utilization of any office buildings, parking areas, fuel depots, scale stations, garages, and tool sheds, associated with or used in conjunction with the operator’s mining activities.
2. In R-R, R-1, R-1 A, R-2, and R-6 PUD Districts surface mining or strip mining operations and related activities shall be limited according to the following:

a. Operations on Sundays and recognized Federal holidays shall be prohibited.

b. Operations, including the start-up and/or warm-up of any extraction, processing, or related equipment, shall not commence before 7:00 a.m. local time, and shall terminate no later than 5:30 p.m. local time.

3. In B-1, B-2, B-3, PBRD, and C-P Districts, surface mining or strip mining operations and related activities shall be limited according to the following:

   a. Operations on Sunday and recognized Federal holidays shall be prohibited.

   b. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Zoning Appeals.

4. All mining operations and related activities shall be located a minimum of:

   a. 50 feet from any property in an industrial district not owned or controlled by the operator.

   b. 100 yards from any property in a B-1, B-2, B-3, C-P or PBRD district not owned or controlled by the operator.

   c. 200 yards from any property in an O-S, R-R, R-1, R-1A, R-2, R-3 Residential PUD, R-4, Multi-Family Residential PUD, R-5 Multi-Family Residential PUD or R-6 PUD district not owned or controlled by the operator.

   d. A lesser distance may be approved when the operator has obtained the written consent of the adjacent property owner(s).

5. Reclamation is required within one (1) year from the expiration date of the Conditional Use Certificate or the abandonment of the operation.

6. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Reclamation.

7. A copy of the State application, as approved by the Division of Reclamation, and any revisions of the application over the life of the permit, shall be submitted to the Jackson Township Zoning Department.

8. Applications or revisions submitted to the Division of Reclamation subsequent to the issuance of a Jackson Township Surface Mining or Strip Mining Certificate shall be presented to the Jackson Township Zoning Department within ten (10) days of approval by the Division of Reclamation.

9. Truck routes shall be established for movement into 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.

10. 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.

11. Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding dwellings.

12. Existing natural or manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.

13. Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.

14. The storage of minerals, peat or coal from other surface mined or strip mined operations shall be permitted only on sites in Industrial Districts.

Y. Top Soil Removal shall comply with the following:

1. Every applicant granted a topsoil removal certificate as herein provided shall furnish a performance bond of two thousand five hundred ($2,500.00) dollars per acre with a minimum bond of five thousand ($5,000.00) dollars to the Township of Jackson. Such bond shall serve as a guarantee that the proposed work will be done in a satisfactory manner.
2. A reclamation plan shall include a substitute resoiling material that will support vegetation capable of self-regeneration.
3. Operations on Sundays, and recognized Federal holidays shall be prohibited. Actual working hours requested by applicant shall be subject to approval or modification by the Board of Appeals.
4. Applicant shall designate approximate time of completion of reclamation.
5. Reclamation shall be progressive to prevent erosion.
6. The storage of topsoil from other sites shall be permitted only in Industrial Districts.
7. Reclamation is required within one (1) year from expiration date of a Conditional Use Certificate or the abandonment of the operation.
8. Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for topsoil removal at one hundred (100) foot intervals or less.

Z. Slaughterhouse and associated activities shall comply with the following:

1) Definitions:
   a) Animal or animals. Animal or animals shall mean all living, non-human being, including but not limited to, cattle, swine, sheep, goats, farmed cervidae, horses, bison, mules, or other equines, llamas, or poultry.
   b) Custom Processing. Custom processing means slaughtering, eviscerating, dressing, or processing an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom operation are returned to the owner of the animal.
   c) Custom Processor. Custom processor means a person who slaughters animals or processes non-inspected meat (not under the US Department of Agriculture for slaughter house activities) for the owner of the animal, and returns the majority of the meat products derived from the slaughter or processing to the owner.
   d) Meat Food Product. Meat food product means a product usable as human food, animal foods, or fertilizer and made wholly or in part from meat or a portion of the carcass of animals.
   e) Slaughter House. Slaughter house means any land, building, place, or establishment in which animals are slaughtered, eviscerated, or dressed.
2) The slaughtering of animals shall take place inside an enclosed building in a confined area to prevent the transmission of sound associated with the slaughter to the outside.
3) The main entrance to the property in which the slaughter house in located shall be located on an arterial or collector street and shall not be permitted through a residential neighborhood.
4) The facility shall have all necessary Federal, State, and/or County licenses and comply with all State and Federal health and safety regulations.
5) Exterior storage areas, including vehicle and trailer storage shall be fenced.

6) Live animals may be kept on the property within a completely enclosed building or within a completely enclosed fenced area with a minimum height of six (6) feet to adequately contain the animals securely on the property at all times.
7) Fenced in areas and/or accessory buildings for the temporary keeping of live animals shall be a minimum of 500 ft. from a property line when abutting a residential, commercial or industrial district.
8) Office buildings as an accessory to the principal use shall be located a minimum of 75 ft. a side or rear property line when abutting a residential district and 25 ft. from a side or rear property line when abutting a commercial or industrial district. The minimum front setback shall be 50 ft.
9) Manure from holding areas for animals shall be removed from the site daily or stored in a manner to control odor.
10) Waste slaughter byproducts shall be disposed of in accordance with all applicable Federal, State, and Local regulations. Waste shall be confined in fully enclosed structures until property disposed.
11) A bufferyard shall be required around the perimeter of the property where it abuts any residentially zoned property in compliance with section 411.9(c) of the zoning resolution.

ARTICLE V
GENERAL SIGN REGULATIONS

501.1 Purpose
501.2 Applicability, Effect
501.3 General Provisions, Introduction
501.4 Legal Non-conforming Signs
501.5 Design, Construction, and Maintenance of all Permanent Signs
501.6 Signs Prohibited
501.7 Definitions

SECTION 501.1 PURPOSE

The purpose of these regulations is to protect the health, safety and welfare of the citizens of the Township of Jackson and improve the general aesthetics of the Township by providing for uniform standards for the location, spacing, height, setback, lighting and other regulations of signage within the Township.

More specifically, the purpose of this section is as follows:

A. To preserve and promote the public, health, safety and welfare in Jackson Township.
B. To provide the motoring public with adequate instruction so as to safely move onto, about and from a site conveniently maneuver about the Township.
C. To protect the motorist from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs.
D. To protect property values within the Township.
E. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination on over the other; and to enable the fair and consistent enforcement of these sign regulations.
F. To promote the economic well-being of the Township by creating a favorable physical image.

SECTION 501.2 APPLICABILITY, EFFECT

A sign may be erected, placed, established, painted, created, or maintained in the Township only in conformance with the requirements of these regulations. The effect of these regulations is:

A. To establish a permit system to allow a variety of types of signs in commercial and industrial districts, and a limited variety of signs in other districts, subject to the standards and the permit procedures of these regulations.
B. To allow unobtrusive signs subject to the substantive requirements of these regulations.
C. To prohibit all signs not expressly permitted by these regulations, and
D. To provide for the enforcement of the provisions of these regulations.

SECTION 501.3 GENERAL PROVISIONS, INTRODUCTION

A. These sections apply to existing signs and to proposed signs. Proposed signs for which construction has not lawfully begun but for which an application has been made or for which a permit has been issued, must conform to these sections.
B. Except as specifically exempted or prohibited in this section, all signs, constructed, reconstructed, or modified shall require a permit in accordance with the provisions of these regulations.
C. If a sign requiring a permit under the provisions of these regulations is to be placed, constructed, erected, or modified, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements as set out in Section 504.2.

D. Public signs erected by or on behalf of a governmental body to post legal notices, convey public information, and direct or regulate pedestrian or vehicular traffic are exempted from these regulations and do not require a permit.

SECTION 501.4 LEGAL NONCONFORMING SIGNS

All legally nonconforming signs may be replaced, rebuilt or restored at the same location, height, and square footage of signage in existence at the time this resolution takes effect upon obtaining a zoning permit as long as the sign has not been discontinued for a period of two (2) years.

SECTION 501.5 DESIGN, CONSTRUCTION AND MAINTENANCE OF ALL PERMANENT SIGNS

All permanent, on-premises signs requiring a permit shall be designed, constructed, and maintained in accordance with the following standards:

A. All signs shall comply with applicable provisions of the Stark County Building Code.
B. All signs requiring a permit shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure. Signs may not swing in the wind. Guide wires shall not be permitted to secure a pole sign.
C. All signs shall be maintained in good structural condition and in conformance with these regulations at all times and shall be marked with the name of the party responsible for maintenance. The Zoning Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
D. Any illuminated sign or lighting device shall employ only an emitting light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights with the exception of an electronic message center.
E. Signs shall not be erected or maintained which project from the front or face of a building a distance of more than two (2) feet, excluding those projecting from the face of any theater, hotel or motel marquee and excluding awning and canopy signs.
F. Signs shall not be placed on the roof of any building, except those signs which appear to be a continuation of the face of the building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line.
G. All freestanding or pole signs shall not be located closer than five (5) feet to any street right-of-way or side or rear property line.
H. Signs shall not be attached to fences, trees, utility poles or the like and shall not be placed in a position that will obstruct vision of traffic or in any manner create a hazard or disturbance to the safety, health and welfare of the public.

SECTION 501.6 SIGNS PROHIBITED

The following signs shall be prohibited.

A. Signs imitating or resembling official traffic or government signs or signals not placed by a governmental agency.
B. All signs attached to public benches, streetlights, street sign poles.
C. Vehicle Signs
D. Rooftop signs except as provided in Section 501.5F.
E. Any signs displaying nudity.
F. Electronic Message Boards with the R-T Campus District.
G. Signs that obstruct vision to traffic or create a hazard for motorist
H. Projected Image Signs

SECTION 501.7 DEFINITIONS

The following definitions shall be used when referring to sign compliance determination.

1. **Advertising Mural:** A large-scale temporary or permanent sign that covers all or a major portion of a multi-story blank or unfinished wall, building, or structure.
2. **A Frame Sign (AKA Sidewalk sign):** A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structures. Also see definition of T-frame sign.
3. **Air-Activated Graphic:** A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
4. **Balloon Sign (AKA Inflatable Device):** A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. Also see definition for air-activated graphics.
5. **Banner Sign:** A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.
6. **Blade Sign (AKA Feather Sign, Teardrop Sign):** A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.
7. **Commercial Message:** Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
8. **Construction Sign:** A sign placed on a property that is cited for construction.
9. **Directional Sign:** A sign giving directions, which may or may not contain the name or logo of an establishment.
10. **Electronic Message Board:** Any sign the uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process.
11. **Entrance/Exit Sign:** A sign that is located at the entrance and/or exit into a property.
12. **Flag:** A piece of fabric with a distinctive logo or governmental symbol.
13. **Freestanding/Yard Sign:** Any permanent or temporary sign placed on the ground or attached to a supporting structure, post, or poles, that is not attached to a building.
14. **Incidental Signs:** A small sign that has a purpose secondary to the use of the property such as instructing employees, customers or users to specific hours of business, parking requirements, the location or regulations for specific activities on the site or building, or method of payment. Incidental signs shall not convey a commercial message legible from the street.
15. **Light Pole Banner (AKA Support Pole Banner):** A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.
16. **Non-Commercial Message:** Any sign wording, logo, or other representation that is not defined as a commercial message.

17. **On-Premises Sign:** A sign that advertises or otherwise directs attention to a product sold, service provided, or activity that occurs on the same parcel where the sign is located.
18. **Off-Premises Sign:** A sign that advertises or otherwise directs attention to a product sold, service provided, or an activity that occurs on a different parcel than where the sign is located.
19. **Pennant:** A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
20. **People Sign (AKA Human Mascot, Sign Spinner, and Human Sign):** A person attired or decorated with commercial insignia images, costumes, masks, or other symbols that display or advertise for an on-premises activity. Such persons may or may not be holding a sign.
21. **Projected-Image Sign:** A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk or other surface.
22. **Public Purpose/Safety Sign:** A sign erected by a public authority, utility, or public service organization on public property or, when required by law, be a private enterprise on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such sign includes "No Parking Fire Lane".
23. **Sign:** Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including wording, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.
24. **Temporary Sign:** Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure, which is permanently embedded in the ground, and may be moved from place to place.
25. **T-Frame Sign:** A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structures. Also see definition of A-frame sign.
26. **Vehicle Sign:** Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary identification or advertisement sign.
27. **Window Sign:** Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior including, but not limited to, window paintings and signs located inside a building but visible primarily from the outside of the building.

Chapter 502
Sign Regulations

502.1 Signs Regulated but not requiring a Permit
502.2 Signs Permitted in Residential Districts
502.3 Temporary Signs Permitted in Residential Districts
502.4 Freestanding and Decorative Wall Signs Permitted in Commercial and Industrial Districts
502.5 Wall Signs Permitted in Commercial and Industrial Districts
502.6 Temporary Signs Permitted in Commercial and Industrial Districts
502.7 Freestanding Signs Permitted in the R-T Campus District
502.8 Wall Signs Permitted in the R-T Campus District
502.9 Freestanding Signs Permitted in the Parks and Recreation District
502.10 Wall Signs Permitted in the Parks and Recreation District

SECTION 502.1 SIGNS REGULATED BUT NOT REQUIRING A PERMIT

The following types of signs are exempt from the sign permit requirements, and shall not be considered in determining the allowable number or size of signs on a lot. Provided, however, that they must comply with all other applicable sections of these regulations. The erection of a sign not listed in this Section shall require a permit unless otherwise specified in these regulations. The following signs shall be located on the premises in which sign refers to, unless otherwise specified in this section. Signs shall not be located within a road right-of-way.

Signs Regulated But Not Requiring a Permit

Column A	B.	C.
Type of Signs Permitted in Any District`	**Size Permitted: Not to exceed**	**Limitations and Comments**
1. Nonilluminated attached building nameplate	2 sq. ft.	Per Occupancy
2. Public purpose/safety sign	N/A	May be off-premises
3. Interior window signs-indoor signs	N/A	
4. Holiday lights and decorations	N/A	
5. Farm market, agricultural sales	32 sq. ft./9 ft. in height	1 per street frontage
6. Incidental/Instructional signs	4 sq. ft./6 ft. in height	Per Sign
7. Festoons, Balloons, Pennants	N/A	Shall not contain any commercial Advertising
8. Political Signs	N/A	May be off-premises
9. Employment Sign	32 sq. ft./9 ft. in height	1 per street frontage
10. Auction Sign	64 sq. ft./9 ft. in height	1 per street frontage-remove within 3 days of auction
11. Real Estate Sign	64 sq. ft./9 ft. in height	1 per street frontage remove upon sale, rental or lease
12. Blade Sign (AKA Feather Flag, Tear Drop)	12 ft. in height	1 per business-Shall not contain commercial advertising of products for sale-may contain a logo
13. "A" or "T" frame sign (AKA Sidewalk Sign	6 sq. ft./4 ft. in height	Shall be located no more than 3 ft. from entrance door to business. 1 per business.

Signs Regulated But Not Requiring a Permit

Column A	B.	C.
Type of Signs Permitted in Any District	**Size Permitted; Not to exceed**	**Limitations and Comments**
14. Flag	15 ft. above the height limits of the district	Contains a distinctive logo or governmental symbol
15. Residential Garage Sale Sign	4 sq. ft./ 4 ft. in height	May be off premise-Must be removed within 3 days of sale.

SECTION 502.2 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

A. A permit shall be obtained prior to the erection of such sign unless otherwise stated in these regulations.
B. All signage shall be located on premises unless otherwise stated in these regulations.
C. Temporary signs must be located a minimum of 10 ft. from edge of pavement or curb.
D. Permanent signs must be located a minimum of 5 ft. from the road right-of-way.
E. Electronic message boards shall not exceed fifty (50%) percent of the permitted square footage of the sign.

On premises Signs permitted in Residential Districts

Column A	B.	C.	D.
Signs Permitted in Residential Districts	**Maximum number of signs**	**Size Permitted; Not to exceed**	**Requirements and Comments**
1. Freestanding unlighted Home Occupation sign	1	4 sq. ft./4 ft. in height	Limited to Home Occupations.
2. Residential subdivision or development sign	1 per corner of main street entrance into development	50 sq. ft. /9 ft. in height	May be illuminated
3. (A) Freestanding and wall sign for nonresidential uses	1 each per street frontage	50 sq. ft./9 ft. in height	May be illuminated
(B) In lieu of a freestanding sign one decorative wall containing signage may be placed on each side of one entrance drive per street frontage.	1 per decorative wall	50 sq. ft. per decorative wall	May be illuminated Decorative wall shall not exceed 5 ft. in height, signage shall not protrude above the wall height and electronic message boards are prohibited
4. (A) Freestanding sign for model home or temporary sales office	1	15 sq. ft./6 ft. in height	Must be removed upon completion of project
(B) Wall sign for model home or temporary sales office		6 sq. ft./5 ft. in height	
5. Freestanding sign for apartment complex	1 per street frontage	50 sq. ft./9 ft. in height	May be illuminated

On Premises Signs Permitted in Residential Districts

Column A Signs Permitted in Residential Districts	B. Maximum number of signs	C. Size permitted Not to exceed	D. Requirements and Comments
6. Wall sign for an apartment building	1 per building	6 sq. ft./5 ft. in height	May be illuminated
7. Freestanding Construction Sign	1 per property	50 sq. ft./9ft. in height	Must be removed within 7 days of completion of construction
8. Entrance and Exit Signs for non-residential uses	1 per drive entrance/exit	6 sq. ft./3 ft. in height	One entrance and one exist sign permitted per street frontage. May contain logo or name of business.
9. Directional Signs of non-residential uses	N/A	6 sq. ft./3 ft. in height	Signage located within the parking area to direct traffic

502.3 TEMPORARY SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

Temporary signs per Section 502.3 shall be permitted per the following:

1) Temporary signs shall require a permit, unless otherwise stated in this section.
2) Temporary signs shall be located a minimum of 10 ft. from the edge of pavement or road right of way.
3) A maximum of seven temporary sign permits are permitted per calendar year for all nonresidential uses displaying a commercial message.
4) Off-premises signage, where permitted, posted without permission of property owner in which sign is located may be subject to removal by property owner.
5) Temporary signs requiring a permit, which are posted without a permit, are subject to removal by the township.
6) Whoever displays a temporary sign without a permit, if required, may be charged a penalty fee of $100.00. An additional fee of $25.00 per day may be charged for any temporary sign displayed beyond seven (7) days without a permit.
7) Temporary signs shall not be placed on the roof of any building, except those signs which appear to be a continuation of the face of the building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line.

Temporary On Premises Signs in Residential Districts

Column A	B.	C.	D.
Signs Permitted in Residential Districts	**Maximum number of signs**	**Size Permitted; Not to exceed**	**Requirements and Comments**
1. Temporary Signs conveying a commercial message (A sign that directly or indirectly, names, advertises or calls attention to a business, product or other commercial activity.)	1 per business	32 sq. ft./9 ft. in height	Temporary sign permit shall be issued in 15 day increments per permit.
2. Temporary Signs NOT conveying a commercial message (civic organization, festival, community-event or service, fundraiser, non-profit, Civic or Governmental organization. No fee for permit.	2 per street frontage	100 sq. ft./9 ft. in height	Temporary sign may be displayed for 30 days.

Temporary Off premises signs in residential districts

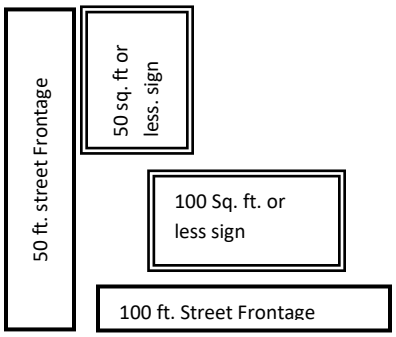
Column A	B.	C.	D.
Signs Permitted in Residential Districts	**Maximum number of signs**	**Size Permitted; Not to exceed**	**Requirement and comments**
1. Temporary Signs NOT conveying a commercial message (civic organization, festival, community event or service, fundraiser, non-profit, Civic or Governmental organization. No fee for permit.	10 per event	6 sq. ft./5 ft. in height	Temporary sign(s) may be displayed for 30 days
2. Temporary real estate sign (no permit required)	2 per property for sale	3 sq. ft./4 ft. in height	Advertise for a period not to exceed 48 hours.
3. Temporary Auction sign (no permit required)	2 per auction	6 sq. ft./5 ft. in height	May be displayed 30 days prior to auction and removed 3 days after auction

SECTION 502.4 FREESTANDING AND DECORATIVE WALL SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS WITH A PERMIT

Freestanding or decorative wall signs shall be permitted in commercial and industrial districts in conjunction with a building or use on the property with a permit in accordance with the following:

A. One freestanding sign per street frontage per lot or parcel. (See section 502.4(B) for decorative wall signs.) The permitted square footage of a freestanding sign for a lot shall be determined by multiplying one (1) sq. ft. by the lineal street frontage of the property upon which the sign will be located provided the total area of the freestanding sign per street frontage shall not exceed the maximum area set forth in this section The sign area that is located on a particular street shall not exceed the area permitted for such street.

Example – for B-3 District-Property primary street frontage is 100 ft. and the secondary street frontage is 50 ft. Total permitted square footage of freestanding signage located on the primary street is 100 sq. ft. and the total permitted square footage of freestanding signage for the secondary street is 50 sq. ft. for a total of 150 sq. ft. of signage.



B. In lieu of one freestanding sign per lot or parcel per street frontage, one decorative wall may be placed on each side of one entrance drive along a street frontage and signage may be placed on both walls provided the wall(s) do not exceed 5 ft. in height and the signage does not protrude above the wall(s) height. The permitted square footage of signage per decorative wall for a lot or parcel shall be determined by multiplying one (1) sq. ft. by the lineal street frontage of the property upon which the sign is located provided the total square footage of decorative wall sign(s) shall not exceed the maximum area or height set forth in this section. Electronic message boards are prohibited as a decorative wall sign.

Example of decorative wall sign for B-2 District: Street frontage is 50 ft. Each wall is permitted to have 50 square feet of wall signage. If the street frontage in a B-2 district is 130 ft. each wall would be permitted 60 square feet of signage due to the maximum permitted square footage in the B-2 district is 120 square feet.

C. Multi-tenant Facilities. When a freestanding sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the sign area devoted to identification of the development, building, anchor tenant, all tenants, or some combination thereof. A Planned Business Complex shall be considered a multi-tenant facility.

D. Freestanding electronic message boards shall not exceed fifty (50%) percent of the permitted square footage of the sign.

E. All signage and logo replacements on an existing permanent freestanding sign shall require a permit.

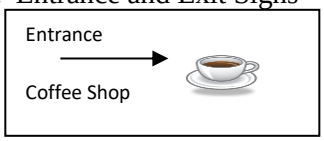
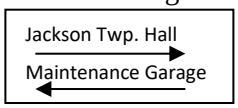
F. In addition to a freestanding sign or decorative wall sign, an additional on premises freestanding sign may be permitted in the B-3 and I-1 districts at a maximum height of 50 ft. provided the property in which the sign is located is within 750 ft. of I-77. Calculations for an additional freestanding sign shall be one (1) times the property street frontage not to exceed the maximum square footage for the district in which it is located. If a property is located on two street frontages, the greater street frontage shall be utilized to calculate one times the property frontage for the additional freestanding sign.

Maximum Area of Freestanding Signs/Decorative Wall Signs

Column A	**B.**	**C.**
District:	**Maximum Area [(a)]**	**Height of Signage Permitted**
1. B-1	120 square feet	10 feet
2. B-2	120 square feet)	10 feet
3. C-P	120 square feet	10 feet
4. B-3	400 square feet	35 feet
5. PBRD	400 square feet	35 feet
6. I-1	400 square feet	35 feet
(a) Multiply one (1) sq. ft. by the lineal street frontage of the property upon which the sign will be located not to exceed the maximum area.		

In addition to a freestanding or decorative wall sign the following other freestanding signs shall be permitted in commercial and industrial districts and shall not count toward the maximum area square footage of freestanding signs & decorative wall signs.

Other freestanding signs permitted in commercial and industrial districts

Column A	B.	C.
Type of Sign Permitted	**Size Permitted: Not to exceed**	**Limitations and Comments**
1. Menu Boards for drive-thru facilities	80 sq. ft./8 ft. in height maximum	Limited to businesses with drive-thru facilities
2. Entrance and Exit Signs 	6 sq. ft./3 ft. in height maximum	One entrance and one exit sign is permitted per street entrance. May contain logo or name of business
3. Directional Signs 	6 sq. ft./3 ft. in height maximum, except that directional signage located within the parking area in an industrial zoning district shall not exceed a maximum of 12 sq. ft./6 ft. in height.	Signage may be located within the parking area to direct traffic.
4. Construction Sign	100 sq. ft./10 ft. in height	1 per street frontage-Must be removed within 7 days of completion of construction.

SECTION 502.5 WALL SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS WITH A PERMIT

Wall signs shall be permitted in commercial and industrial districts in accordance with the following:

A. Wall signs shall be permitted on any wall of the building in compliance with these regulations.

B. Maximum wall signage shall be calculated as follows:

1. The permitted square footage of wall signs shall be determined by multiplying two (2) times the linear footage of the building wall in which the sign(s) will be located; however, the maximum square footage of signage per wall shall not exceed the maximum total sign area set forth in this section.

2. In the case where a building has individual units with exterior entrances the permitted square footage shall be calculated by multiplying two (2) times the liner footage of the individual units building wall in which the sign(s) will be located; however, the maximum square footage per unit shall not exceed the total sign area set forth in this section.

C. The building wall shall be measured along the applicable wall between the exterior faces of the exterior sidewalls. In the case of irregular wall surface, a straight horizontal line extended along such wall surface shall be used to measure the length.

D. For multi-tenant uses within one building in which the tenant does not have its own exterior entrance each tenant shall be permitted one sign per wall at a maximum of 12 square feet in addition to the maximum area of wall signage for the principal use of the building.

E. One under-canopy sign not exceeding 4 sq. ft. for each separate street-level occupancy or separate entrance hanging directly from canopy in front of the establishment shall be permitted in addition to the maximum area of wall signs.

F. Marquee-type signage for theaters are permitted have a maximum total sign area of 100 sq. ft. per marquee panel in addition to the maximum area of wall signs.

G. Electronic message boards shall not exceed fifty (50%) percent of the permitted square footage of the sign.

H. All signage and logo replacements on an existing permanent wall sign shall require a permit.

Maximum Area of Wall Signs

Column A	B.
District:	**Maximum Total Sign Area**
1. B-1	64 square feet
2. B-2	64 square feet
3. C-P	64 square feet
4. B-3 & I-1	1,100 square feet
5. PBRD	400 square feet
See Section 502.5 (D) for multi-tenant uses within a bldg., Section 502.5 (E) for under canopy signs and 502.5(F) for Marquee-type signs for theaters.	

SECTION 502.6 TEMPORARY SIGNS PERMITTED IN COMMERCIAL/INDUSTRIAL DISTRICTS

Temporary signs per Section 502.6 shall be permitted per the following:

1) Temporary signs shall require a permit, unless otherwise stated in this section.

2) Temporary signs shall be located a minimum of 10 ft. from the edge of pavement or road right of way.

3) A maximum of seven commercial temporary sign permits per business per calendar year are permitted.

4) Off-premises signage, where permitted, posted without permission of property owner in which sign is located may be subject to removal by property owner.

5) Temporary signs requiring a permit, which are posted without a permit, are subject to removal by the township.

6) Whoever displays a temporary sign without a permit, if required, may be charged a penalty fee of $100.00. An additional fee of $25.00 per day may be charged for any temporary sign displayed beyond seven (7) days without a permit.

7) Temporary signs shall not be placed on the roof of any building, except those signs which appear to be a continuation of the face of the building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line.

On premises temporary signs in Commercial and Industrial Districts

Column A	B.	C.	D.
Signs Permitted in Commercial/Industrial Districts	**Maximum number of signs**	**Size Permitted; Not to exceed**	**Requirements and Comments**
1. Temporary Signs conveying a commercial message (A sign that directly or indirectly, names, advertises or calls attention to a business, product or other commercial activity.)	1 per business per street frontage	40 sq. ft./10 ft. in height Balloon & Blade Signs shall not exceed 12 ft. in height	Temporary sign permit shall be issued in 15 day increments per permit.
2. Temporary Signs NOT conveying a commercial message (civic organization, festival, community-event or service, fundraiser, non-profit, Civic or Governmental organization.) No fee for permit.	2 per street frontage	100 sq. ft./10 ft. in height	Temporary sign permit may be displayed for 30 days.

Off-Premises temporary signs in commercial and industrial districts

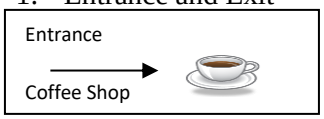
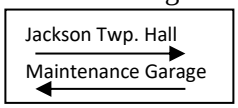
Column A	B.	C.	D.
Signs Permitted in Commercial and Industrial Districts	**Maximum number of signs**	**Size Permitted; Not to exceed**	**Requirement and comments**
1. Temporary Signs NOT conveying a commercial message (civic organization, festival, community event or service, fundraiser, non-profit, Civic or Governmental organization.) No fee for permit.	10 per event	40 sq. ft./ 10 ft. in height	Temporary sign permit may be displayed for 30 days
2. Temporary real estate sign (no permit required)	2 per property for sale	3 sq. ft./4 ft. in height	Advertise for a period not to exceed 48 hours.
3. Temporary Auction sign (no permit required)	2 per auction	6 sq. ft./5 ft. in height	May be displayed 30 days prior to auction and removed 3 days after auction

SECTION 502.7 FREESTANDING SIGNS PERMITTED IN THE R-T CAMPUS DISTRICT

a. One Monument sign per street frontage.
b. The maximum permitted square footage of the monument sign shall be forty-eight (48) square feet and the permitted maximum height shall be eight (8) feet.
c. When a monument sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine that sign area devoted to identification of the development, building, anchor tenant, all tenants, or some combination thereof. A planned complex shall be considered a multi-tenant facility.
d. Electronic Message Board shall be prohibited.

In addition to a monument sign, the following signs shall be permitted in the R-T Campus District:

OTHER FREESTANDING SIGNS PERMITTED IN THE R-T CAMPUS DISTRICT

1. Entrance and Exit 	6 sq. ft./3 ft. in height maximum	One entrance and one exit sign is permitted per street entrance. May contain logo or name of business
2. Directional Signs 	6 sq. ft./3 ft. in height maximum	Signage may be located within the parking area to direct traffic.

SECTION 502.8 WALL SIGNS PERMITTED IN THE R-T CAMPUS DISTRICT

Wall signs shall be permitted to be two (2) times the linear frontage of the building wall(s) in which the sign will be located; however, the maximum square footage of signage per wall shall not exceed sixty-four (64) square feet.

SECTION 502.9 FREESTANDING SIGNS PERMITTED IN THE PARKS AND RECREATION DISTRICT WITH A PERMIT

Freestanding monument signs shall be permitted in the Parks and Recreation District in accordance with the following:

a. One monument sign per street entrance.
b. Sign shall not exceed sixty-four (64) square feet.
c. Sign shall be no more than ten (10) feet in height.

SECTION 502.10 WALL SIGNS PERMITTED IN THE PARKS AND RECREATION DISTRICT WITH A PERMIT

Wall signs shall be permitted in the Parks and Recreation District in accordance with the following:

A. Wall signs shall be permitted to be two (2) times the linear frontage of the building wall in which the sign will be located; however, the maximum square footage per wall shall not exceed sixty-four (64) square feet.
B. All signage & logo replacements on an existing permanent wall sign shall require a permit.

Chapter 503
Billboards

503.1 Billboards Permitted in Industrial Districts

SECTION 503.1 BILLBOARDS PERMITTED IN INDUSTRIAL DISTRICTS WITH A PERMIT

A. Size of Billboards.
   1. The maximum size area for any one face of a billboard in an I-1 district shall not exceed five hundred (500) feet.

B. Height of Billboards.
   1. The maximum height for billboards in an I-1 district shall not exceed fifty (50) feet.

C. Spacing for Billboards.
   1. Billboards shall not be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises.
   2. Billboards shall not be located closer than one thousand (1,000) feet from another such billboard as measured by a tangent between the nearest point of any structure or frame of said billboard.
   3. No billboards shall be permitted which faces and is within five hundred (500) feet of any entrance to any public park, public or parochial school, library, church or similar institution.
   4. Billboards shall not be located in a manner which would reduce the number of available parking spaces below the minimum required parking spaces per building occupancy.
   5. Billboards shall maintain a one thousand (1,000) foot setback from any residential district.

D. Setback Requirements. All billboards shall be located so as to maintain the minimum front yard as measured from the public right-of-way, side yard and rear yard setbacks as required for buildings located in the same district.

E. Written Permission For Billboard Location. Written authorization from the owner of the property upon which any billboard will be located shall be required prior to the issuance of a permit.

F. Site Plan. Site plan must include, but is not limited to, the following:
   1. Location of all structures on property and adjacent properties with setbacks.
   2. Distance to closest existing billboard, residential district, public park, public or private school, library, church or similar institution.

Chapter 504
Sign Permit Procedures

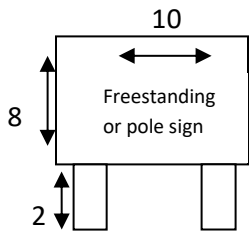
504.1 Measurement of sign area and sign height
504.2 Sign Permit Issuance Procedure

Section 504.1 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT

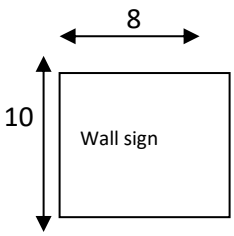
A. The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the sign and including all advertising matter displayed. Frames and structural members utilized to hold the sign in place and not being advertising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

B. The surface area of a double faced, back-to-back sign shall be calculated by using only the area of one (1) side of such sign, so long as the distance between the backs of such sign does not exceed five (5) feet.

EXAMPLE OF SIGN CALCULATIONS PER SECTION 504.1 (A) & (B).

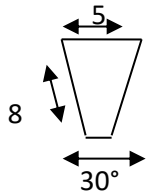


8 x 10 =80 sq. ft. sign 10 ft. in height regardless of size or amount of letters within sign area. If sign is two sided, back to back, it is considered an 80 sq. ft. sign.



C The surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the angle of the "V" does not exceed 30 degrees and the widest distance between the back of the sign does not exceed five (5) feet.

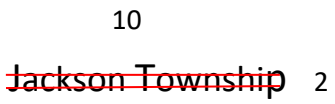
EXAMPLE OF SIGN CALCULATION PER SECTION 504.1 (C) V SHAPED SIGN



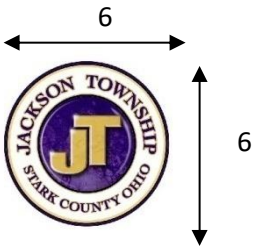
8 ft. wide by 10 ft. high with 2 ft. post = 80 sq. ft. sign 12 ft. in height. Only one side counted for sq. ft. if angle of "V" is 30 ° or less and back of sign does not exceed 5 ft.

D. Where a sign consists of individual letters, elements or symbols, the measurement area shall consist of the area beginning at the first letter, element or symbol of the sign to the last letter, element or symbol, on the sign, including all wall space between the individual letters, elements or symbols.

EXAMPLE OF SIGN CALCULATIONS PER SECTION 504.1(D)



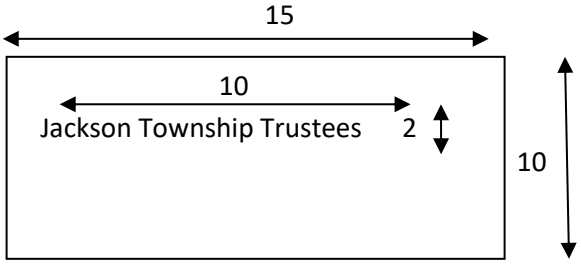
If individual letters the calculation is as follows: A box drawn around the wording; however, portions of the letters extending outside the box shall not county toward the square footage. 2 x 10 = 20 sq. ft.



For symbols or logos the calculation is as follow: 6 x 6 =36 sq. ft.

E. Where a sign is made a part of an awning or canopy, the entire area within a regular or a combination of geometric forms comprising all of the sign area, including all elements and symbols of signage, shall be computed as surface area.

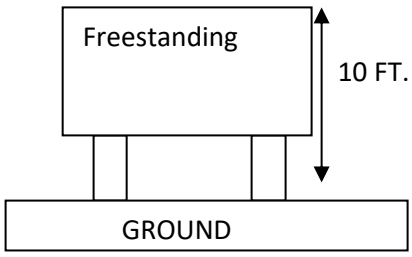
EXAMPLE OF SIGN CALCULATION AS PART OF AWNING OR CANOPY PER SECTION 504.1(E)

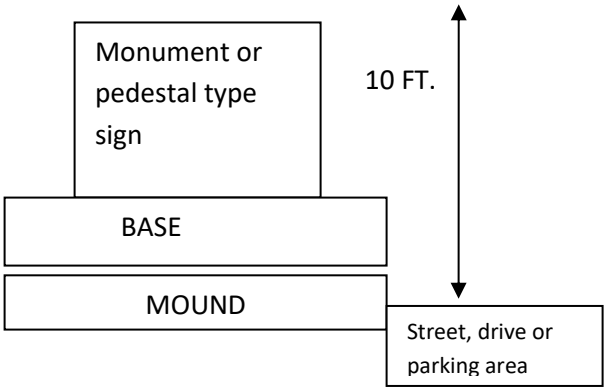


Canopy or Awning is 15 x 10 = 150 sq. ft. However, signage area is 10 x 2 = 20 sq. ft.

F. The height of a sign shall be measured from the base of the sign or supportive structure at its point of attachment to ground level, to the highest element of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.

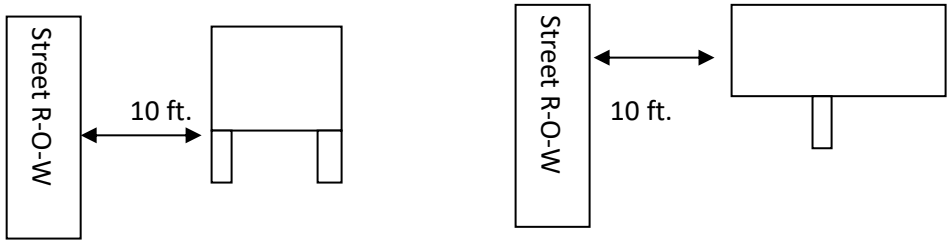
EXAMPLE OF SIGN CALCULATION PER SECTION 504.1(F)





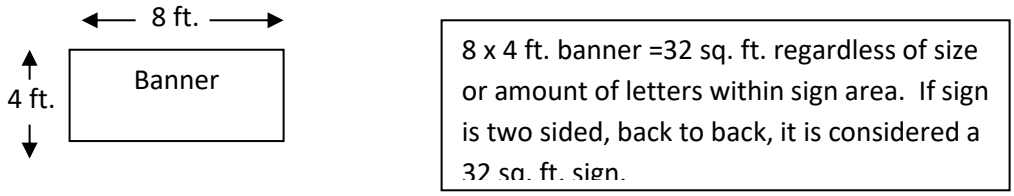
G. The setback area of a freestanding sign shall be measured from the closest point of the sign, base or frame.

EXAMPLE OF SIGN CALCULATION FOR SETBACK PER SECTION 504.1(G)



H. The surface area of a banner shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the banner. Frames and structural members not a portion of the banner itself shall not be included in the computation of surface area.

EXAMPLE OF CALCULATION FOR A BANNER PER SECTION 504.1(H)



SECTION 504.2 SIGN PERMIT ISSUANCE PROCEDURE

Before erecting or altering any sign for which a permit is required according to these regulations, a sign application must be completed and the following information submitted:

A. A drawing of the sign, except temporary signage, with the dimensions, height and square footage of the sign thereon.

B. A site plan showing the location of a freestanding ground or pole sign from the right-of-way and property lines.

C. Any other pertinent data as may be necessary to determine and provide for the enforcement of these sign regulations.

ARTICLE VI
PARKING AND LOADING

Chapter 601
Off-Street Parking and Loading Regulations

601.1 Purpose
601.2 Schedule of Required Off-Street Parking Spaces
601.3 Determination of Required Spaces
601.4 Deferred Construction of Required Spaces
601.5 Off-Street Waiting Spaces for Drive-Thru Facilities
601.6 Loading and Unloading Space Requirements
601.7 Design and Construction Requirements
601.8 Permits and Approvals

SECTION 601.1 PURPOSE

In all districts, in connection with every building or part thereof hereafter created, off street parking spaces shall be provided in accordance with the regulations set forth in this Chapter.

SECTION 601.2 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

Column A	**B.**
Principal Building or Use	**Minimum Spaces Required [(a)]**
1. Residential Uses:	
a) Single Family Dwelling, Detached or Attached, Two Family Dwelling, Multi-Family Dwelling	2 spaces per dwelling unit
b) Licensed Family or Group Home for Handicapped Persons	4 spaces per facility
c) Congregate Living Facility:	
1) Independent Living	1 space per dwelling unit
2) Assisted Living, Nursing Home or other related facilities	1 space for every three beds plus 1 space for every three employees
d) Bed and Breakfast	1 space for each guest room plus requirement for dwelling unit
2. Educational Facilities:	
a) Elementary and Junior High Schools	2 spaces for each two classrooms, plus 1 space per 200 sq. ft. of office floor area, plus 1 space for every 4 seats in the largest assembly hall
b) Senior High Schools	1 space for each employee and 10 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
c) Colleges/Universities	1 space per five students based upon maximum capacity
d) Business and Trade Schools	1 space per 2 seats in a classroom
e) Library, Museum	1 space per every 500 sq. ft. of bldg. footprint
f) Meeting Facilities	1 space for each 3 seats based on maximum seating capacity of the largest meeting room

Section 601.2 SCHEDULE OF OFF STREET PARKING SPACES	
Column A	**B.**
Principal Building or Use	**Minimum Spaces Required [(a)]**
3. **Office, Professional Service Uses:**	
a) Business, Medical, Dental and Professional Offices, Financial Institutions, Veterinary Hospital, Animal Clinic, Animal Grooming	1 space for every 300 sq. ft. of bldg. footprint.
b) Hospitals	1 space for every two beds, plus one space for each three employees
4. **Retail and Service Uses:**	
a) Retail or shopping complex less than 30,000 sq. ft.	1 space for every 325 sq. ft. of bldg. footprint
b) Retail or shopping complex 30,000 sq. ft. and greater	1 space for every 385 sq. ft. of bldg. footprint
c) Restaurants, taverns, lounges, bars, clubs & lodges	1 space for every 3 seats plus 5 spaces
d) Restaurant-Drive Thru	4 spaces
e) Laundromat	1 space for every 200 sq. ft. of bldg. footprint
f) Funeral Home, Farm Market	1 space for every 100 sq. ft. of bldg. footprint
g) Hotel, Motel	1 space for each room plus 5 spaces
h) Child Day Care Center, Type A, Family Day Care Center, Adult Day Care Center	1 space for every 8 individuals under care based on maximum capacity
i) Kennel	1 space for each 1,000 sq. ft. of bldg. footprint
j) Sexually oriented businesses	1 space for each 250 sq. ft. of bldg. footprint
k) Furniture and Carpet Retail Stores	1 space for every 600 sq. ft. of bldg. footprint
5. **Vehicular Services:**	
a) Automobile, motorcycle, ATV, truck, boat, trailer, construction vehicle and farm implement sales & automobile rental	1 space for every 400 sq. ft. of bldg. footprint
b) Outdoor Automobile, RV, Trailer, landscaping & construction equipment storage facility	5 customer spaces in addition to parking area for vehicles
c) Gasoline Stations/Car Wash Facility	1 space for each employee
d) Automobile Service Station, Repair Garage, Car Detailing, Transportation Agency & Terminal	1 space for every 500 sq. ft. of bldg. footprint

Section 601.2 SCHEDULE OF OFF STREET PARKING SPACES	
Column A	**B.**
Principal Building or Use	**Minimum Spaces Required [(a)]**
6. **Recreational, Entertainment Uses:**	
a) Indoor and outdoor recreational facilities not specifically listed	See Section 601.3(H)
b) Theaters	1 space for every 150 sq. ft. of bldg. footprint
c) Health Fitness Center, Ice or Roller Skating Rick, Bowling Center	1 space for every 200 sq. ft. of bldg. footprint
d) Go Cart Track	1 space for every 2 go carts
e) Golf Course driving range Miniature	2 spaces for each 3 tees
f) Golf Course	3 spaces per each course hole
g) Batting Cages	2 spaces per cage
h) Racquetball/Tennis Centers	1 space for every 1,000 sq. ft. of court area or 4 space per court, whichever is greater
i) Skill game/Internet Sweepstakes Café	1 space for every three gaming devices
7. **Industrial, Manufacturing Facilities**	
a) Industrial use, Warehouse	1 space for every 1,000 sq. ft. of bldg. footprint
b) Mini-storage facilities	5 spaces
c) In store Bakery Distribution Center	1 space for each three employees
8. **Community Facilities**	
a) Churches and building for assembly, Community Buildings	1 space for each three seats based on maximum seating capacity of the largest assembly room
b) Public Safety Facility, Public Service Facility	1 space for every 800 sq. ft. of bldg. footprint
9. **Other Uses:**	
a) Temporary Uses, Buildings, Tents, Fairs & Festivals	Existing parking facilities
b) Model Homes	4 spaces
c) Storage/Shipping/Receiving as an accessory to a principal use not utilized for public purposes.	1 space for every 1,000 sq. ft. of floor area
NOTES: (a) See Section 601.3(F) for mixed uses.	

SECTION 601.3 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

A. Minimum Required. The parking calculations are the minimum required per the zoning resolution. However, it is the responsibility of the property owner/business owner to ensure that there are enough parking spaces provided for the use of the property.

B. Footprint. Where the building footprint is the standard for determining parking space requirements the footprint shall mean the square footage calculated by the exterior walls of the building or structure for the proposed principal use of the building.

C. Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat or each 20 square feet of floor area of the main assembly room, excluding other meeting rooms, classrooms, or office areas.

D. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees required on a shift.

E. Fractional Numbers. Fractional numbers shall be increased to the next whole number.

F. Parking for Mixed Uses. A building occupied by three or less uses, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

G. Shared Parking, Driveway Ingress and Egress. In the case of shared parking areas, or shared ingress/egress locations, applicant shall be required to provide a letter or photocopy of any agreement reached between property owners to assure parking and access will always be guaranteed.

H. Parking and Loading Requirements for Uses Not Specified. When the off-street parking requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be determined by the Plan Review Committee so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading or servicing shall be permitted on the right-of-way of any publicly dedicated thoroughfare.

SECTION 601.4 DEFERRED CONSTRUCTION OF REQUIRED SPACES

If the number of parking spaces required in Section 601.2 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved by the Board of Zoning Appeals with an allowance for the construction of a lesser number of parking spaces provided that:

A. The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Section 601.2.

B. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Section 601.2. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution.

C. The Board of Zoning Appeals, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in subsection B be constructed.

D. Any additional parking shall be provided according to the approved development plan.

SECTION 601.5 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES

Drive-thru establishment and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Section 601.2. The minimum number of waiting spaces provided shall comply with the following requirements:

A. Establishments serving and/or selling food and/or drinks with a menu board	8 waiting spaces
B. Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities, and establishments serving and/or selling food and/or drinks without a menu board.	5 waiting spaces per window or stall
C. Drive-up ATM machines	4 waiting spaces
D. Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure.	8 waiting spaces
E. Self-serve car wash facilities	4 waiting spaces
F. Gasoline Stations	2 waiting spaces per accessible side of a gasoline pump island
G. Automobile service stations that provide service to customers who wait in the vehicle while the service is performed	3 waiting space per service bay
H. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.	

SECTION 601.6 LOADING AND UNLOADING SPACE REQUIREMENTS

Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provided sufficient space on the premises for all loading, unloading and service purposes.

A. 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, emergency vehicles, fire trucks and other vehicles.

B. Loading spaces as required under this section shall be provided as area additional to off street parking spaces as required under Section 601.2 and shall not be considered as supplying off street parking space. All vehicles to be unloaded shall do so from the property and must not interrupt traffic flow.

SECTION 601.7 DESIGN AND CONSTRUCTION REQUIREMENTS

All off-street parking, waiting and loading facilities shall comply with the following:

A. 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 in area measuring, 9 feet by 18 feet, exclusive of access drives or aisles. Required parking spaces shall be clearly marked with paint or wheel guards to indicate the location of each space. The width of aisles between rows of parking spaces shall not be less than twenty-four (24) feet.

When rows of parking are separated by an interior landscaped island those parking spaces may extend two feet into the island provided the landscaped island is sloped and depressed without curbing to allow runoff to pass under and through.

B. Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet, measuring 8 feet by 18 feet, shall be exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

C. Parking Area Design and Construction.

1. Such parking areas shall be of usable shape and are encouraged to be constructed of pervious or semi-pervious pavement; however, may be construction or improved with gravel, concrete, or equivalent surfacing, unless otherwise specified, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the Subdivision Regulations.

2. 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.

1. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.

2. There shall not be more than two (2) accessways abutting on any one (1) street, except that one (1) additional accessway shall be permitted for developments with five hundred (500) feet or more of road frontage provided the proper approvals are obtained from Township, County or State authorities.

3. Accessways shall not be less than twenty-seven (27) feet in width at the right of way line nor more than thirty-five (35) feet in width at the curb cut line of street, with the exception of the following:

   a. Accessways in an I-1 district may exceed 35 feet for warehouses, industrial and manufacturing facilities, when necessary, but shall not exceed 60 feet.

   b. Emergency access driveways may be less than 27 feet when approved by the Fire Department.

   c. Ohio Department of Transportation and County approved accessways shall supersede these regulations, where applicable.

4. Location. The parking spaces required for permitted or conditionally permitted uses shall be located on the lot on which the use is located, with the exception of the following:
   a. A parking agreement has been obtained for an adjoining property or,
   b. The use is part of a planned complex which consists of multiple properties.

SECTION 601.8 PERMITS AND APPROVAL

A. Proposed parking facilities for all uses except single-family and two-family dwellings shall be approved in accordance with Chapter 801. Completion of the parking lot shall comply with the approved development plan. Changes and/or additions to any approved development plan shall be resubmitted for approval.

B. All parking site plans must comply with the current fire safety standards and must be approved by the Jackson Township Fire Department. Completion of the parking lot shall comply with the approved site plan. Changes and/or additions to any approved site plan shall require a permit and final approval by the Plan Review Committee.

C. Before a zoning permit is issued for any proposed building which has:
   1. A general side length of one hundred fifty (150) feet or more and/or
   2. A height of thirty-five (35) feet or more from the finished front or rear grade.

The development plan and general parking lot design shall be reviewed and approved by the Jackson Township Fire Chief, or his designee for compliance with State and Local Fire Codes and Rules and directives as it relates to the building and accesses thereto.

ARTICLE VII
ADMINISTRATIVE AUTHORITY

Chapter 701
Zoning Inspector

701.1 Zoning Inspector **701.2 Power And Duties Of Zoning Inspector**

SECTION 701.1 ZONING INSPECTOR

For the purpose of enforcing this Zoning Resolution, 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 701.2 POWERS AND DUTIES OF ZONING INSPECTOR

The Zoning Inspector, or his or her designee, shall have the following powers and duties in accordance with the procedures contained in this Section.

A. To receive all applications for development plan review, conditional uses, zoning permits and permitted use certificates, zoning appeals and amendments, transient vendors and collect all fees under the Zoning Resolution. Applications shall be reviewed within fourteen (14) days of receipt of application to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector or his or her designee shall notify the applicant within seven (7) calendar days after review of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector or his or her designee shall officially accept the application on that date for consideration of the action(s) requested.

B. To issue zoning permits and permitted use certificates upon final approval of applications.

C. To maintain a record of all administrative and legislative proceedings under this Resolution with respect to development plan approval, zoning artifacts, permitted use certificates, appeals, and zoning amendments.

D. To conduct inspections of uses of land, or supervise such inspections and investigations, to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

E. To maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.

F. Determine the existence of any violation of this Resolution and cause such notifications, revocation notices, stop orders or citations to be issued, or initiate legal action as needed, to address such violations.

Chapter 702
Board of Zoning Appeals

702.1	**Establishment Of Board**	**702.5**	**Meetings**
702.2	**Composition And Appointment**	**702.6**	**Witness**
702.3	**Organization**	**702.7**	**Proceedings**
702.4	**Quorum**	**702.8**	**Powers and Duties**

SECTION 702.1 ESTABLISHMENT OF BOARD

In accordance with ORC §519.13, a board of zoning appeals is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

SECTION 702.2 COMPOSITION AND APPOINTMENT

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated areas of Jackson Township. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, upon written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy of his usual place of residence. The member shall be given the opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

SECTION 702.3 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 702.4 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 702.5 MEETINGS

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

SECTION 702.6 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 702.7 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 be public record.

SECTION 702.8 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. 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 or practical difficulty, and so that 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 the issuance of Conditional Use Permits for the use of the land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans and nonconforming uses specifically provided in this Resolution.

D. The Board of Appeals shall have no authority to permit a use where such use is not permitted by this Resolution.

E. Revoke an authorized variance or conditional use permits granted for the extraction of minerals, if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of their right to a hearing before the Board within thirty (30) days of the mailing of the notice, if the permit holder so requests. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate, according to ORC §519.14(D), is in addition to any other means of zoning enforcement provided by law.

Chapter 703
Zoning Commission

703.1 Establishment of Board
703.2 Composition And Appointment
703.3 Organization
703.4 Quorum
703.5 Meetings
703.6 Proceedings
703.7 Powers and Duties

SECTION 703.1 ESTABLISHMENT OF BOARD

In accordance with ORC §519.14, the Zoning Commission is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

SECTION 703.2 COMPOSITION AND APPOINTMENT

The Zoning Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated areas of Jackson Township. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, upon written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

SECTION 703.3 ORGANIZATION

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

SECTION 703.4 QUORUM

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

SECTION 703.5 MEETINGS

The Zoning Commission shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Zoning Commission shall be open to the public.

SECTION 703.6 PROCEEDINGS

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

SECTION 703.7 POWERS AND DUTIES

The Zoning Commission shall have the following powers and duties:

A. To consider at a public hearing any recommendation that may be received by the Stark County Regional Planning Commission.

B. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.

C. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.

ARTICLE VIII
ADMINISTRATIVE PROCEDURES

Chapter 801
Zoning Certificates

801.1 Zoning Certificates Required
801.2 Application Requirements
801.3 Review for Completeness
801.4 Approval of Zoning Certificates
801.5 Expiration of Zoning Certificates
801.6 Construction
801.7 Prior Approval from County
801.8 Subdivision of Property without Plat
801.9 Development Plan Review Required
801.10 General Development Plan Submission Requirements
801.11 Final Development Plan Submission Requirements
801.12 Development Plan Review Procedures
801.13 Expiration of Development Plan Approval
801.14 Simultaneous Approval of a Subdivision Plat by Stark County RPC
801.15 Significance of an Approved Plan; Plan Revisions
801.16 Temporary Uses, Site Plan Requirements
801.17 Permitted Use Certificate
801.18 Zoning Certification Requests

SECTION 801.1 ZONING CERTIFICATES REQUIRED

No building or structure, including signs and accessory buildings, shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Jackson Township prior to the issuance of a Zoning Certificate.

SECTION 801.2 APPLICATION REQUIREMENTS

All applications for zoning certificates shall be submitted to the Zoning Inspector, who shall issue zoning certificates when the request is in compliance with all applicable provisions of this Resolution.

A. Zoning Certificates for Single-family and Two-family Dwellings and Uses Accessory Thereto. An application for construction or alteration of a single-family dwelling, two-family dwelling or use accessory thereto shall include one set of the following:
   1. A plot plan drawn to scale showing the following:
      a) Exact dimensions and area of the lot to be built upon.
      b) Location, dimensions, height, bulk and intended use of structure(s) to be erected (construction plans).
      c) Dimensions of yards, open areas, and parking spaces.
   2. Conformance with Section 801.7, including a Septic Tank Permit from the Stark County Board of Health, or a Sanitary Sewer Permit from the County Sanitary Engineer's Office for new construction, which shall be obtained BEFORE making application for a Zoning Certificate.
   3. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

B. Zoning Certificates for R-3, R-4, R-5, R-6 and PBRD Districts. Applications for zoning certificates for uses not described in subsection "A" above shall be in compliance with the approved development plans.

C. Zoning Certificates for Commercial Uses. Applications for zoning certificates for commercial uses shall include, but is not limited to, the following:
   a) Two full sets of construction plans drawn to scale as required by the Zoning Department.
   b) Two site plans drawn to scale, if applicable.
   c) Landscaping plan drawn to scale.
   d) House numbering slip, if applicable
   e) Sewer guarantee, if applicable

SECTION 801.3 REVIEW FOR COMPLETENESS

The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

SECTION 801.4 APPROVAL OF ZONING CERTIFICATES

A. Within thirty (30) days after the receipt of a complete application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution. However, where approval of the Stark County Regional Planning Commission shall be required in compliance with the Subdivision Regulations, no permit shall be issued until such approval is obtained.
B. A Zoning Application involving potential First Amendment issues, or potential restraint of free speech, freedom of expression, or if directed by the law director as an expedited application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Resolution within ten (10) days after receipt of a completed application.
C. Approved zoning certificates processed per a submitted application that have not been obtained and paid for by the applicant for their designee within two (2) years of application date shall become null and void and no certificate shall be issued unless resubmitted per section 801.2 of the zoning resolution. Applications that become null and void shall be discarded per the records retention schedule.

SECTION 801.5 EXPIRATION OF ZONING CERTIFICATES

A. Zoning certificates shall become null and void if construction has not begun within twelve (12) months of issuance of a Zoning Certificate. If no construction is started or use is changed within twelve (12) months of date of permit, a new permit is required upon proper application. Construction shall be considered begun if the footers of the structure have been installed, or if no footers are required, construction shall be considered begun when the slab or foundation of said structure is constructed.
B. All construction shall be substantially completed within twenty-four (24) months of date of issuance of the zoning certificate.
C. A determination of substantial completion for new buildings or additions to an existing building shall include the outside portion of the building being finished and/or the completion of the final building inspection by the Stark County Building Department and/or the issuance of a Certificate of Occupancy permit from the Stark County Building

Department. A determination of substantial completion for all other new structures shall include that the structure is usable for its intended use.

D. A one-time permit extension of thirty (30) days beyond the twenty-four (24) month time period may be granted by the Zoning Inspector due to unforeseen circumstances that may include the following:
   1. The length of time to finish the project is thirty (30) days or less.
   2. The reason for the delay, including but not limited to, weather or soil issues.
   3. The extension will not be a detriment to the adjoining property owners.

E. Except where an extension is granted, construction that has not been substantially completed within twenty-four (24) months of date of issuance of zoning permit shall be considered a zoning violation in which the violator may be fined not more than five-hundred ($500) dollars. 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 that are provided by law.

SECTION 801.6 CONSTRUCTION

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 two (2) years from the date of passage of these regulations.

SECTION 801.7 PRIOR APPROVAL FROM COUNTY

A. No zoning certificate shall be issued without evidence that the responsible authority has approved the proposed sanitary sewage disposal facilities for the uses for which the zoning certificate has been requested.

B. No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the township which has ingress or egress to the street until the owner of such property has secured a permit or approval from the Ohio Department of Transportation, the County Engineer, or the proper township official (whichever authority has jurisdiction) , for permission to install a culvert of the proper size and specification or other adequate method of providing proper road drainage and to provide for the safe ingress and egress to the property required by the Ohio Department of Transportation, County Engineer or proper local township official (whichever authority has jurisdiction) and completed proper safety precautions and the installation of such culvert or drainage facility.

SECTION 801.8 SUBDIVISION OF PROPERTY WITHOUT PLAT

Subdivision of property without following the platting process, and in accordance with ORC §711.001, 711.131, and 711.113 shall require a review by the Jackson Township Zoning Department prior to recordation of same.

SECTION 801.9 DEVELOPMENT PLAN REVIEW REQUIRED

Subdivision of development plans is required to provide adequate review of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community. Review of a general development plan and/or a final development plan shall be required as specified below.

A. General Development Plan. A general development plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation patterns, if applicable, shall be required for all proposed developments in an R-3 Residential PUD, R-4 or R-5 Multi-Family Residential PUD, R-6 PUD or PBRD District.

B. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs and outdoor storage areas shall be required for the following:

1. New construction of all permitted uses in multi-family, business and industrial districts.
2. All proposed R-3 Residential PUD, R-4 or R-5 Multi-Family Residential PUD, R-6 PUD, or PBRD planned unit developments following review and approval of the zoning amendment and general development plan by the Township Trustees.
3. Any existing or previously approved development meeting the criteria of 801.9B(1) above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

SECTION 801.10 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

An application for general development plan review shall include a plan for the entire area, drawn to scale, of the proposed R-3 PUD, R-6 PUD or PBRD District, or of the entire development site for all other developments. See section 401.20 for R-4 and R-5 PUD general development plan submission requirements. Three sets of the application shall be submitted to the Zoning Inspector. Application for general development plan shall disclose all uses proposed for the development and their general location and shall include the following items, unless a specific item(s) is determined by the Zoning Inspector to be inapplicable or unnecessary and is waived in writing by the Zoning Inspector.

A. The location of all existing structures and access points on the site.

B. The general location of existing structures and access points on adjacent parcels within 50 feet surrounding the site.

C. The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points.

D. Existing and proposed topography, major vegetation features, and wooded areas.

E. The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.

F. The general location of required common open space areas.

G. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type.

H. Proposed phases if the project is to be developed in stages indicating the phase(s) during which any common facilities are anticipated to be constructed.

I. Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

J. An accurate list of names and address of adjacent property owners.

SECTION 801.11 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

An application for final development plan review shall be required for each phase of development. Three sets of the application shall be submitted to the Zoning Inspector. An application for a final development plan shall disclose all uses proposed for the development, their location, extent and characteristics and shall include the following maps, plans, designs and supplementary documents unless a specific item(s) is determined by the Zoning Inspector to be inapplicable or unnecessary and is waived in writing by the Zoning Inspector.

A. An accurate legal description prepared by or certified by a registered surveyor of the state.

B. A final development plan indicating:

1. Proposed fee simple lots for single-family detached dwellings.
2. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots.
3. Location of all public right-of-way and private streets.
4. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking circulation.
5. Proposed and existing fences, walls, signs, lighting.
6. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles.
7. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management.
8. Dimensions of all buildings, setbacks, parking areas, drives and walkways.

C. Maps showing existing and proposed grading contours, wooded areas, wetlands and other significant environmental features.

D. Proposed landscaping and screening plans as applicable, indicating the preliminary description of the location and nature of significant areas of existing and proposed vegetation, landscaping and screening elements and existing trees to be removed.

E. Summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type.

F. If a phased development includes improvements that are designed to relate to, benefit, or be used by the entire development at the time the first phase application is submitted the applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases of the entire development.

G. Legal documentation required in section 401.17F. If the project is a phased development, such legal documentation shall be submitted with the first phase.

SECTION 801.12 DEVELOPMENT PLAN REVIEW PROCEDURES

General development plan and final development plan application shall be reviewed according to the following procedures.

A. Review by the Site Review Committee. For all applications for development plan review, except in the case of a general development plan for an R-3, R-4, R-5 or R-6 PUD the Zoning Inspector shall distribute a complete application general or final development plan review to the Site Plan Review Committee within five days of receipt of a complete application from the applicant or of receipt of plans forwarded from Stark County Regional Planning. Such committee shall be an advisory committee comprised of the Township Fire Chief, Highway Department Superintendent and Zoning Inspector.

1. Review by Consultants. The application may be transmitted to appropriate professional consultants for review and comment to the Site Plan Review Committee. Any reports, comments, or expert opinions shall be complied by the Zoning Inspector and transmitted to the Site Plan Review Committee prior to the time of the Committee's review.
2. Requests for Additional Information. The Site Plan Committee may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.
3. Informal Meetings. In reviewing any application, the Site Plan Review Committee may meet informally with the applicant. However, no action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations of the Committee that are based on incomplete information or plans that are subsequently altered should be relied upon by the applicant to indicate subsequent approval or disapproval.
4. Review of General Development Plans for Planned Unit Developments. The Zoning Commission and Board of Trustees shall review the application and documents submitted for general development plan approval for PUD's for compliance with the review criteria provided in Section 801.12B, and other applicable regulations.

B. Review Criteria. The following review criteria shall be utilized in reviewing plans for Planned Unit Developments.

1) The design of the common open space(s) and any proposed recreation facilities meet the objectives of the district in which the development is proposed.
2) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the design criteria set forth in Section 401.17C for an R-3 or R-6 PUD.
3) Adequate provisions is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
4) If the project is to be carried out in progressive phases, each phase has adequate provision for vehicular and pedestrian access, parking, landscaping and seeding of common areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases and adjoining property.

C. Final Development Plan Review. In reviewing an application for final development plan review, the Zoning Inspector shall determine that the proposed final development plan substantially conforms to any general development plan that has been approved for the site.

D. Timeframe for Action-Plans Not Involving a General Development Plan for a PUD. The Site Plan Review Committee should make a recommendation to the Zoning Inspector. In the event the Site Plan Review Committee fails to make a recommendation within 30 days from the date the application was determined complete, or an extended period as may be agreed to by the applicant, the Zoning Inspector shall make a decision without a recommendation from the Committee.

E. Action by the Zoning Inspector. The Zoning Inspector shall make a decision based on the advice and recommendation of the Site Plan Review Committee, except as otherwise noted in C above. Each submitted general development plan and final development plan shall be:

1. Approved as submitted.
2. Approved subject to specific conditions not included in the plan as submitted, such as, but not limited to:
   a) For general development plans, modifications to the general lot layout, open space arrangement or on-site control of access to streets;
   b) For final development plans, modifications to the general lot layout, open space arrangement, on-site control of access to street, or landscaping and buffering specifications; or
3. Denied because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.

All general development plans for Planned Unit Developments must be approved in accordance with Section 805.10. The Zoning Inspector and/or the Site Plan Review Committee may informally review the plans and may submit comments to the Zoning Commission and Board of Trustees.

SECTION 801.13 EXPIRATION OF DEVELOPMENT PLAN APPROVAL NOT INVOLVING A PUD

An approved development plan shall remain valid for a period of 24 months following the date of its approval.

A. General Development Plan. If, at the end of 24 months, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter. When being developed in phases, submission of a final development plan for a portion of the development shall be required and shall have the effect of extending approval of the general development plan for 24 months from the date thereof.

B. Final Development Plan. If, at the end of 24 months, construction has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and pier or footings of one or more principal buildings included in the plan shall have been completed. All

construction shall be completed within two (2) years of date of issuance of the zoning certificate.

SECTION 801.14 SIMULTANEOUS APPROVAL OF A SUBDIVISION PLAT BY STARK COUNTY RPC

A preliminary plat for the entire area of the proposed general development plan may be submitted to the Stark County Regional Planning Commission for review at the same time the general development plan is being considered by the Township. Approval by the Regional Planning Commission shall in no way constitute approval by the Township. The final subdivision plat shall be in substantial conformance with the general development plan approved by the Township.

SECTION 801.15 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a zoning certificate. All construction and development under any zoning certificate shall be in accordance with the approved final development plan. Any departure from such plan may be deemed a violation of these regulations. Any substantial changes to an approved general development plan or final development plan shall be resubmitted for approval in accordance with this Chapter.

SECTION 801.16 TEMPORARY USES, SITE PLAN REQUIREMENTS

Temporary uses, such as fairs, festivals and other temporary sales and services, where permitted in appropriate districts shall be permitted upon compliance with the site plan requirements listed below:

A. Two site plans shall be provided to the Zoning Department within six (6) weeks but not later than two (2) weeks in advance of activities containing the following:
   1. Intended ingress and egress of traffic.
   2. Width of driveways and aisles and the location of any barriers.
   3. Dimensions, location and width between any and all temporary buildings, structures or tents on the premises.
   4. First aid facility.
   5. Litter containers
   6. Location of all vendors.
   7. Location of the office.
   8. Location of parking facilities.
   9. Location of restroom facilities.

B. The following information shall be provided on the site plan:
   1. The name, address and telephone number of the property owner.
   2. The name, address and telephone numbers of the chairman, manager or operator.
   3. The address and township section number of the property upon which the activities are held.
   4. The dates and times of operation of the activity.

C. The following shall be obtained prior to commencement of the activities:
   1. A zoning certificate shall be required for the activity, structures, buildings, tents and signage related thereto.
   2. Transient Vendor permits, required by the Township Transient Vendor legislation adopted pursuant to ORC Section 505.94 and attached hereto as Appendix A, shall be obtained by individual vendors (permits must also be obtained from Stark County Health Department and the Stark County Auditor's Office, when necessary).
   3. Sign permits as permitted in Chapter 501 of the Jackson Township Zoning Regulations.
   4. The Stark County Building Department shall be contacted to determine if electrical permits are required.
   5. Permission shall be obtained from the appropriate township, county or state agencies.

D. 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 buildings or structures shall be removed upon the completion or abandonment of the construction work.

E. Model homes shall be permitted as a temporary use within a platted subdivision or condominium development provided the model home maintains the appearance of a residential home, not more than 25% of the interior living area of the home shall be used for a sales office and not more than four (4) employees at one time shall be located at the site. An annual permit must be obtained for the model home and signage. The permit is to be issued only if lots and/or homes are actively being sold within the development.

SECTION 801.17 PERMITTED USE CERTIFICATE

Prior to the occupancy of any nonresidential structure or nonresidential portion of an otherwise residential structure, a Permitted Use Certificate shall be obtained from the Zoning Inspector. Any change in use from one use to another, addition of a new use or from one owner/tenant to another shall require a new Permitted Use Certificate. A Permitted use Certificate shall be issued when all aspects of the building, structure or use comply with the zoning certificate previously issued.

SECTION 801.18 ZONING CERTIFICATION REQUESTS

A written verification from the Zoning Department that a property is in compliance with the Jackson Township Zoning Resolution may be requested. A written request must be submitted to the Zoning Inspector. The request shall specify the address of the property in question and note any specific information requested.

Chapter 802

Conditional Use Permits

802.1 Purpose
802.2 Procedures for Making Application
802.3 Review by The Board of Zoning Appeals
802.4 Action by Board of Zoning Appeals
802.5 Resubmission of Application
802.6 Effective Date of Termination
802.7 Renewal Procedure
802.8 Appeals to the Court of Common Pleas
802.9 Continuation of Existing Conditional Uses

SECTION 802.1 PURPOSE

To assure examination, review, and findings by appropriate agents, agencies or governmental bodies, when applicable, in connection with proposed actions specifically set out in this Resolution as Conditional Permitted Uses.

SECTION 802.2 PROCEDURES FOR MAKING APPLICATION

An application for a Conditional Use Permit for any land, structure, or use permitted as a conditional use under this Resolution shall be submitted in accordance with the following procedures:

A. Application Submitted To The Zoning Inspector. Any application for a Conditional Use Permit shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals on a special form for that purpose, available from the Zoning Inspector. Each application shall be accompanied by the payment of a fee in the amount established by the Township Trustees.

B. Data Required With Application.
   1. A completed application form.
   2. The name, address, and phone number of applicant and property owner, and the owner's written approval, if property ownership is other than the applicant.
   3. A site plan drawn to scale of sufficient size to show the boundaries of the project, and existing streets, buildings, water courses, and section lines of the entire property being considered, the location of all existing adjacent and proposed structures, the type of buildings, use and the acreage of area involved, including that for parking, and all landscaping and screening.
   4. Written evidence of compliance with the Criteria and Standards set forth in Chapter 431.

C. Only Complete Applications Accepted. The Zoning Inspector shall accept an application for review by the Board of Zoning Appeals only if it is complete, as set forth in Section 801.3, and is accompanied by payment of the required fee.

SECTION 802.3 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, to determine whether or not the proposed development is appropriate and in keeping with the purpose and intent of this Zoning Resolution.

A. Referral to Consultants. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

B. Public Hearing. After review and study of an application, the Board of Zoning Appeals shall hold a public hearing upon the application.
   1. Notification of the public hearing shall be given in 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.
   2. Such notice shall indicate the place, time, and subject of the hearing.
   3. The Board of Zoning Appeals may recess or continue such hearing, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

C. Review Criteria. The Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 431 of this Resolution, are satisfied by the establishment and operation of the proposed use. In addition, the Board of Zoning Appeals:
   1. Shall review any request for variance of any regulation set forth in this Zoning Resolution pertaining to the proposed conditional use, according to variance procedures set forth in Section 803.5.
   2. May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

SECTION 802.4 ACTION BY BOARD OF ZONING APPEALS

Upon conclusion of the hearing procedures and adequate review and study of the submitted application, the Board of Zoning Appeals shall take one of the following actions:

A. If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the conditional use application. As part of the approval, the Board of Zoning Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Resolution for the protection of individual property rights and the public health, safety and general welfare of the community and ensuring that the intent and objective of this Zoning Resolution are observed.

B. If the proposed use is found not to be in compliance with the specifications of this Zoning Resolution, or not appropriate to or in keeping with the purpose and intent of the district in which the use is proposed, the Board of Zoning Appeals shall reject the application.

SECTION 802.5 RESUBMISSION OF APPLICATION

No application for a Conditional Use Permit that has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted unless the applicant alleges in the application, and prove at hearing, that a change in circumstances has transpired since the original denial by the Board of Zoning Appeals. On resubmission, the assertion of a separate, substantive legal basis for approval shall not be considered as a change in circumstance.

SECTION 802.6 EFFECTIVE DATE AND TERMINATION

If the Board of Zoning Appeals approves a Conditional Use Permit that is for a specific term, the term commences upon the date of approval of the Conditional Use by the Board of Zoning Appeals.

A Conditional Use Permit shall be issued prior to the issuance of a Zoning Certificate for a conditional permitted use. A Conditional Use Permit must be obtained within one year from the date of approval by the Board of Zoning Appeals or the approval shall become null and void and no permit shall thereafter be issued.

Permits for specific Conditional Uses as stated in Schedule 401.3 and 411.3 shall be renewed on an annual bases per Section 802.7.

Violations of an approved Conditional Use Permit shall be subject to Chapter 901.

SECTION 802.7 RENEWAL PROCEDURE

At least thirty (30) days prior to the expiration of a Conditional Use Permit, the applicant shall apply for renewal of the permit, where applicable, to be issued by the Zoning Inspector. If the applicant fails to apply for the renewal within twenty (20) days after the expiration date of the Conditional Use permit, the use shall be removed or discontinued. Renewal requests shall be accompanied by the fee as set out in the fee schedule.

SECTION 802.8 APPEALS TO THE COURT OF COMMON PLEAS

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township. Appeals shall be subject to judicial review by the Court of Common Pleas of Stark County, Ohio, in accordance with the laws of the State of Ohio.

SECTION 802.9 CONTINUATION OF EXISTING USES CONDITIONAL USE

All uses existing on the effective date of this Resolution or amendment thereto, and conditionally permitted in their respective districts, shall be considered conditionally permitted, and a conditional use zoning certificate shall be issued by the zoning inspector upon request by the property owner. An existing conditional use shall be limited to extent to which the use existed on the above referenced effective date. Any geographic area or building expansion shall require a conditional use permit approved by the Board of Zoning Appeals.

Chapter 803
Procedures for Appeals and Variances

803.1 Appeals to the Board of Zoning Appeals
803.2 Procedures
803.3 Notice of Hearings
803.4 Decisions
803.5 Variances as a Type of Appeal
803.6 Appeals to the Court of Common Pleas

803.1 APPEALS TO THE BOARD OF ZONING APPEALS

Appeals to the Board may be taken by any person aggrieved by a decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing 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 of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

803.2 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedures specified by law including this Resolution. All appeals made to the Board shall be in writing and on the forms prescribed therefor. Every appeal shall refer to the specified provisions 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 of Zoning Appeals 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 Use Permit; Revocation of Variance, or of Conditional Use Permit;" together will all documents pertaining thereto.

SECTION 803.3 NOTICE OF HEARINGS

A. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place 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 at least ten (10) days prior to the date of 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 hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

B. In circumstances involving First Amendment rights, or the potential restrain of free speech or freedom of expression, or if directed by the law director as an expedited appeal, or any application for a Zoning Certificate involving any request for a sexually oriented business, must be schedule for hearing within thirty (30) days after receipt of the notice of appeal.

SECTION 803.4 DECISIONS

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end the Board of Zoning Appeals shall have all of the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate.

A. The Board shall render a decision on the appeal within thirty (30) days of the completion of the public hearing. However, in situations involving First Amendment rights, potential

restraint of free speech or freedom of expression, or if designated or directed by the law director as an expedited appeal to the Board of Zoning Appeals, the decision on appeal shall be rendered within five (5) days of the completion of the public hearing.

B. Within five (5) days of the Board's decision, the secretary of the Board shall send written notification of the decision to the applicant and the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and the terms and conditions shall be incorporated in the Zoning Certificate or Conditional Use Permit to the applicant whenever a permit is authorized by the Board.

C. Once the applicant has received the Board's decision, an application may be submitted to the Zoning Department that complies with the Board of Zoning Appeals decision. A copy of the Board of Zoning Appeals decision shall be attached to the application.

D. A decision of the Board shall become final when such decision is made.

SECTION 803.5 VARIANCES AS A TYPE OF APPEAL

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest according to the following procedures:

A. Application Requirements. An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

1. Name, address and phone number of applicant(s).
2. Proof of ownership, legal interest or written authority.
3. Description of property or portion thereof.
4. Description or nature of variance requested.
5. Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below.
6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance.
7. Payment of the application fee as established by the Trustees.
8. Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for variance, the Zoning Inspector shall within fifteen (15) days make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

B. Review by the Board of Zoning Appeals. According to the procedures established for appeals in Section 803.3, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence demonstrates that the literal enforcement of this Resolution will result in practical difficulty. The following factors shall be considered and weighted by the Board in determining practical difficulty.

1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in

the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot.

2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.
6. Whether special conditions or circumstances exist as a result of actions of the owner.
7. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

C. Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance.

D. Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

E. Uses. The Board of Appeals shall not have the authority to permit a use where such use is not permitted by this resolution.

F. Action by the Board. The Board shall either, approve, approve with supplementary conditions as specified in subsection D, or disapprove the request for variance according to the procedures established for appeals in Section 803.3 and 803.4. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

SECTION 803.6 APPEALS TO THE COURT OF COMMON PLEAS

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township. Appeals shall be subject to judicial review by the Court of Common Pleas of Stark County, Ohio, in accordance with the laws of the State of Ohio.

Chapter 804

Zoning Amendment Procedure

804.1 Authority for Amendments
804.2 Amendments to Zoning Resolution or Zoning Map
804.3 Procedures for Making Application
804.4 Processing of Amendment Request
804.5 Stark County Regional Planning Commission Action
804.6 Zoning Commission Action
804.7 Processing of Amendment by Township Trustees
804.8 Township Trustees Action
804.9 Referendum

SECTION 804.1 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may amend, revise, rearrange, renumber or recodify this Zoning Resolution or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in Section 519.12 of the Ohio Revised Code and summarized herein.

SECTION 804.2 AMENDMENTS TO ZONING RESOLUTION OR ZONING MAP

Amendments to the zoning resolution may be initiated in one of the following ways:

A. By motion of the zoning Commission,
B. By the passage of a resolution therefor by the Board of Trustees, or
C. By the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

SECTION 804.3 PROCEDURES FOR MAKING APPLICATION

An application for a zoning amendment initiated by a property owner or lessee in accordance with Subsection 804.2 shall be submitted according to the following:

A. Submission of Application. An application as provided by the Zoning Commission shall be made to the Zoning Commission, together with a fee in the amount established by the Township Trustees.

B. Data Required for Complete Application.
   1. The name, address and telephone number of the applicant, property owner and the owner's written approval, if property ownership is other than the applicant.
   2. The type of amendment requested.
   3. A legal description and map of the property involved, if a district change, or
   4. A complete written description of the text amendment.
   5. The tax mailing names and addresses and parcel numbers of adjoining property owners from the Stark County Treasurers tax list.

C. Sign Requirements. The Board of Trustees has determined to increase the awareness of the general public when an application for rezoning of property has been filed. Therefore, in addition to the required legal notices, a sign shall be provided and posted by the Township on the involved parcel(s) to notify the public that an application has been filed that could affect the zoning of such property. The sign, or signs, shall be posted within seven days of acceptance of an application and remain posted on the property until the public hearings for said application are concluded.

The sign(s) shall be three (3) feet in height and four (4) feet in width. The sign(s) shall be made from weather resistant material. The sign(s) shall contain the following language:
"ZONING NOTICE-An application has been filed to request the zoning of this property be changed from _____to _____. For further information, contact the Jackson Township Zoning Department, 330-832-8023."
The sign(s) shall identify the current and proposed zoning classifications. The words "ZONING NOTICE" shall be a minimum of two (2) inches in height. The balance of the text is to be a minimum of one (1) inch in height. All letters are to be in red with a white background.

SECTION 804.4 PROCESSING OF AMENDMENT REQUEST

A. Within five (5) days of receipt of the complete application, a resolution by the Trustees or the passage of a motion by the Zoning Commission, a copy of the proposed amendment may, but in not required to be submitted to the Stark County Regional Planning Commission for review.
B. A date for the public hearing before the Zoning Commission shall be set not less than twenty (20) days or more than forty (40) days from receipt of the complete application, resolution or motion.
C. Notice of such hearing shall be given by the Zoning Commission by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of such hearing.
D. For applications involving ten (10) or less parcels, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any subsequent decision upon the application.
E. Notification to ODOT in accordance with Section 102.5 is required to be made by the Township Zoning Department before any amendment is approved that affects land near proposed new highways or planned improvements.
F. Published and mailed notices shall include the time, date, and place of the public hearing and all other required information per ORC §519.12(C).
G. The Zoning Commission may recess or continue such hearing from time to time, and, if the time and place of the continued hearing by publicly announcing at the time of the adjournment, no further notice shall be required.

SECTION 804.5 STARK COUNTY REGIONAL PLANNING COMMISSION ACTION

A. Any proposed amendment and general development plan that may be submitted to the Stark County Regional Planning Commission shall be reviewed at their regularly scheduled meeting and any recommendation to approve, deny or modify the proposed amendment and general development plan shall be forwarded to the Zoning Commission.

SECTION 804.6 ZONING COMMISSION ACTION

A. The Zoning Commission, at the public hearing, shall consider the recommendation of the Stark County Regional Planning Commission for any proposed amendment that may be submitted to the Stark County Regional Planning Commission for review, and shall review the general development plan for compliance with the review criteria set forth in Section 805.10.
B. The Zoning Commission shall make a decision to approve, deny or modify the request within thirty (30) days after the hearing is concluded.

SECTION 804.7 PROCESSING OF AMENDMENT BY TOWNSHIP TRUSTEES

The Trustees shall set a date for public hearing within thirty (30) days after receipt of the recommendation of the Zoning Commission.

A. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner.
B. Irrespective of the number of parcels involved with the application, notice shall also be given by regular mail to all property owners within and contiguous to and directly across the street from the subject property at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to the addresses of such owners appearing on the county's auditor's tax list. If any certified mail receipt is returned refused or unclaimed, notice shall then be sent by regular mail.
C. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of the required hearing.
D. The published and mailed notices shall set forth the time, date and place of the public hearing, and all other information per ORC §519.12.
E. The Board of Trustees may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

SECTION 804.8 TOWNSHIP TRUSTEE ACTION

A. The Township Trustees shall make a decision within twenty (20) days after the public hearing.
B. A decision shall be made to either adopt, deny or modify the recommendation of the Zoning Commission. A majority vote of the Trustees is required if the Zoning Commission's recommendation is not to be adopted. Failing a majority vote in such case, the recommendation of the Zoning Commission shall be considered approved.
C. An amendment adopted by the Trustees becomes effective in thirty (30) days from the date of their decision unless a petition for referendum is filed within that thirty (30) day period.

D. Trustees are required to file all adopted zoning amendments with the Stark County Recorder within five (5) days of the effective date, together with a copy to the Regional Planning Commission.

SECTION 804.9 REFERENDUM

A. Residents may submit a petition to Trustees, signed by registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to eight (8) percent of the total votes cast for all candidates for governor in such area at the most recent general election at which a governor was elected.

B. The Board of Trustees shall transmit the petition within two (2) weeks to the Board of Elections, which shall determine the sufficiency and validity. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election.

C. Unless approved by a majority of the voters in the township, no amendment for which a referendum vote has been requested is in effect.

D. Upon certification by the board of elections that the amendment has been approved by the voters, it takes immediate effect.

Chapter 805
Amendment Procedures for R-3 Residential PUD, R-4 and R-5 Multi-Family Residential PUD, R-6 PUD and PBRD Districts

805.1 Purpose
805.2 Pre-Application
805.3 Submission Requirements
805.4 Processing of Amendment by Zoning Commission
805.5 Stark County Regional Planning Commission Action
805.6 Zoning Commission Action
805.7 Processing of Amendment by Township Trustees
805.8 Amendment to Existing PUD
805.9 Township Trustees Action
805.10 Review Criteria
805.11 Significance of General Development Plan
805.12 Final Development Plan Approval
805.13 Significance of Final Development Plan

SECTION 805.1 PURPOSE

Property owners who wish to have R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, R-6 PUD or PBRD Planned Development District regulations apply to their property shall request to have the zoning map amended to rezone their property to an R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, R-6 PUD or PBRD District designation and a general development plan approved. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.

SECTION 805.2 PRE-APPLICATION

The developer is encouraged to meet with the Zoning Inspector and other pertinent Township officials prior to the submission of the preliminary plan submission. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the Planned Unit Development District process, and major thoroughfares plan, the subdivision regulations, and the zoning approval process.

SECTION 805.3 SUBMISSION REQUIREMENTS

The establishment of a planned unit development shall be accomplished by one or more of the owners, or lessees of property with the owner's consent, within the area proposed to be changed or affected by the proposed application with the Zoning Department. Submission of the rezoning application and general development plan to the Zoning Commission shall include the following:

A. Names, addresses, and telephone numbers of applicants and owners of all property included in the development.

B. A legal description and a map showing the boundaries of the proposed PUD, including total acreage.

C. A general development plan that includes all of the items set forth in Section 801.10 for an R-3 or R-6 PUD or PBRD.

D. A general development plan that includes all items set forth in Section 401.20(H) for an R-4 or R-5 PUD.

SECTION 805.4 PROCESSING OF AMENDMENT BY ZONING COMMISSION

A. Within five (5) days of receipt of the complete application a copy of the proposed amendment and general development plan shall be transmitted to the Stark County Regional Planning Commission.

B. A date for the public hearing before the Zoning Commission shall be set not less than twenty (20) days or more than forty (40) days from receipt of the complete application.

C. Notices of such hearing shall be given by the Zoning Commission by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of such hearing.

D. For applications involving ten (10) or less parcels, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any subsequent decision upon the application.

E. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner. If any certified mail receipt is returned refused or unclaimed, notice shall then be sent by regular mail.

F. Notification to ODOT in accordance with Section 102.7 is required before any amendment is approved that affects land near proposed new highways or planned improvements.

G. Published and mailed notices shall include the time, date, and place of the public hearing and all other required information per ORC §519.12(C).

H. The Zoning Commission may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

SECTION 805.5 STARK COUNTY REGIONAL PLANNING COMMISSION ACTION

A. The Stark County Regional Planning Commission shall review the requested amendment and general development plan unless exempt at a regularly scheduled meeting.

B. The recommendation to approve, deny, or modify the proposed amendment and general development plan shall be transmitted to the Zoning Commission.

SECTION 805.6 ZONING COMMISSION ACTION

A. The Zoning Commission, at the public hearing, shall consider the recommendation of the Stark County Regional Planning Commission and shall review the general development plan for compliance with the review criteria set forth in Section 805.10.

B. The Zoning Commission shall make a decision to approve, deny or modify the request within thirty (30) days after the hearing is concluded.

SECTION 805.7 PROCESSING OF AMENDMENT BY TOWNSHIP TRUSTEES

The Trustees shall set a date for public hearing within thirty (30) days after receipt of the recommendation of the Zoning Commission.

A. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner.

B. Irrespective of the number of parcels involved with the application, notice shall also be given by regular mail to all property owners within and contiguous to and directly across the street from the subject property at least ten days prior to the date of the scheduled hearing. All notices shall be sent to the address of such owners appearing on the county auditor's tax list. If any certified mail receipt is returned refused or unclaimed, notice shall then be sent by regular mail.

C. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing.
D. The published and mailed notices shall set forth the time, date and place of the public hearing, and all other information per ORC §519.12.
E. The Board of Trustees may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

SECTION 805.8

An application for a modification of an approved PUD will be heard by the Trustees at a public hearing set not less than twenty (20) days or more than forty (40) days from receipt of the complete application.

SECTION 805.9 TOWNSHIP TRUSTEE ACTION

A. The Township Trustees shall consider the recommendation of the Zoning Commission and the Stark County Regional Planning Commission and shall review the general development plan for compliance with the review criteria set forth in Section 805.10.
B. The Trustees shall make a decision within twenty (20) days after the public hearing.
C. A decision shall be made to either adopt, deny or modify the recommendation of the Zoning Commission. A majority vote of the Trustees is required if the Zoning Commission's recommendation is not to be adopted. Failing a majority vote in such case, the recommendation of the Zoning Commission shall be considered approved.
D. An amendment adopted by the Trustees becomes effective in thirty (30) days from the date of their decision unless a petition for referendum is filed within that thirty (30) day period. The general development plan shall be approved simultaneously to the adoption of the rezoning amendment.
E. Trustees shall file all adopted zoning amendments with the Stark County Recorder within five (5) days of the effective date, together with a copy to Regional Planning Commission.

SECTION 805.10 REVIEW CRITERIA

The following review criteria shall be utilized by the Zoning Commission and Board of Trustees in reviewing and approving a general development plan for an R-3 Residential PUD, R-4 and R-5 Multi-Family Residential PUD, R-6 PUD or PBRD district. Additional conditions may be imposed on the proposed development based on these standards:

A. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
B. Will not be hazardous, disturbing and produce adverse effects upon such as traffic, noise or lights or otherwise adversely affect existing or future adjacent and/or surrounding uses or structures.
C. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
D. Will be serviced adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools: or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

E. Will be in compliance with State, County and Township regulations.
F. Will have the streets that are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
G. 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.
H. Will conform to provisions of the township's land use plan.

SECTION 805.11 SIGNIFICANCE OF GENERAL DEVELOPMENT PLAN

An approved general development plan shall set forth the zoning for the PUD including the range of uses, intensity, density, general setback and buffering requirements.

SECTION 805.12 FINAL DEVELOPMENT PLAN APPROVAL

After a parcel had been rezoned to an R-3 Residential PUD, R-4 Multi-Family Residential PUD, R-5 Multi-Family Residential PUD, R-6 PUD or PBRD Planned Business Residential Development District and a general development plan for the entire parcel or parcels has been approved by the Trustees, the applicant shall submit a final development plan for review and approval to the Zoning Inspector. An application for a final development plan shall include all of the requirements, as applicable, set forth in Section 801.11 for an R-3 Residential PUD, R-6 PUD and PBRD and Section 401.20(I) for an R-4 Multi-Family Residential PUD and R-5 Multi-Family Residential PUD.

A. No Changes to General Development Plan-Review by the Site Plan Review Committee. When the final development plan substantially conforms with the approved general development plan, the Site Plan Review Committee shall review the final development plan according to the development plan review procedures set forth in Section 801.12.
B. Changes to General Development Plan. If the Zoning Inspector determines that any proposed modification to the approved general development plan does not substantially conform to the existing plan, then the Zoning Inspector shall, within five (5) days of said determination, submit the matter to the Board of Trustees for their review and determination. The Board of Trustees shall review the matter within 30 days of its submission and shall render their determination within 20 days of the conclusion of the public hearing.

SECTION 805.13 SIGNIFICANCE OF FINAL DEVELOPMENT PLAN

An approved final development plan shall become a binding commitment for the proposed development of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a zoning certificate. Development shall substantially conform with the approved final development plan. Any proposed deviations that do not substantially conform with the approved site development plan shall be submitted to the Board of Trustees in accordance with the provisions of Chapter 805.12.

Fee Modification Highlighted in Blue Eff. 8-1-19

Chapter 806
Fees

806.1 Zoning Certificate Fee Schedule **806.2 Refund of Permit Fees**

SECTION 806.1 ZONING CERTIFICATE FEE SCHEDULE

Fees for zoning certificates, application to the Board of Zoning Appeals, Zoning Amendments, Conditional Use Permits, and other zoning fees shall be established by the Resolution of the Jackson Township Board of Trustees.

A. RESIDENTIAL NEW CONSTRUCTION USES

1.	Single-family Dwelling Plus **10** c per square foot of outside dimensions of the structure of each floor.	**$125.00**
2.	Two-family Dwelling Plus **10** c per square foot of outside dimensions of the structure of each floor.	**$175.00**
3.	Three-family Dwelling Units or More (Multi-family) per unit Plus **10** c per square foot of outside dimensions of the structure of each floor.	**$100.00**

B. RESIDENTIAL ACCESSORY USES

1.	Accessory Buildings & Structures, Pods, Wood Burning Furnaces, Fire Damage Repair Plus **10** c per square foot (Children's play houses, gymnastic equipment or dog houses, Kennels, and fences and walls not included.)	**$35.00**
2.	Alterations and additions Plus **10** c per square foot	**$35.00**
3.	Above Ground Private swimming pools, spas, tennis courts, and unenclosed hot tubs. In-Ground Private Swimming pools	**$50.00** **$125.00**
4.	Home Occupation permit	**$50.00**
5.	Satellite Dishes >25" in diameter	**$75.00**
6.	Model Homes, temporary buildings, construction trailers, and temporary sales office-annual fee	**$125.00**
7.	Bed & Breakfast per single room unit Plus **10** c per square foot of each floor	**$50.00**
8.	Nonconforming house trailer renewal permit	**$25.00**
9.	Wind Energy Conversion System (WECS) over 18 ft. in height	**$150.00**
10.	Small Structure Mounted Wind Energy Conversion System	**$100.00**
11.	Residential Fence	**$10.00**

C. COMMERCIAL, RECREATIONAL AND INDUSTRIAL NEW CONSTRUCTION STRUCTURES AND USES

1. New Construction **$300.00**
   Plus **10** c per square foot of outside dimensions of the structure of each floor
2. Hotel, Motel, Bed & Breakfast or Guest Suites (per single room unit) **$250.00**
   Plus **10** c per square foot of outside dimensions of the structure of each floor.
3. Junkyard **$2,000**
   Plus $50.00 per acre

D. ACCESSORY, ADDITION AND INTERIOR REMODELING OF COMMERCIAL, RECREATIONAL AND INDUSTRIAL USES

1. Accessory Buildings or Structures, Additions **$250.00**
   Plus **10** c per square foot of outside dimensions of the structure of each floor
2. Interior Alterations and Fire Damage Repairs **$250.00**
   For any valuation up to and not exceeding five thousand ($5,000.00 dollars. Plus an additional fee of one dollar ($1.00) per thousand dollars or fraction thereof for valuation over five thousand ($5,000.00) dollars.
3. Façade Alterations **$150.00**
   Plus $2.00 per linear footage of facade
4. Tents (over 120 square feet) **$50.00**
5. Hotels, Motels, Guest Suites, Bed & Breakfast (per single room unit) **$150.00**
   Plus **10** c per square foot of outside dimensions of the structure of each floor.
6. Pools **$150.00**
7. Fairs, Festivals, temporary use site plan review **$40.00**
8. Satellite Dishes **$75.00**
9. Temporary Buildings, Storage Pods, Construction Trailers & Sales Office **$125.00**
10. Wind Energy Conversion System (WECS) over 18 ft. in height **$200.00**
11. Small Structure Mounted Wind Energy Conversion System **$150.00**

E. CERTIFICATE OF COMPLIANCE **$50.00**

F. PARKING LOTS (PUBLIC OR PRIVATE) **$100.00**

G. SIGNS

1. Signs advertising a business or service, other than a home occupation, Being operated on the premises:
   a) Less than 20 square feet **$75.00**
   b) 20 square feet, but less than 50 square feet **$100.00**
   c) 50 square feet, but less than 100 square feet **$175.00**

d) 100 square feet, but less than 200 square feet **$225.00**

e) 200 square feet and larger **$250.00**

f) Temporary commercial signs **$30.00**

g) Construction Sign:

1) Less than 20 square feet **$60.00**

2) Signs 20 square feet, but less than 50 square feet **$75.00**

3) Signs 50 square feet and larger **$150.00**

2. Signs advertising a home occupation **$30.00**
   Signs for model home-annual permit fee

3. Announcement sign or bulletin and sign for roadside stand **$25.00**

4. Subdivision or development sign:
   a) Temporary **$60.00**
   b) Permanent (20 square feet and under) **$75.00**
   c) Permanent (over 20 square feet) **$125.00**

5. Real Estate for sale/auction Advertising Signs: **No Charge**

6. Outdoor advertising signs pertaining to business services and/or
   Activities not carried on upon the premises upon which sign is located:
   a) Less than 50 square feet **$150.00**
   b) 50 square feet, but less than 100 square feet **$200.00**
   c) 100 square feet, but less than 200 square feet **$300.00**
   d) 200 square feet, but less than 300 square feet **$400.00**
   e) 300 square feet, but less than 400 square feet **$500.00**
   f) 400 square feet, but less than 500 square feet **$600.00**

7. Directional Signs **$20.00**

8. Menu Boards **$50.00**

9. Freestanding Apartment Sign-(no fee for wall sign)

   a) 20 sq. ft. and under **$60.00**

   b) Over 20 sq. ft. **$125.00**

H. OTHER PERMITTED USES NOT SPECIFIED ABOVE

For land use not otherwise covered in this fee schedule **$100.00**

I. APPLICATION FOR BOARD OF APPEALS

1. Variance request **$350.00**
2. Conditional Use Request **$400.00**
3. Renewal or Review Requests **$350.00**
4. Other requests not specified **$350.00**

Applicant will be responsible for additional costs incurred in the event of re-advertisement and re-notification or special studies deemed necessary by the Board.

J. ZONING AMENDMENT

1. Map or Text Amendment **$450.00**
2. R-3, R-6 or PBRD Site Plan Review **$250.00**
   Plus **$450.00** map amendment fee

Applicant will be responsible for additional costs incurred in the event of re-advertisement and re-notification or special studies deemed necessary by the Township.

Applicant will be responsible for filing fees for amendment requests which have been approved, to the Stark County Recorder's Office filed 30 days from date approved.

K. CONDITIONAL USE PERMIT

The fee for a Conditional Use Zoning Certificate as authorized by the Board of appeals shall be:

1.	Cemetery	**$200.00**
2.	Junkyard-Annual Renewal Fee Plus $50.00 per acre (Fee applies to annual renewal also)	**$2,000.00**
3.	Sanitary Landfill-Annual Renewal Fee Plus $50.00 per acre (Fee applies to annual renewal also)	**$2,000.00**
4.	Surface Mining and Strip Mining Plus $50.00 per acre (fee applies to permit renewals also)	**$500.00**
5.	Institutions for human medical care; institutions for education; Recreational facilities	**$300.00**
6.	Group dwelling developments	**$200.00**
7.	Other Conditional Permitted Uses not specified	**$200.00**
8.	**Top Soil Removal** Plus $50.00 per acre (fee applies to permit renewals also)	**$400.00**
9.	Mini Storage Facility	**$200.00**
10.	Certified Composting Facility Annual Renewal Fee	**$1,000.00** **$500.00**
11.	Recycling/Transfer Facility Annual Renewal Fee	**$1,000.00** **$500.00**

A Zoning Certificate for construction is required in addition to the

Conditional Use Certificate.

L.	**APPLICATION FOR SUBDIVISION OF PARCEL**	**$20.00**
M.	**ZONING CERTIFICATION**	**$50.00**
N.	**TRANSIENT VENDOR PERMIT-Mobile Food & Stationary Vendor**	**$150.00**
O.	**SPECIAL EVENT VENDOR PERMIT**	**$30.00**
P.	**INSIDE VENDOR PERMIT**	**$30.00**
Q.	**TEMPORARY DISPLAY OF DANGEROUS, EXOTIC AND WILD ANIMALS PERMIT**	**$50.00**
R.	**ZONING MAP**	
	a. Large- 24"x 30"	**$10.00**
	b. Small Map- 11 ½" x 17"	**$3.00**
S.	**ZONING RESOLUTION BOOK**	**$20.00**
T.	**COPIES**	
	a. Small copies	**$0.10**
	b. Large Copies-Tax Map	**$4.00**

SECTION 806.2 REFUND OF PERMIT FEES

When a permit shall have expired by limitation or the project for which a permit was issued has been abandoned, such permit shall be returned to the Township Zoning Inspector for cancellation and shall be authorized to issue a refund to the applicant in an amount equal to one-half of the total permit fee paid.

No refund shall be allowed where the total permit fee paid is less than twenty-five ($25.00) dollars.

Chapter 901
Enforcement and Penalties

901.1 Purpose
901.2 Prohibition Against Violating Resolution
901.3 Failure To Obtain Permit Before Construction Or Use Has Commenced
901.4 Construction and Use to be as Provided in Application and Certificate
901.5 Revocation Of Permits
901.6 Violations
901.7 Penalties

SECTION 901.1 PURPOSE

This Chapter sets forth the enforcement process and penalties for any violations to this Resolution.

SECTION 901.2 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 ORC §519.02 to §519.25, inclusive.

SECTION 901.3 FAILURE TO OBTAIN PERMIT BEFORE CONSTRUCTION OR USE HAS COMMENCED

Any zoning certificate required by this Resolution shall be obtained by the property owner, business owner, or agent BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced.

Where construction or use is commenced prior to obtaining a zoning certificate, the Zoning Inspector is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to insure that the construction or use already commenced fully complies with the requirements of this resolution. Where such special preliminary inspection is necessary, an additional fee of fifty ($50.00) dollars shall be charged for such zoning certificate and special inspection.

Failure to obtain a zoning certificate shall be a punishable violation of this Resolution.

SECTION 901.4 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND CERTIFICATE

Zoning certificates and conditional use permits issued on the basis of applications and plans approved by the Zoning Inspector, the Plan Review Committee or the Board of Zoning Appeals authorize only the use and arrangement of buildings and structures set forth in such approved applications and plans or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

SECTION 901.5 REVOCATION OF PERMITS

A. The Jackson Township Zoning Inspector may revoke any permit or approval issued under the provisions of this Zoning Resolution and may stop work for any of the following reasons:
   1. Whenever there is a violation of any of the provisions of this Zoning Resolution; or any statute of the State of Ohio relating to the same subject matter; or any violation of the regulations of Stark County to which this Zoning Resolution refers jurisdictional authority.
   2. Whenever the continuance of any work becomes dangerous to life or property.
   3. Wherever there is a violation of any condition upon which the issuance of the permit or approval was based.
   4. Whenever any false statements or misrepresentations have been made in the application plans on which the issuance of the permit or approval was based.

B. The Notice of the Revocation of the permit shall, in every case, be in writing and shall be served upon the owner, his agent or the person having charge of the work by certified mail. A revocation notice shall also be posted upon the building or use in question by the Township Zoning Inspector when possible. After the notice is received or posted it shall be unlawful for any person to proceed with the construction or use for which such permit was issued. No part of the fees for such permit shall be returned. The revocation shall be lifted upon compliance with these Zoning Regulations.

SECTION 901.6 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, remove, enlargement, change, maintenance, or use.

SECTION 901.7 PENALTIES

Any persons violating any provisions of this Resolution or supplements or amendments thereto shall be fined not more than five hundred ($500.00) dollars. 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 that are provided by law.

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY OHIO RESOLUTION

RESOLUTION NO. 18-155 ADOPTED: 8/14/18

SUBJECT: Jackson Township Transient Vendor Code

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 14th day of August, 2018 with the following members present:

Todd J. Hawke
Jamie Walters
John E. Pizzino

Trustee Hawke moved for the adoption of the following resolution:

WHEREAS, pursuant to Ohio Revised Code Section 505.94, the Board of Trustees of Jackson Township, Stark County, Ohio, adopted a Transient Vendor Code on December 11, 2012, Resolution 12-103.

WHEREAS, the 132nd Ohio General Assembly passed House Bill 49, which made substantial changes to Ohio Revised Code Section 505.94 necessitating a revision of Jackson Township's Transient Vendor Code.

WHEREAS, the Board of Trustees of Jackson Township, Stark County, Ohio, is authorized pursuant to Ohio Revised Code section 505.94 to require the registration of all transient vendors within the unincorporated territory of the Township, to reasonably regulate the time, place and manner in which these vendors may sell, distribute periodicals, articles, publications offer goods for sale, or solicit orders for future delivery of goods and to establish a reasonable registration fee for said vendors.

BE IT RESOLVED by the Jackson Township Board of Trustee:

1. Resolution 12-103 adopted on December 11, 2012 is hereby rescinded.
2. Pursuant to Ohio Revised Code Section 505.94 we hereby adopt the attached Transient Vendors-Solicitation Regulations.
3. The Township Fiscal Officer is hereby directed to notify the Prosecuting Attorney of Stark County, Ohio, of this amendment to the Transient Vendor-Solicitation legislation by sending them a copy of this Resolution.
4. This Resolution supersedes any Transient Vendor Legislation adopted prior to this date.

Trustee Pizzino seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke-Yes

Mr. Walters-absent

Mr. Pizzino-Yes

The foregoing is a true and correct counterpart of Resolution 18-155, duly adopted on August 14, 2018 and filed with me as the Township Fiscal Officer on August 15, 2018.

Randy Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:

Michael B. Vaccaro, Law Director

Transient Vendors-Solicitation Regulations

Section 100: Definitions.

For the purpose of these rules and regulations only, the following words and phrases shall, when used in this Transient Vendor Resolution, have the meaning respectively ascribed to them by this Section:

A. "Charitable" means the purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code Section 501 (c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

B. "Commercial" means the purpose of solicitation which is not noncommercial, as defined in this Section.

C. "Corporation" means a legal entity which has a legal personality distinct from those of its members which has filed articles of incorporation with the Ohio Secretary of State.

D. “Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

E. "Noncommercial" means the purpose of solicitation which is charitable, as defined in this Section, religious or political.

F. "Person" means any individual, firm, partnership, joint venture, association, social club, league, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word person shall include the definition of corporation and limited liability company.

G. "Solicitation" includes the act of any person, whether a resident of the Township or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the Township either: (1) requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value; (2) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value: (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter; (4) A person conducting a poll, survey or petition drive in regard to any political matter; and (5) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.

H. "Solicitor" means any person, whether a resident of the Township or not, engaged in solicitation.

I. "Vehicle" means the definition as set forth in the Ohio Revised Code Section 4501.01.

J. "Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, sells or offers for sale goods, solicits orders for future delivery of goods or attempts to arrange an appointment for a future estimate or sales call. "Transient vendor" does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, or any person licensed under Chapter 4707 of the Revised Code.

Section 102: Permit - Required.

A. The following provisions shall apply to permits for transient vendors and commercial solicitation:

1. If a person is soliciting on behalf of, or is employed to solicit by, another person (as defined in Section 100 (F)), both the person soliciting and the employer or other person upon whose behalf solicitation is being made must have valid solicitation permits as set forth in these Rules and Regulations.

2. If a person opens a temporary place of business outside a building or while traveling about the Township, sells, offers for sale, or solicits orders for future delivery of goods, is employed to solicit by, another person (as defined in Section 100 (F)), both the person soliciting and the employer or other person upon whose behalf solicitation is being made must have valid solicitation permits as set forth in these Rules and Regulations.

B. All persons who engage in transient vendor and/or solicitation shall comply with the following:

1. Carry a photo identification and a copy of a valid permit issued pursuant to these Rules and Regulations, and if acting on behalf of another, including acting on behalf of another person (as defined in Section 100 (F)), such person shall carry written authorization to act on behalf of such third party and a copy of the permit issued to such third party; and

2. Immediately present a transient vendor-solicitation permit, identification and authorization to act on behalf of a third party, if applicable, to any person approached for said solicitation and to any law enforcement official or Township official, upon their request.

3. The permit shall contain the name, permanent residential address of the transient vendor-solicitor, and a brief description of the solicitor.

4. Permits are not assignable.

5. Permits and authorizations to act on behalf of third parties are not transferable.

C. The following provisions shall not be required to apply for permits for noncommercial solicitation:

1. An entity exempted from taxation under Section 5709.04 who provides notice to the Board of Township Trustees that its representatives are present in the Township in accordance with the requirements of these regulations shall complete an application to be filed with the Township. However, said entities are not subject to the fees set forth in these regulations.

2. Nothing in these regulations shall apply to persons selling items governed herein for any projects sponsored by an elementary, middle, and high schools, and/or churches, and/or juvenile sports groups.

Section 103: Application - Fee - Generally.

The following provisions shall apply to the permit application for transient vendors and commercial solicitation:

A. The application for a permit required by Section 102 (A) shall be made upon a form prescribed by the Township Administrator, or his or her designee, and submitted with the following information:

1. The name, permanent residential address of the applicant, a brief description of the applicant, a copy of a valid State of Ohio or other state issued identification, and any other information that may deem necessary to process the application;

2. Disclosure of any and all criminal convictions, infraction or misdemeanor citations received, including any municipal code violations and criminal or civil cases pending. This shall include any cases dismissed or expunged pursuant to Ohio Revised Code or similar federal or state law;

3. A statement that the person is not currently under investigation for any crimes related to solicitation or other criminal offense including, but not limited to, violent crimes, sexual assault, possession of controlled substances, theft, fraud or burglary;

4. Requested time and place to solicit within the Township;

5. The application, upon completion by the applicant, shall truly set forth all such information as shall be required by the Township Administrator and the Chief of Police;

6. Such other information as the Chief of Police, or his /her designee, may require in order to discover the truth of the matters herein specified and as required to be set forth in the application;

7. The application shall be submitted under penalty of perjury and be submitted to the Township Zoning Inspector, or his/her designee, at least thirty (30) calendar days prior to the time the solicitor requests to engage in solicitation;

8. The permit application fee shall be $150.00 and is nonrefundable (See ORC 505.94);

9. Applicants shall at all times maintain accurate application information with the Township. If there is any change or modification in the information provided in the initial application, the applicant shall give written notification of such change to the chief of police within two (2) weeks of the change.

Section 104: Criminal Record Check.

A. Section 104 shall only apply to commercial solicitation.

B. The Chief of Police, or his/her designee, shall initiate criminal record check through the Stark County Criminal Justice Information Systems (CJIS) of prospective transient vendors and/or solicitors, including those persons acting on behalf of an employer or other person (as defined in Section 100 (F)).

C. A criminal history record background check shall not be initiated pursuant to this article without the written consent of the person. The consent required under this Section shall be in the manner and form prescribed by the Chief of Police and shall include, but not be limited to, the signature, name, and address.

D. The Chief of Police, or his/her designee, shall not approve a person subject to the provisions of these regulations who refuses to consent to or cooperate in the securing of a criminal history record check.

E. A person whose criminal record check through CJIS reveals a conviction for any criminal offense including, but not limited to, violent crimes, sexual assault, possession of controlled substances, theft, fraud or burglary shall be disqualified from receiving a permit to solicit within the Township, subject to the provisions in Section 104 (l) below.

F. The Zoning Department shall promptly notify a person whose criminal history record background check reveals a disqualifying criminal conviction.

G. The person shall have thirty (30) calendar days from the receipt of that notice to seek a reconsideration from the Zoning Department and to cite reasons substantiating the reason for the reconsideration. The reconsideration shall not constitute an appeal procedure.

H. If the person successfully obtains a reconsideration of the criminal record information or the person demonstrates affirmatively to by clear and convincing evidence of rehabilitation, the Zoning Inspector, or his/her designee, may issue a permit provided all other regulations herein have been met.

Section 105 Permit Issuance

The Township Zoning Inspector, or his/her designee, shall issue the permit to solicit if the following requirements have been met, subject to the criminal background check in Section 104.

A. The applicant has properly completed and filed his or her application.

B. The applicant has obtained any other license or permit that may be required under this Code.

C. The applicant has provided all the information required on the application and per section 103 and 104, as applicable.

D. The applicant has not made any misrepresentation of any fact in the application.

E. The Township Administrator in consultation with the Zoning Inspector, or his/her designee approves the permit subject to conditions as may be necessary for the public health, safety, peace and welfare.

Section 106: Permit-Expiration-Renewal-Revocation.

A. The following provisions shall apply to permits for Transient Vendor and commercial solicitation:

1. All permits granted under the provisions of this Chapter shall be valid for up to ninety (90) days and may be renewed thereafter, unless sooner revoked.

2. Prior to the expiration of a permit, and upon application for renewal of the permit, the Township shall determine if the applicant or solicitor has acted in compliance with the applicable provisions of this section and conditions of the permit.

   a. If permit is requested to be renewed within thirty (30) days of expiration of permit, there has been no changes to the permit and it has been determined to be in substantial compliance, Section 103(A)(2) through (5) and section 104 shall not apply to the renewal. A permit may be renewed for ninety (90) days.

   b. If the applicant, transient vendor or solicitor is found not to be in substantial compliance, the permit shall not be renewed, and no other permit shall be issued under the provisions of these regulations to the same applicant within one (1) year of the date of cancellation or expiration of the permit.

   c. The renewal fee shall be $150.00 (See ORC 505.94) (nonrefundable).

3. The Township Administrator, Trustees, or their designees, may revoke any permit granted under the provisions of these regulations for any of the following reasons:
    a. The applicant provided false, misleading or misrepresented information in procuring said permit;
    b. The applicant or any person (as defined in Section 100 (F)) who worked on behalf of or with the applicant failed to comply with the requirements, regulations, laws and conditions of approval applicable to the permit;
    c. The applicant or any person (as defined in Section 100 (F)) who worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the permit; or
    d. The activities for which the permit was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
    e. When a permit has been revoked, no other permit shall be issued under the provisions of this Section to the same applicant within one (1) year of the date of revocation. Revocation for longer periods of time may occur based on a case-by-case review.

Section 107: Permit Denial

A. Any applicant who is denied or a permit holder whose permit have been revoked is not entitled to an appeal of the adverse action.

Section 108: "Solicitation Prohibited" Decal.

A. The Zoning Inspector shall prepare a decal for dissemination to residents to post at their residences where the owner and/or tenant desires to prohibit solicitation. The decal shall at least contain the Township logo and either of the following "No Solicitation" or Solicitation Prohibited".

B. Any owner and/or tenant who wishes to prohibit solicitation upon ones real property or business shall be able to purchase from the Zoning Department, for a nominal fee, a sticker or sign for display.

C. An example of the decal prohibiting solicitation shall be issued along with the permit to the permit holder; however, other displayed "no solicitation" signs posted on a property shall be considered a valid no solicitation notice.

D. Transient Vendors and solicitors shall not solicit at any premises where a decal or sign has been posted.

Section 109: Transient Vending and/or Solicitation Operating Requirements.

A. It is a violation of these regulations and the Township's Resolution for any person to engage in transient vending and/or solicitation within the Township without a valid transient vendor-solicitation permit issued by the Township Zoning Inspector, or his/her designee.

B. It is a violation of these regulations and the Township's Resolution for any person to solicit at any premises identified as prescribed in these Rules and Regulations, engage in unwanted solicitations, engage in abusive solicitation, violate the sound-making and sound-amplification device prohibition, solicit at a prohibited location, violate the permissible hours for solicitation or solicit from a vehicle, as provided in Sections 108 and 110 through 114.

C. A permit granted under these regulations is not an endorsement by the Township of the

solicitor or of any goods, wares, merchandise, services or information that may be sold or distributed by the transient vendor-solicitor, and it is unlawful for any person to represent that such an endorsement has been made.

Section 110: Unwanted Solicitations Prohibited.

A. It is a violation of these regulations and the Township's Resolution for any person to go upon, ring the bell, knock on the door of or attempt to gain admission to the premises of any residence, dwelling or apartment in the Township where the owner, adult occupant or other person in control thereof has expressed his objection to such activity either by explicit instructions, oral or written, or by posting a decal or sign indicating the location is compliant pursuant to Section 108, or by posting a sign or decal bearing the words "No Solicitation" or words of similar import, unless prior to such entry, bell ringing or knocking, such person has been requested or invited by the owner or adult occupant or other person in control of the premises to be thereupon for such purpose.

B. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this Section.

Section 111: Abusive Activity Prohibited.

No person shall engage in abusive solicitation or selling practices. Such abusive activity shall mean to do one or more of the following while soliciting or immediately thereafter:

A. Coming closer than three (3) feet to the person solicited unless and until the person solicited indicates he or she wishes to make a purchase or otherwise receive the solicitation;

B. Blocking or impeding the passage of the person solicited;

C. Repeating the solicitation after the person solicited has indicated his or her objection to the solicitation;

D. Following the person solicited by proceeding behind, ahead or alongside such person after the person has indicated his or her objection to the solicitation;

E. Threatening the person solicited with physical harm by word or gesture;

F. Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction; or

G. Touching the solicited person without the solicited person's consent.

Section 112: Sound-making and Sound-amplification Devices Prohibited.

A. It is unlawful for any person, while soliciting, to shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound-amplifying system upon any public streets, alleys, parks or public places of the Township or upon any private property where such sound exceeds the Township's noise standards as set forth Resolution 96-530 (Noise Nuisance), or any subsequent substitution, modification or amendment thereof.

B. No person who uses an automobile or other vehicle for purposes of soliciting shall operate or permit the operation of any sound amplification system which can be heard outside the automobile or other vehicle to advertise, to draw attention to the presence of the automobile or other vehicle or to communicate commercial information to the general public when such automobile or other vehicle is moving, stopped, standing or parked upon any public or private street, except to request emergency assistance or warn of a hazardous situation.

C. This Section shall not apply to authorized emergency vehicles or vehicles operated by public utilities or to vehicles participating in a special event authorized by the Township.

Section 113: Permissible Hours for Soliciting.

A. It is unlawful for any person, while soliciting, to go upon, ring the bell, knock on the door of, or attempt to gain admission to the premises of any residence, unless such person has been requested or invited by the owner or adult occupant of the premises to be thereupon for such purposes, outside the permissible times as follows:

1. Hours of solicitation shall be between 9:00 a.m. and 8:00 p.m.
2. Solicitation on legal holidays and Sundays shall be prohibited.

Section 114: No Soliciting From Vehicles.

A. Any operator of a vehicle equipped or used for soliciting on any public or private property shall comply with the following regulations:

1. Each operator at all times shall possess and display in conspicuous view upon each such vehicle a valid permit issued pursuant to these regulations.
2. No vehicle shall be parked, stopped or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free and safe movement of other vehicles or pedestrians upon a right-of-way.
3. No transient vending or soliciting from a vehicle shall be permitted except after the vehicle has been brought to a complete stop and parked in a lawful way.

Section 115: Enforcement-Penalty.

A. The applicant transient vendor- solicitor shall be responsible for the conduct of all persons (as defined in Sections 100 and 102) acting with or on the behalf of the applicant or transient vendor-solicitor while in the course of operating under the permit. All persons found working, helping, volunteering or in any way assisting in the activities for which the permit was granted shall be considered employees of the applicant or transient vendor-solicitor. Any act or omission of any person acting with or on the behalf of the applicant or transient vendor-solicitor constituting a violation of the provisions of these regulations shall be deemed the act or omission of the applicant or transient vendor-solicitor for purposes of determining whether the applicant's or transient vendor-solicitor's permit shall be granted, denied, renewed or revoked.

B. Whosoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a minor misdemeanor punishable by a fine up to one hundred fifty dollars ($150.00). Attached ORC Section 505.99.

RESOLUTION

The Board of Trustees of Jackson Township, Stark County, Ohio met in regular session on the 8th day of February, 1994 with the following members present:

Randy Gonzalez

Michael R. Puterbaugh

Craig C. Snee

Mr. Gonzalez moved the adoption of the following resolution:

WHEREAS, sexually oriented businesses such as adult cabarets, adult arcades and adult motion picture theaters, and massage establishments, masseurs and masseuses in the unincorporated area of Jackson Township, Stark County, Ohio (hereafter Township) require special supervision for public safety and health, safety and welfare of the patrons of such businesses as well as the citizens of Township; and

WHEREAS, the Township and the Law Director have conducted an extensive review of land use studies concerning the secondary effects of sexually oriented businesses in other cities including, but not limited to, Garden Grove, California; Phoenix, Arizona: Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; City of Los Angeles, California; Cleveland, Ohio; Austin, Texas; Seattle, Washington; Oklahoma City, Beaumont, Texas; Dallas, Texas; and Whittier, California; and

WHEREAS, from review of other cities studies and evidence and testimony submitted at hearings upon the proposed legislation, there is convincing documented evidence that sexually oriented businesses and massage establishment, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading or property values; and

WHEREAS, it is recognized that sexually oriented businesses and massage establishments, due to their nature, have serious objectional operation characteristics, particularly when they are operating in close proximity to each other, thereby contributing to crime, lower property values, urban blight and downgrading of the quality of life in the adjacent area and to nearby businesses; and

WHEREAS, the Board of Trustees finds that sexually oriented businesses and massage establishments are frequently used for unlawful sexual activities, including prostitution, sexual liaison of casual nature; and

WHEREAS, increased crime and unhealthful conduct tent to accompany, concentrate around and be aggravated by sexually oriented businesses and massage establishments, including, but not limited to, prostitution, pandering, exposing minors to harmful materials and matters, possession and distribution of obscene materials and child pornography, possession and sale of controlled substances and violent crimes against persons and property; and

WHEREAS, concern over sexually transmitted diseases, including AIDS, is legitimate health concern of Jackson Township, which demands reasonable regulations of sexually oriented businesses in order to protect the health and well being of the citizens; and

WHEREAS, the Board of Trustees has considered in part, each of the following matters: (a) areas within close walking distance of single and multiple family dwellings should be free of sexually

oriented business uses and massage establishments; (b) areas where children could be expected to walk, patronize, or frequent to be free of sexually oriented business uses and massage establishments; (c) sexually oriented business and massage establishments uses should be located in areas of Jackson Township which are not in close proximity to residential uses, churches, child day care centers, libraries, pubic parks, schools or places serving or selling alcoholic beverages; (d) the image of the Township as a pleasant attractive place to reside will be adversely affected by the presence of sexually oriented business uses and massage establishments in close proximity to residential land uses, churches, child day care centers, libraries, public parks, schools and places serving and selling alcoholic beverages; (e) sexually oriented business and massage establishment land use should be regulated by zoning to separate it from other dissimilar uses just as any other land use should be separated from uses with characteristics different from itself: (f) residents of Jackson Township and persons who are non-residents but use Jackson Township for shopping, commercial and other needs will move from the community or go elsewhere if sexually oriented businesses and massage establishments are allowed to locate in close proximity to residential uses, churches, child day care centers, libraries, public parks, schools and places serving or selling alcoholic beverages: (g) merchants in the commercial area of Jackson Township area concerned about the adverse impact upon the character and quality of Jackson Township in the event that sexually oriented business and massage establishment land uses are located within close proximity to residential uses, churches, child day care centers, libraries, public parks, schools and places serving or selling alcoholic beverages, and that such locations will reduce retail trade to commercial uses in the vicinity, thus reducing property values and tax revenues to Jackson Township; and that such adverse affect on property values and business would cause the loss to some commercial districts within Jackson Township, leading to further deterioration of the commercial quality and economy of Jackson Township; (h) no evidence has been presented to show that location of sexually oriented businesses and massage establishments within Jackson Township will improve the commercial viability or quality of life of the community; and

WHEREAS, zoning, licensing and other police power regulations are legitimate reasonable means of accountability to insure that the operators of sexually oriented businesses and massage establishments comply with reasonable regulations and are located in places which minimize the adverse secondary effects which result from their operation; and

WHEREAS, Jackson Township recognizes the possible harmful effects on children and minors exposed to the effects of such businesses and the deterioration of respect for family values, and the avoidance of such businesses which necessitate children walking through or visiting in the immediate neighborhood of such businesses; and

WHEREAS, Jackson Township finds that there would be a deterioration in the quality of businesses which chose to operate in and around such sexually oriented business; and

WHEREAS, the Board of Trustees desires to minimized and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime, preserve the quality of life; preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of urban blight and protect against the threat to health from the spread of communicable and social diseases; and

WHEREAS, the Board of Trustees consistent with hours for the sale and consumption of alcohol which at times can present a nuisance further finds that restricted hours of operation will

further prevent the adverse secondary effects of sexually oriented business and massage establishments; and

WHEREAS, it is not the intent of this resolution to suppress any speech activities protected by the First Amendment, but to enact a content neutral resolution which address the adverse second effects of sexually oriented businesses and massage establishments; and

NOW THEREFORE BE IT RESOLVED that hereby adopt and enact the attached regulations for sexually oriented businesses, massage establishments, masseurs and masseuses which are incorporated herein to be effective March 10, 1994.

BE IT FURTHER RESOLVED that we hereby initiate the attached text amendment to the Zoning Code.

Mr. Puterbaugh seconded the motion and upon roll call the vote resulted as follows:

Mr. Gonzalez	Yes
Mr. Putergaugh	Yes
Mr. Snee	Yes

Adopted: February 8, 1994

STATE OF OHIO

SS:

STARK COUNTY

CERTIFICATE OF CLERK

I, David L. Osborne, Clerk of the Board of Trustees of Jackson Township, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original resolution now on file, and that the foregoing has been compared by me with said original resolution, and that the same is a true and correct copy thereof.

WITNESS my signature this 8th of February, 1994.

David L. Osborne

CLERK
BOARD OF TRUSTEES OF JACKSON
TOWNSHIP, STARK COUNTY

REGULATION FOR SEXUALLY ORIENTED BUSINESSES, MASSAGE ESTABLISHMENTS, MASSEURS AND MASSEUSES

I. PURPOSE AND INTENT OF THIS LEGISLATION

It is the purpose and intent of this legislation to regulate sexually oriented businesses and massage establishments to promote the health, safety, morals, and general welfare of the citizens of Jackson Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses and massage establishments with Jackson Township, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this legislation have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene materials.

II. DEFINITIONS

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

B. "Adult Cabaret" means a nightclub, juice bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

C. "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video, cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical area or specified sexual activities, nudity or sexual or genital areas.

D. "Child Day Care Center" means any commercial building, residential building or other building or place administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a building, place or residence other than the child's own home.

E. "Church" means any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

F. "Massage" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

G. "Massage Establishment" means any fixed place of business where a person offers massages:

1. In exchange for anything of value; or

2. In connection with the provision of another legitimate service.

H. "Masseur" or "Masseuse" means any individual who performs massages at a massage establishment.

I. "Nudity" means the showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
2. The female breasts with less than a fully opaque covering on any part of the nipple.

J. "Public Park" means land owned by a governmental entity which has been designated for park or recreational activities including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the township which is under the control, operation, or management of the township, county, or state.

K. "School" means any public or private educational facility including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school grounds but do not include the facilities used primarily for another purpose and only incidentally as a school.

L. "Sexual or Genital Area" includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

M. "Sexually oriented business" shall include all of the following:

Adult Arcade
Adult Cabaret
Adult Motion Picture Theater
Massage Establishment

N. "Specified Anatomical Areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

O. "Specified Sexual Activities" means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities (O) 1-3 above.

III. <u>PERMIT/LICENSE REQUIRED</u>

A. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in the unincorporated areas of Jackson Township (hereinafter the Township), the operation of a sexually oriented business without first having obtained a permit from the Board of Township Trustees (hereinafter the Board) as provided herein. A separate permit is required for each location at which a sexually oriented business is operated. No individual shall act as a Masseur or Masseuse for a Massage Establishment located in the Township without first having obtained a license from the Board as provided herein.

B. The application for a permit to operate a sexually oriented business shall be made at the Jackson Township Administrative Offices and shall include all of the following:

1. An initial, nonrefundable filing fee of One Thousand Dollars ($1,000.00) and an annual nonrefundable renewal fee of Five Hundred Dollars ($500.00).
2. A health, safety and governmental code compliance report of an inspection on the premises performed to determine compliance with applicable health, safety and any other applicable governmental codes. The Jackson Township Fire or Police Department or other appropriate state or local authorities acting pursuant to an agreement with the Board shall perform this inspection within thirty (30) days of the application.
3. The address where the sexually oriented business is operated or is to be operated.
4. The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation, the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth and social security number of each stockholder holding more than two percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the name information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
5. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
6. Authorization for any investigation into the criminal record of any person applying for a permit or any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information. Upon receipt of an application for a permit or renewal permit to operate an adult cabaret, the Township Administrator shall refer the applicant to the Jackson Township Police Department to be fingerprinted and for the Police Department to conduct an investigation into the background of the applicant and or other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the Board of Trustees within thirty (30) days after receipt of an application for a permit or renewal permit to operate a sexually oriented business and shall become part of the application for a permit.
7. Plans for security inside the building the business is located in, supervision of and lighting of the parking lot and other areas outside the building.
8. Any other information determined by the Board to be necessary.

9. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.

C. The application for a Masseur or Masseuse license shall be made at the Jackson Township Administrative Offices and shall include the following:
   1. An initial, nonrefundable filing fee of One Hundred Dollars ($100.00) and an annual nonrefundable renewal fee of Fifty Dollars ($50.00).
   2. The results of a physical examination performed by a licensed physician within thirty (30) days of the filing of the application certifying that the applicant is free from communicable diseases.
   3. The full name, date of birth, address, and social security number of the applicant.
   4. The result of an investigation by the Jackson Township Police Department into the criminal record of the applicant, including a photograph taken no later than thirty (30) days prior to the application, fingerprints and background investigation. The procedure described in (B) 6 above is incorporated herein.
   5. Any other information determined by the Board to be necessary.

D. A decision of whether or not to issue a permit or license shall be made within twenty one (21) days after receipt of all the information required under above paragraphs B or C.

E. A permit or license issued under this section to a sexually oriented business or to a masseur/masseuse shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Section (B) 7 above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit. Each masseur/masseuse licensed shall contain the full name of the applicant, a color photograph and a brief description of the person, and the expiration date of the license.

F. <u>Grounds for Denial or Revocation of a Permit.</u>
   1. The Board shall deny any application for an initial or renewal permit to operate a sexually oriented business or revoke a previously issued permit, for any of the following reasons:
      a. Any of the information required for the application has been falsified or the application has not been fully completed or fails to comply with these regulations.
      b. The applicant has violated these regulations, or aided and abetted any violation of these regulations.
      c. There has been a failure to cooperate with any required health, safety or governmental code compliance inspection or background investigation.
      d. If the applicant is a limited partnership, corporation or other entity, the applicant is not in good standing in the jurisdiction where organized.

e. The operation of the sexually oriented business at the specified premises would violate existing zoning regulations.

f. The sexually oriented business is located within one thousand (1,000) feet from the boundaries of a parcel of real estate having situated on it a school, child day care center, church, library, public park, another sexually oriented business or property zoned R-R or R-1 through and including R-7 or otherwise zoned residential under the Jackson Township Zoning Code or is located within one hundred (100) feet of a bar, tavern or other business serving or selling liquor, beer, wine or any other alcoholic beverage.

g. If the building, structure or portion thereof or real estate parcel the sexually oriented business is located in or on already contained another sexually oriented business, a bar, tavern or other business serving or selling liquor.

h. Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or any violation of any municipal ordinance or any law of another state that is substantially equivalent to any offense contained in Ohio Revised Code Chapter 2907.

i. Any person employed at the licensed sexually oriented business has violated Section IV, (C) (1) through (3) below.

j. The Liquor Control Commission has revoked, under Section 4301.25 of the Revised Code, a permit held by any one of the persons named on the application.

2. The Board shall deny an application for a masseur or masseuse license or revoke a previously issued license, for any of the following reasons:

a. Falsification of any of the information required for the application, failure to fully complete the application or failure to comply with this legislation.

b. The applicant is under the age of twenty-one (21).

c. The applicant has been convicted or pleaded guilty to any violation of Ohio Revised Code Chapter 2907 or violation of any municipal ordinance that is substantially equivalent to any offense contained in Ohio Revised Code Chapter 2907, within five (5) years preceding the application.

d. The applicant has violated Section V (D) (1) through (4) below or ORC Section 503.42(D).

G. <u>Procedure for Denial or Revocation of a Permit or License</u>

1. The Board will hold a hearing to receive evidence upon the issue of whether or not they should deny or revoke a permit to operate a sexually oriented business or a masseur/masseuse license. The permit or license holder shall be notified of the hearing date, time and place, by certified mail return receipt requested, at least seven (7) days prior to the scheduled hearing date. Notice of the hearing shall also be published once at least seven (7) days prior to the hearing date in a newspaper of general circulation in Jackson Township. The Board shall maintain a complete record of each proceeding and shall notify the applicant in writing of its order by certified mail return receipt requested.

2. Any person adversely affected by an order of the Board denying or revoking a permit to operate a sexually oriented business or a masseur/masseuse license may appeal from the order of the Board to Stark County Common Pleas Court in accordance with Chapter 2506 of the Revised Code or institute other action lawfully available to them.

H. Transfer of Permit or License

A permit or license holder shall not transfer their permit or license to another. A permit or license holder shall not operate a sexually oriented business or use their masseur/masseuse license under the authority of a permit or license at any place other than the address designated in the application.

IV. REQUIREMENTS OF OPERATION

A. The owner or operator of a sexually oriented business shall do all of the following:

1. Display its current permit in an area open to the public.
2. Undergo periodic health, safety and other applicable government code compliance inspections to determine continual compliance with applicable health, safety, and other applicable governmental codes. By applying for a permit, the owner of a sexually oriented business consents to allow police and fire officials or other governmental authorities access to any part of the building for the purpose of making the above inspections.
3. A sexually oriented business shall not be open for business between the hours of 1:00 a.m. to 6:00 a.m. on any day.
4. The owner, operator or person in charge of the establishment shall exercise adequate supervision to insure that the employees of the establishment comply at all times with these regulations and the laws of the State of Ohio.
5. All parts of the establishment shall be maintained in a neat, clean, sanitary and safe condition.
6. A sexually oriented business except a massage establishment shall employ a person for security inside the building and to supervise the parking lot and other areas outside the building. Additional security or security for massage establishments can be required by the Board of Trustees.
7. There shall be adequate lighting of the parking lot and other areas outside the building.
8. Comply with any other requirements set forth in this legislation or reasonably determined to be necessary by the Board.

B. A masseur or masseuse shall do all of the following:

1. Display his or her license at all times in the areas where the licensee is providing massages.
2. Undergo periodic physical examinations performed by a licensed physician certifying that the masseur or masseuse continues to be free from communicable diseases. By applying for a permit, the masseur or masseuse consents to the performance of said examinations.
3. Comply with any other requirement of this legislation or reasonably determined to be necessary by the Board.

V. PROHIBITIONS

A. No owner or operator of a sexually oriented business (except a massage establishment which is addressed in Part B below) located in the unincorporated areas of the Township shall knowingly do any of the following:

1. Refuse to allow appropriate state or local authorities, including police and fire department officers, safety inspectors, or any other inspection conducted to ensure compliance with Sections 503.52 to 503.59 of the Revised Code and/or this legislation.
2. Operate during the hours of 1:00 a.m. to 6:00 a.m. on any day.
3. Employ any person under the age of twenty-one (21).
4. Establish or operate a sexually oriented business within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, child day care center, church, library, governmental public park, another sexually oriented business or property zoned R-R or R-1 through and including R-7 or otherwise zoned residential under the Jackson Township Zoning Code or within one hundred feet of the boundaries of a real estate parcel containing a bar, tavern or other business serving or selling liquor, beer, wine or other alcoholic beverages.
5. Admit or allow to remain on the business premises any person under the age of eighteen (18) unless accompanied by a parent or guardian.
6. If the interior of the premises is visible from the outside the premises, so that any matter that is harmful to minors is visible from the outside of the premises, the owner or manager of the premises shall install opaque covering over all the windows through which minors could view any harmful matter and install a privacy curtain at all entrances of the premises through which minors could view any harmful matter.

B. No owner or operator of a massage establishment located in the unincorporated areas of the Township shall knowingly do any of the following:
   1. Employ an unlicensed masseur or masseuse.
   2. Refuse to allow appropriate state or local authorities, including police officers, access to the massage establishment for any health or safety inspection conducted pursuant to this legislation;
   3. Operate during the hours from 1:00 a.m. and 6:00 a.m. on any day.
   4. Employ any person under the age of eighteen (18).
   5. Establish or operate a massage establishment within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, church, library, child day care center, public park, another sexually oriented business or property zoned R-R or R-1 through and including R-7 or otherwise zoned residential under the Jackson Township Zoning Code or within one hundred feet of the boundaries of any real estate parcel containing a bar, tavern or other business selling or serving liquor, beer, wine or other alcoholic beverages.

C. No person employed in a sexually oriented business (except a massage establishment which is covered by Part D below) located in the unincorporated area of the Township shall knowingly do any of the following in the performance of duties at the sexually oriented business.
   1. Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area or buttocks of any other person or the breasts of any female or if the employee is a female, of any other female.
   2. Perform, offer, or agree to perform any act that would require the touching of the genitals, public area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

3. Uncover the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

D. No person employed in a massage establishment located in the unincorporated area of the Township shall knowingly do any of the following in the performance of duties at the sexually oriented business:

1. Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the sexual or genital area of any other person.
2. Perform, offer, or agree to perform any act that would require the touching of the sexual or genital area, of any other person.
3. Touch, offer, or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance.
4. Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital area of the masseur or masseuse.
5. Uncover or allow the sexual or genital area of any other person to be uncovered while providing massages.

E. No licensed masseur or masseuse shall accept or continue employment at a massage establishment that does not have a current valid permit issued by the Board of Township Trustees.

IV. EXEMPTIONS

Nothing in this legislation shall be construed to allow a board of township trustees to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Revised Code or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrists, a licensed nurse, or any other licensed health professional. As used in this division, "Licensed" means licensed, certified, or registered to practice in this state.

VII. ENFORCEMENT

A. Homerule – Ohio Revised Code Chapter 504

1. Whoever violates this resolution is subject to a fine of $1,000 for the first violation and a fine of $1,000 for each subsequent violation.
2. The Law Director is additionally authorized to seek injunctive or other available injunctive relief for any violations of this resolution.

B. Statutory Authority (which is additional to and/or alternative to homerule authority)

1. Massage Establishments, Masseurs and Masseuses

   Ohio Revised Code Section 503.50 states that:

   A. Whoever violates Division (A) or (B) of Section 503.42 of the Revised Code (Section III A of this legislation) is guilty of a misdemeanor of the first degree for a first offense; for a second offense such person is guilty of a felony of the fourth degree.
   B. Whoever violates Division (C), (D), or (E) of Section 503.42 of the Revised Code (Sections V B, D, or E of this legislation) is guilty of a misdemeanor of the third degree.

2. Adult cabarets

   Ohio Revised Code Section 503.59 states that:

a. Whoever violates Ohio Revised Code Section 503.53(A) (Section III A, first sentence of this legislation) is guilty of a misdemeanor of the first degree for a first offense, and a felony of the fourth degree for a second offense.
b. Whoever violates Division (B) or (C) of Ohio Revised Code Section 503.53 (Sections V A and C of this legislation) is guilty of a misdemeanor of the third degree.

VIII. SEVERABILITY

If any of the provisions in any of the sections of the above legislation should be rendered invalid or unenforceable by the enactment of statutory law or by a Court of competent jurisdiction from whose final judgment or decree no appeals have been taken within the time provided thereof or by any administrative or executive official having authority to rule in the matter, such legislation, decision or ruling shall not affect the validity of the surviving portions of this legislation which shall remain in full force and effect as if such invalid portion thereof had not been included therein.

SEXUALLY ORIENTED BUSINESS VIOLATION CITATION

JACKSON TOWNSHIP LIMITED SELF GOVERNMENT RESOLUTION NO. 3

$1000 fine for the first violation and a
$1000 fine for each subsequent violation

Place _____ Date _____

Time _____ Officer_____Viol. No. _____

Violation description _____

_____

Resolution Section _____ Resolution on other side. Fine _____

Name_____

Address _____

_____

You are required to answer this violation citation within (14) days after service of the citation. The following answers can be made:

1. AN ADMISSION THAT YOU COMMITTED THE VIOLATION, BY PAYMENT OF THE FINE ARISING FROM THE VIOLATION, PAYABLE TO THE CLERK OF JACKSON TOWNSHIP.
2. A DENIAL THAT YOU COMMITTED THE VIOLATION. IF THE VIOLATION IS DENIED, YOU WILL BE AFFORDED A HEARING IN MASSILLON MUNICIPAL COURT.

Violations can be paid by mailing this violation along with a MONEY ORDER or CERTIFIED CHECK payable to the Jackson Township Clerk, 5735 Wales Avenue N.W., Massillon, Ohio 44646 Phone: 832-5886. If you deny the violation, please circle No. 2 above and mail this violation citation in. Citations may also be answered or paid in cash at the Office of the Township Clerk located at the above address during the hours of 9 am-12 pm and 1 pm -4 pm, Monday through Friday.

If the fine is not paid within (14) days of the service of this summons or you deny the violation, a hearing upon the violation will be scheduled in Massillon Municipal Court of which you will be notified of. Attached Ohio Revised Code Section 504.07 describes the citation procedure and the procedures for any hearing conducted in Massillon Municipal Court.

I hereby affirm the facts contained herein.

_____

Issuing Officer

504.07 Citation proceeding

(A)(1) A person who is served with a citation pursuant to division (B) of section 504.06 of the Revised Code shall answer the charge by personal appearance before, or by mail addressed to, the township clerk, who shall immediately notify the township law director. An answer shall be made within fourteen days after the citation is served upon the person and shall be in one of the following forms:

(a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine pursuant to division (A)(1)(a) of this section shall be payable to the clerk of the township and deposited by the clerk into the township general fund.

(b) A denial that the person committed the violation.

(2) Whenever a person pays a fine pursuant to division (A)(1)(a) of this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the township clerk shall notify the court having jurisdiction over the violation.

(B) If a person answers by denying the violation or does not submit payment of the fine within the time required by division (A)(1) of this section, the court having jurisdiction over the violation shall, upon receiving the notification required by division (A)(2) of this section, schedule a hearing on the violation and send notice of the date and time of the hearing to the person charged with the violation and to the township law director. If the person charged with the violation fails to appear for the scheduled hearing, the court may hold him in contempt, or issue a summons or a warrant for his arrest, pursuant to Criminal Rule 4. If the court issues a summons and the person charged with the violation fails to appear, the court may enter a default judgment against the person and require him to pay the fine arising from the violation.

(C) The court shall hold the scheduled hearing in accordance with the Rules of Civil Procedure and the rules of the court, and shall determine whether the township has established, by a preponderance of the evidence, that the person committed the violation. If the court determines that the person committed the violation, it shall enter a judgment against the person requiring him to pay the fine arising from the violation.

If the court determines that the township has not established, by a preponderance of the evidence, that the person committed the violation, the court shall enter judgment against the township whose resolution allegedly was violated, shall dismiss the charge of the violation against the person, and shall assess costs against the township.

(D) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the clerk of the court that entered the judgment within ten days after the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk as required by law and the clerk shall enter the fact of payment of the money and its disbursement in the records of the court. If payment of a judgment or default judgment is not made within this time period, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that court. The municipal or county court shall assess costs against the judgment debtor, to be paid upon satisfaction of judgment.

(E) Any person against whom a judgment or default judgment is entered pursuant to this section and any township against which a judgment is entered pursuant to this section may appeal the judgment or default judgment to the court of appeals within whose territorial jurisdiction the resolution allegedly was violated. An appeal shall be made by filing a notice of appeal with the trial court and with the court of appeals within thirty days after the entry of judgment by the trial court and by the payment of such reasonable costs as the court requires. Upon the filing of an appeal the court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the court in accordance with the rules of the court. Service of a notice of appeal under this division does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the trial court, in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

Notwithstanding any other provision of law, the judgment on appeal of the court of appeals is final.