

Lawrence Township

Stark County, Ohio

# ZONING RESOLUTION



*Effective 2022*

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## INTRODUCTION

## Amendments & Zoning Commission Members

WHEREAS, the Board of Trustees for Lawrence Township, Stark County, Ohio, deem it advisable to promote the public health, safety, morals and general welfare for the residents of said township, by ZONING THE BUILDING AND LAND USE of the unincorporated territory of the township.

WHEREAS, a Zoning Resolution was adopted by Lawrence Township on November 19, 1960, in accordance with Section 519.01-519.99 inclusive of the Ohio Revised Code relative to the use of the land in the unincorporated territory of Lawrence Township so as to promote public health, safety, morals, and general welfare in said Township as amended and supplemented as follows:

Green = Approved    Red = Denied

[LAW-01-1962](#) Re-Zone from Agricultural, Residential to Commercial Section 16

[LAW-03-1962](#) Re-Zone from Commercial to Industrial Section 23

[LAW-02-1963](#) Re-Zone from Agricultural, Residential to Industrial Section 11SW

[LAW-04-1965](#) Re-Zone from Agricultural, Residential to Commercial Section 13

[LAW-01-1968](#) Re-Zone from Commercial to Industrial Section 15NW (Lindsay)

[LAW-02-1968](#) Re-Zone from Commercial to Industrial Section 15NW (Swigart)

[LAW-05-1968](#) Re-Zone from Agricultural, Residential to Commercial Section

11 [LAW-07-1968](#) Re-Zone from Commercial to Industrial Section 15 [LAW-08-](#)

1968 Re-Zone from Commercial to Industrial Section 15

[LAW-01-1970](#) Re-Zone from Residential to Commercial Section 14NW (Ley Brothers)

[LAW-02-1970](#) Re-Zone from Residential to Industrial Section 12NW (Hasipis)

[LAW-03-1970](#) Re-Zone from Residential to Commercial Section 12NW (Dr. Mitchell)

[LAW-07-1970](#) Re-Zone from Residential to Commercial Section 14NW (Ley Bros.)

[LAW-01-1971](#) Re-Zone from Agricultural, Residential to Commercial Section 11SW (Ries Meats)

[LAW-02-1971](#) Re-Zone from Agricultural, Residential to Industrial Section 11SW (Ries Slaughter House)

[LAW-02-1972](#) Re-Zone from Agricultural, Residential to Industrial Sections 32NW (Builders Supply)

[LAW-03-1972](#) Text Change, The entire zoning resolution was revised (See 1973 Zoning Resolution)

[LAW-15-1972](#) Re-Zone from Agricultural, Residential to Commercial Sections 3 and 10

[LAW-16-1972](#) Re-Zone from Agricultural, Residential to Industrial Section 32

[LAW-01-1973](#) Re-Zone from Commercial to Industrial Section 15NW (Lindsay)

[LAW-02-1973](#) Re-Zone from R-1 to B-3 Section 15NW (Lindsay)

[LAW-03-1973](#) Re-Zone from R-1 to R-2 Section 2NW

[LAW-04-1973](#) Re-Zone from Residential to Commercial Section 15NW (Lindsey)

[LAW-01-1975](#) Re-Zone from R-1 to B-3 Section 10NW

[LAW-02-1975](#) Re-Zone from R-1 to B-2 Section 15NE [LAW-03-](#)

1975 Re-Zone from R-1 to B-3 Section 3SW

[LAW-04-1975](#) Re-Zone from R-1 to R-2 Section 15NW

[LAW-01-1976](#) Text Change to permit R-1 properties to require fences

[LAW-03-1976](#) Re-Zone from R-1 to R-2 Section 12SE

[LAW-04-1976](#) Re-Zone from R-1 to B-3 Section 24SW (Turner Transmission)

[LAW-01-1977](#) Re-Zone from F-P & R-R to B-1 Section 4SW (Erie at Kepler)

[LAW-03-1977](#) Re-Zone from F-P & R-R to B-3 Section 16SW (Weigandt at McCue)

[LAW-01-1978](#) Re-Zone from F-P to R-1 Section 10NW (Denshire Village)  
[LAW-02-1978](#) Re-Zone from R-1 to B-3 Section 16SW  
[LAW-04-1978](#) Re-Zone from F-P to I-1 Section 23SW (Pallet Co.)  
[LAW-05-1978](#) Re-Zone from F-P to R-1 Section 14SW (Oakes)  
[LAW-01-1979](#) Re-Zone from F-P to R-1 Section 14SW (Oakes)  
[LAW-03-1979](#) Re-Zone from R-1 to R-2 Section 15NW (Gesaman)  
[LAW-04-1979](#) Re-Zone from R-1 to B-3 Section 3SW (Leaver Ave.) Radio Towers  
[LAW-05-1979](#) Text Change, Approved (Added Paragraph 401.6 To Section 401 (Flood Plains))  
[LAW-06-1979](#) Re-Zone from R-5 to B-1 Section 16NE (40 Corners Trailer Park)  
[LAW-01-1980](#) Re-Zone from R-1 to R-2 Section 15NE  
[LAW-02-1980](#) Text Change (Radio, TV, Cell Towers)  
[LAW-03-1980](#) Re-Zone from R-1 to R-2 Section 4NE (Leaver Ave.)  
[LAW-01-1981](#) Text Change, revised fee schedules  
[LAW-01-1982](#) Re-Zone from R-1 to B-3 Section 23NW (Clay)  
[LAW-02-1982](#) Re-Zone from R-1 to B-3 Section 24SW (Neidert)  
[LAW-03-1982](#) Re-Zone from R-1 to B-3, Section 01SW, (Kosco)  
[LAW-01-1984](#) Re-Zone from R-1 to B-3, Section 14NW, (Portage & Towpath) [LAW-02-1984](#) Re-Zone from R-1 to B-3, Section 14NW, (Towpath)  
[LAW-01-1985](#) Re-Zone from R-1 to I-2, Section 25SE, (GMR)  
[LAW-02-1985](#) Re-Zone from R-1 to I-2 Section 15, (Lindsay) Application Withdrawn  
[LAW-03-1985](#) Re-Zone from R-R to I-1, Section 9NW (Warwick Rd Properties)  
[LAW-04-1985](#) Text Change, Approved (Added various Zoning permit requirements)  
[LAW-01-1986](#) Re-Zone from R-R to B-3 Section 21NE (The Landings)  
[LAW-02-1986](#) Re-Zone from R-1 to B-3 Section 14NW (Beulah Oakes)  
[LAW-03-1986](#) Re-Zone from R-1 to B-2/B-3 Section 14NW (Beulah Oakes)  
[LAW-04-1986](#) Re-Zone from B-1 to B-3, Section 28SE (Auto Sales)  
[LAW-05-1986](#) Re-Zone from R-1/F-P to B-3 Section 25NE (Lilly)  
[LAW-06-1986](#) Re-Zone from R-1 to B-3  
[LAW-01-1987](#) Re-Submit LAW 04-1985 (Lindsay)  
[LAW-02-1987](#) Re-Zone from R-1 to B-3 (Orrville & Rt93 Auto Dealer)  
[LAW-03-1987](#) Re-Zone from R-1 to B-3  
[LAW-04-1987](#) Text Change, Approved (PUD's, & Developmentally Disabled Homes)  
[LAW-01-1988](#) Re-Zone from Residential to Commercial Section 12,13,14  
[LAW-02-1988](#) Re-Zone from B-3 to R-1 Section 13NE  
[LAW-03-1988](#) Re-Zone from R-1 to R-2 Section 13NE  
[LAW-04-1988](#) Re-Zone from R-1 to B-3 Section 23 (40 Corners Trailer Park)  
[LAW-05-1988](#) Re-Zone from I-1 to R-1 Section 9NW (Hammock on Marshallville Rd.) [LAW-06-1988](#) Text Change to Permitted Uses in R-5 District Section 16NE (40 Corners Trailer Park)  
[LAW-07-1988](#) Text Change to change Public Recreational Conditional Uses in R-R Districts  
[LAW-01-1989](#) Re-Zone from R-R to R-3 for C.F. Lions Club House, Section 21NE  
[LAW-02-1989](#) Text Change, Delete Oil & Gas Operations Requirements from the Zoning Resolution [LAW-03-1989](#) Re-Zone from R-1 & B-3 to I-2, Section 15 N.W. (Lindsay) Approved  
[LAW-04-1989](#) Re-Zone from R-2 to B-3, Section 15 N.E. (Gesaman) Approved  
[LAW-05-1989](#) Re-Zone from B-3 to R-1, Section 13 N.W. (Podnar) Approved  
[LAW-01-1990](#) Re-Zone from B-3 to R-R, Section 22 N.W. & 21 N.E. (Landings)

[LAW-02-1990](#) Re-Zone from R-1 to B-3, Section 15 N.W. (Lindsay) Approved  
[LAW-03-1990](#) Re-Zone from R-1 to R-4, Section 15 N.W. Approved  
[LAW-04-1990](#) Text Changes (Zoning Commission)  
[LAW-02-1991](#) Text Changes (Zoning Commission)  
[LAW-03-1991](#) Text Change, Add Golf Driving Range as an Accessory Use to R-R (Carl Lyons) [LAW-05-1991](#) Re-Zone from R-1 & B-3 to I-2, (Lindsay) Approved W/Conditions  
[LAW-01-1992](#) Text Change, Prohibit Certain Trucks, Article III, 301.4  
[LAW-02-1992](#) Re-Zone from R-1 to B-2, Section 14 NE, Valley Systems, Lafayette Ave.  
[LAW-01-1994](#) Re-Zone from I-1 to R-1, Section 9NW (Hammock, Currently Chu) [LAW-02-1994](#) Text Change, Added "Sexually Oriented Business" information  
[LAW-01-1995](#) Text Changes, Reduce Lot Size for R-1 & R-2 (Friedl)  
[LAW-01-1996](#) Text Changes, Articles III, VIII, & IX  
[LAW-02-1996](#) Re-Zone from I-1 to R-R, Section 5NW, (Podnar)  
[LAW-03-1996](#) Re-Zone from R-1 to B-3 & F-P, End of Towpath  
[LAW-04-1996](#) Text Change, Added 1 Year Limitation to Conditional Use Permits  
[LAW-01-1997](#) Re-Zone from I-2 to R-1, Section 25SW (GMR)  
[LAW-02-1997](#) Re-Zone from B-3 to I-2, Section 15NW (Lindsey Factory Property)  
[LAW-01-1998](#) Re-Zone from R-R to I-2, Section 22SE, (Summit Homes Billboard)  
[LAW-02-1998](#) Text Change, Revised rules for telecommunications towers  
[LAW-03-1998](#) Re-Zone from B-3 to R-1, Section 1SW, (Vernon Johnson, Strausser St.)  
[LAW-01-1999](#) Re-Zone from I-1 to R-1, Section 9 NW (James Cobb)  
[LAW-01-2000](#) Re-Zone from R-1 to B-3, Section 25 NE (Lonnie Wright)  
[LAW-02-2000](#) Re-Zone from R-R to B-3, Section 28SE, 20 Unit Storage Bldg. (Glick)  
[LAW-03-2000](#) Re-Zone from R-R to I-2, Section 34SW (Lindsey Referendum)  
[LAW-04-2000](#) Re-Zone from F-P to R-R, Section 05 SW (Carl Tudor)  
[LAW-05-2000](#) Re-Zone from R-R to R-4, Section 28NW (Vandenberg)  
[LAW-01-2002](#) Text Change, added Telecommunications Towers Requirements [LAW-02-2003](#) Text Change, Added model home rules  
[LAW-03-2003](#) Text Change, Revised pool fence heights & increased frontage req'mts on Cul-de-Sacs  
[LAW-02-2004](#) Re-Zone from I-1 to R-R, Sections 4 & 5 (Wassan Estate)  
[LAW-01-2005](#) Re-Zone from I-1 to R-R, Section 5 SE (Podnar/Dennis Miller)  
[LAW-02-2005](#) Re-Zone from I-1 to R-R, Section 9 NW (Sandra Burke)  
[LAW-02-2006](#) Re-Zone from I-1 to R-R, Sections 4,5,6,7,8, & 9 (Remainder of I-1)  
[LAW-01-2007](#) Re-Zone from R-R & B-1 to B-3, Parcel 2617872, Section 8 NE & NW (Cormany)  
[LAW-07-2007](#) Re-Zone from R-R/B-3 to B-3, Parcels 2617582 & 2617689, Section 16SW, (Lyons Den)  
[LAW-01-2008](#) Re-Zone from I-1 to R-R, Section 8 NE (Oser Family Farms on Marshallville St.)  
[LAW-02-2008](#) Text Change, Revised Permitted & Conditionally Permitted Uses within B-1  
[LAW-03-2008](#) Text Change, Revised Permitted & Conditionally Permitted Uses within B-2 & B-3  
[LAW-04-2008](#) Re-Zone from R-R to B-3, Section 22 SE, Parcel 2600253 (Petros)  
[LAW-05-2008](#) Re-Zone from B-3, I-2, & F-P to R-R & F-P, Section 23, Parcel 2617991 (Clay)  
[LAW-06-2008](#) Text Change, Added Outdoor Furnace Requirements and Definition to Articles II & III  
[LAW-02-2009](#) Part of Parcel 2618126 at Butterbridge & Erie Re-Zoned from R-R to I-2 (Balazowich)  
[LAW-01-2010](#) Parts of Parcels 2600205 & 2613805 on Lafayette Re-Zoned from R-1 to B-1  
[LAW-02-2010](#) Re-Zone from R-R to B-1, Parcels 2400344 & 2400345 on Beaumont Ave. (Zekulic)  
[LAW-03-2010](#) Re-Zone from R-R to I-2, Parcel 2400056 on Beaumont Ave. (Scassa Asphalt)

[LAW-04-2010](#) Re-Zone from R-R to I-2, 1 Acre of Parcel 2400056 on Beaumont Ave. (Scassa Asphalt)  
[LAW-01-2012](#) Re-Zone from B-3 to R-2, Parcel 2617535 on Erie Ave. (Gesaman) (15NE)  
[LAW-02-2012](#) Text Change, Added Wind Turbine Requirements and Definition to Articles II, III, IV, & VIII  
[LAW-01-2015](#) Text Change, Added Skill Games Requirements and Definitions to Articles IV & V.  
[LAW-02-2015](#) Re-Zone from R-1 to RR. Parcel 10004727 on Johnston Street and Akron Avenue  
[LAW-01-2017](#) Text Change, Added Type "A" & "B" child care to residential, definitions & subsections  
[LAW-02-2017](#) Re-Zone from R-R to B-1 89 acres corner of Orrville & Butterbridge (Pine View Acres)  
[LAW-01-2021](#) Re-Zone from R-1 to B-3 7.5 acres Beaumont near Forty Corners #10012402  
[LAW-01-2022](#) Text Change, Added Solar Energy Systems, Manufactured Homes, Accessory Building Height and Minimum size of residential homes & applicable Definitions.

THEREFORE, the Board of Trustees for Lawrence Township, in accordance with Section 519.04 and related sections of the Revised Ohio Code, have duly appointed, for terms indicated below, beginning January 1, 2007, the following FIVE (5) persons, all of whom are legal residents of the unincorporated territory of

LAWRENCE TOWNSHIP, STARK COUNTY, OHIO:

1. Richard Pantalone, 6722 Towpath Ave., Canal Fulton
2. Mark Fernandez, 11172 Strausser St., Canal Fulton
3. James Schumaker, 5391 Manchester Ave., North Lawrence
4. Jackie Smith, 12581 Weygandt St. NW, Canal Fulton (Alternate)

WHEREAS, the Lawrence Township Zoning Commission by motion recommended amendments and supplements to the Lawrence Township Zoning Resolution and a map pertaining thereto had been submitted to the Board of Lawrence Township Trustees under the authority and accordance with the provisions of Section 519.12 of the Ohio Revised Code.

WHEREAS, the Board of Trustees of Lawrence Township adopted said amendments and supplements to the Lawrence Township Zoning Resolution and a map pertaining thereto by a resolution on May 10, 1973, under the authority and accordance with the provisions of Section 519.12 of the Ohio Revised Code.

WHEREAS, said amendments and supplements to the Lawrence Township Zoning Resolution and a map pertaining thereto became effective on June 9, 1973.

## ARTICLE I PURPOSE, EXEMPTIONS, CONFORMANCE

\*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 the size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

### SECTION 102 AGRICULTURE EXEMPTED (LAW-01-2004)

- \*519.21 (A) Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure
- (B) A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 [711.13.1] of the Revised Code 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:
- (1) Agriculture on lots of one acre or less;
  - (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;
  - (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed,

dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

Division (B) of 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 acres.

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

(Also see Article III, Section D.11)

SECTION 103 PUBLIC UTILITIES AND RAILROADS

Public Utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. (Amended 10/14/98)

SECTION 104 RETAIL ESTABLISHMENTS & ALCOHOLIC BEVERAGES

Such sections confer no power on any board of county commissioners, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted. \*519.21 (Amended . 08/18/94)

SECTION 105 OUTDOOR ADVERTISING

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

SECTION 106 CONFORMANCE

- \*519.23 Prohibition against violating resolution. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land should be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any board of township trustees under Sections



519.02 to 519.25, inclusive, of the Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense.

SECTION 107 LICENSED FAMILY HOMES AND LICENSED GROUP HOMES FOR DEVELOPMENTALLY DISABLED PERSONS (Amended 01/29/88)

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

SECTION 108 OIL AND GAS DRILLING (Amended 06/14/89)

\*519.21 Such sections do not confer any power on any township zoning commission, board of 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 operation of its own plants.

\*1509.39 Section 1509.39 of the Ohio Revised Code, as enacted July 25, 1980, permits the adoption of health and safety standards which are not less restrictive than the provisions of the Ohio Revised Code or any rules adopted thereunder by the Division of Oil and Gas; however, this section prohibits township enforcement or requirement of permits for such oil and gas well operations except for the permit provided for in Section 4513.34 of the Ohio Revised Code, concerning overweight vehicles.

SECTION 109 CHILD DAYCARE HOMES (Added 04/25/17)

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

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

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

## ARTICLE II DEFINITIONS

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

ACCESSORY BUILDING OR USE: A subordinate building or use customarily incidental to and located upon the same lot occupied by the main building and use. A guest house or accessory living quarters shall be considered as an accessory use.

ACCESSORY SOLAR ENERGY SYSTEM: A solar collection system consisting of one or more roof mounted solar collector devices and solar energy 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 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 primarily for on-site use. (Amended. 11/03/22)

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. Principal solar energy production facilities consists of one or more freestanding ground solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other accessory structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a related 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). (Amended. 11/03/22)

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture viticulture, and animal and poultry husbandry, 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. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

ALLEY: A public thoroughfare that affords only a secondary means of access to a lot of abutting property.

APARTMENT: See "Dwelling, Town House, Row House, or Multifamily."

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

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.

**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.

**BILLBOARD:** Same as "Outdoor Advertising Sign."

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

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

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

**BUILDING, HEIGHT OF:** The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip, or gambrel roof.

**BUILDING LINES:** The line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

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

**BUILDING, SIGNS:** A sign which identifies the business or profession conducted or the principal products sold upon the premises.

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

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

**CHILD DAY CARE HOME TYPE "A":** A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this regulation, any children under six (6) years of age who are related to a licensee or administrator and who are on the premises of the Type "A" home shall be counted.

**CHILD DAY-CARE HOME TYPE "B":** A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this section, any children under six (6) years of age who are related to the provider and who are on the premises of the Type "B" home shall be counted.

**CHILD DAY CARE CENTER:** Any place in which child day care is provided, with or without public funding, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child daycare is provided, with or without compensation, for seven (7) to

twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

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

COMMISSION: The Township Zoning Commission.

CONVALESCENT HOME: A "rest home" or "boarding home" for the aged or mentally or physically infirmed conducted within any abode, building, institutional residence, or home used for the reception and care, for a consideration, or persons who by reason of age or mental or physical infirmities, are not capable of properly caring for themselves, and for which a license has been issued by the Department of Public Welfare of the State of Ohio. (Amended 01/08/92)

COURT: An open unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

CUL-DE-SAC: The curved portion on a vehicular turn around at the end of a street. (Amended 10/02/03)

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

DEVELOPMENTAL DISABILITY: Means a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the persons ability to function normally in society and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. (Amended 01/29/88)

DISCARDED MOTOR VEHICLE: Any motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored, and which does not have a valid license thereon. (Amended 01/08/92).

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

DRIVE THRU, DRIVE-IN, DRIVE-UP: A place of business where patrons or customers are served or accommodated while remaining in their auto or other motor vehicle. (Amended 01/08/92)

DWELLING: Any building, or portion thereof, that is designed or used primarily for residence purposes, including one-family, two-family, and multifamily but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings. The term "dwelling" includes traditional "site built" dwellings, modular, and permanently sited manufactured homes. The term "dwelling" does not include a recreational vehicle or a mobile home. An attached garage for the purposes of determining the front, side and rear yards, shall be considered a part of the dwelling. (Amended. 11/03/22)

DWELLING, SINGLE FAMILY: A dwelling designed for or used exclusively for residence purposes by one family.

DWELLING, TWO FAMILY: A building designed and used exclusively by two families living independently of each other.

DWELLING, MULTIFAMILY: A dwelling designed for or occupied by three (3) or more families living independently of each other.

DWELLING, GROUP: A group of single-family, two-family, or multifamily dwellings, or their combination located on one lot and around a common court or courts.

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

EROGENOUS ANATOMICAL AREAS: Erogenous anatomical areas include, but are not limited to, nudity or a state of nudity, which reveals the human bare buttocks, anus, genitals, female breasts, or a state of dress which fails to opaquely cover a human bare buttocks, anus, genitals, or areola of the female breast. (Amended 08/18/94)

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by municipal departments, or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such municipal departments or commissions or for the public health or safety or general welfare. (Amended 10/14/98)

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling, a sorority or fraternity. A family may also include domestic servants and gratuitous guests.

FAMILY HOME: Means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. (Amended 01/29/88)

FINANCIAL INSTITUTION: Any organization in the business of moving, dealing in financial instruments, or providing financial services. This includes commercial banks, thrifts, federal and state savings banks, savings and loan associations, and credit unions. (Added 07/01/03)

FLOOD PLAIN: That portion of a river or creek valley adjacent to the river or creek channel that is covered with water when the river or creek overflows its banks at flood stage.

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

FRONTAGE: All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of a street.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main buildings, enclosed on all sides and designed or used for the shelter or storage of not

more than four (4) passenger vehicles and located on the same lot as the dwelling to which it is an accessory. (Amended 01/08/92)

GARAGE, AUTO SERVICE SHOP: A building or portion of a building, in which repairs are made to motor vehicles, and in which there is no painting of cars or body work done. (Amended 01/08/92)

GARAGE, PUBLIC: A building, or portion of a building, in which more than four (4) motor vehicles, boats, R.V.'s (recreational vehicles), aircraft, and similar vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation and in which no repair work is carried on. (Amended 01/08/92)

GRADE, FINISHED: For buildings abutting one (1) street only, the elevation of the sidewalk

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

GROSS ACRE: Land area, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.

GROUP HOME: Means a 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) persons with developmental disabilities. (Amended 01/29/88)

GUEST HOUSE OR ACCESSORY LIVING QUARTERS: Living quarters located on the second floor of a private garage for the use of persons employed on the premises, or for the temporary use by guests of the occupants and the premises. Such quarters shall not be rented or otherwise used as a separate dwelling. (Amended 01/08/92)

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

HOSPITAL: Any building or other structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

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

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

INTEGRATED PLANNED COMMERCIAL DEVELOPMENT: An integrated planned commercial development is a grouping of three (3) or more commercial establishments that have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan. (LAW-03-2008)

INTERNET SWEEPSTAKES: 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. (LAW-01-2015)

JUNK YARD: Is 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, paper, rags, rubber, cordage, barrels, etc., are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

KENNEL: A place where dogs and/or cats are bred, boarded, or groomed for compensation.

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 which abuts upon a street, alley, or other appropriate means of access.

LODGING HOUSE: A building where lodging only is provided by the week or month for compensation for three (3) or more, but not more than twenty (20) persons.

LOT: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

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

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

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

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

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

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

LOT LINE, FRONT: The line separating a lot from the street on which the lot fronts.

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

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

LOT OF RECORD: A lot which is a 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.

LOT, WIDTH OF: The width measured along the minimum building setback line.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections which in the traveling mode is eight (8) body-feet or more in width or forty (40) body-feet or more in length or, when

erected on the side is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on the site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (Amended 01/08/92)

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot. Where the street right-of-way line is not established the right-of-way shall be assumed to be sixty (60) feet.

**MINI-WAREHOUSES OR STORAGE FACILITY:** A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customers' goods or wares. (Amended 01/08/92)

**MOBILE HOME:** See "Trailer"

**MODEL HOME:** A residential dwelling that has been constructed in compliance with the Lawrence Township Zoning Resolution and 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 or plats elsewhere. (Amended 06/26/03)

**MOTEL:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts. (Amended 01/08/92)

**NAMEPLATE:** A non-electric, on-premises, identification sign showing only name and/or address. (Amended 06/26/03)

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

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



**OUTDOOR FURNACE:** Any equipment, device, or structure designed to be placed outside on a base in which to produce heat and/or hot water for the principle structure or any other site structure on the residential premises. (Amendment LAW-06-2008)

**PARKING SPACE:** An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or good.

**PLANNED UNIT DEVELOPMENT (PUD):** A planned, integrated development of at least ten (10) acres where minimum lot size and dwelling types may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities. (Amended 01/29/88)

**PUBLIC BUILDINGS:** Any structure owned and operated by a governmental agency, or public school or school which is certified and/or licensed by the State of Ohio. (Amended. 01/08/92)

**PUBLIC UTILITY:** Any entity deemed a "public utility" for purposes of Ohio Revised Code, Section 519.211. (Amended 10/14/98)

**RECYCLING TRANSFER FACILITY:** A facility for the collection of waste products, such as paper, glass, and metals. (Amended 01/08/92)

**RESIDENTIAL FACILITY:** Means a home or facility in which a person with a developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides. (Amended 01/29/88)

**ROADSIDE STANDS:** A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises, and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise such products.

**SATELLITE DISHES:** Any antenna or "earth station" designed, constructed or modified to bring in or receive satellite television signals. (Amended. 01/08/92)

**SEXUAL ACTIVITY:** Sexual conduct or Sexual contact, or both.

- A. Sexual conduct: means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- B. Sexual contact means any touching of an erogenous zone of another, without limitation, the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. (Amended 08/18/94)

**SEXUALLY ORIENTED LAND USE:** Sexually oriented land use means any land, business, or place, including, but not limited to the following:

- 1. Coin or slug operated or electronically, electrically or mechanically controlled still or motion pictures, projectors, or other image producing devices which are maintained to show images and where the images are displayed or distinguished or characterized by the depicting or describing of sexual activities or erogenous anatomical areas;

2. Sale, rental or showing for any form or type for consideration; books, magazines, periodicals, or other printed matter, photographs, photographic reproductions, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations whose sole purpose is to depict or describe sexual activities or erogenous anatomical areas;
3. Sale, transfer or barter of instruments, devices, or paraphernalia which are designed for use in connection with sexual activities, excepting those sold exclusively for the prevention of sexually transmitted diseases and/or to prevent pregnancy.
4. A nightclub, bar, restaurant, juice bar, private club or similar establishment which features persons appearing in a state of nudity; live performances which characterize sexual activities, or erogenous anatomical areas.
5. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or photographic reproductions which characterize the depiction or description of sexual activities or erogenous anatomical areas and has a sign visible from the public right of way which advises the availability of this adult type of photographic reproductions and offers a sleeping room for rent, for a period of time which is less than eight (8) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight (8) hours. (Amended 08/18/94)

**SIGN:** Any structure or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of these regulations the word "sign" does not include the flag, pennant, badge, or insignia of any government or governmental agency or of any charitable, religious, educational or similar organization.

**SKILL-BASED AMUSEMENT MACHINE:** A mechanical, video, digital or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

- a. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
- b. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
- c. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
- d. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU) (1) of Chapter 2915 of the ORC even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

- a. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.
- b. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
- c. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
- d. The success of any player is or may be determined by a chance event that cannot be altered by player actions.
- e. The ability of any player to succeed at the game is determined by game features not visible or known to the player.
- f. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise. (LAW-01-2015)

**SKILL GAME** : A use in which a skill based amusement machine is utilized for the purpose of recreation. (LAW-01-2015)

**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. (Amended. 11/03/2022)

**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, then the space between the floor and the ceiling next above it.

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

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

**STREET, PUBLIC**: A thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

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

**STRUCTURE**: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmers' roadside stands, but not including fences, or walls used as fences.

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

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, semi-public 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, community associations, and campgrounds. (Amended 01/08/92)

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

TEMPORARY SIGN: A sign not designed for long term use and is not permanently mounted.

THOROUGHFARE: A street or alley.

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

TRAILER OR MOBILE HOME: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

TRAILER PARK OR MOBILE HOME PARK: A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

TRUSTEES: The Board of Trustees of Lawrence Township.

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

USABLE OPEN SPACE: The required portion of a lot excluding the required front yard area that is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, and shall be twenty (20) feet in least dimension on the ground. Balconies at least four (4) feet, six (6) inches wide, roof areas which are improved, and side and rear yards which have fences or walls at least five (5) feet high between the open space and adjacent property may also be counted as usable open space.

VARIANCE: A modification of the strict terms of the Resolution, where such modification will not be contrary to the public interest and owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship. (Amended 01/08/92)

WIND ENERGY SYSTEM: (Added 09/06/12)

- FREESTANDING WIND ENERGY CONVERSION SYSTEM (FWECS): 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
  - DECIBEL: A logarithmic unit that indicates the ratio of a physical quantity (usually power or intensity) relative to a specified or implied reference level. A ratio in decibels is ten times the logarithm to base 10 of the ratio of two power quantities. A decibel is one tenth of a bel, a seldom-used unit.
  - 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.
  - STRUCTURE MOUNTED WIND ENERGY CONVERSION SYSTEM (SMWECS): 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.) The SMWECS is attached to a structure’s roof, walls or another elevated surface.

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

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Where the right-of-way line is not established the right-of-way shall be assumed to be sixty (60) feet.

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

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

ZONING MAP: The "Zoning Districts Map, Lawrence Township, Stark County, Ohio."

# ARTICLE III GENERAL PROVISIONS

## SECTION 301 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Lawrence 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 301.1 DISTRICTS: (Amended eff. 1/29/88)

- F-P Flood Plain District
- R-R Rural Residential District
- R-1 Single Family Low Density Suburban Residential District
- R-2 One and Two Family Low Density Urban Residential District
- R-3 Medium Density Urban Residential District
- R-4 Multifamily Urban Residential District
- R-5 Mobile Home Park Residential District
- R-6 Planned Unit Development District
- B-1 Neighborhood Business District
- B-2 Suburban Office & Limited Business District
- B-3 Community Business District
- I-1 Restricted Industrial District
- I-2 Industrial District

### SECTION 301.2 ZONING DISTRICTS MAP

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Lawrence 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.

### SECTION 301.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Where Boundaries Approximately Follow Streets, Alleys, or Highways

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

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

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

C. Vacation of Public Ways

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

SECTION 301.4 SUPPLEMENTARY REGULATIONS

A. General

1. Uses

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

2. Zoning Certificate

No zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use that the zoning certificate has been requested. 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 highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications or other adequate method of providing proper road drainage and to provide for the safe ingress and egress to the property required by said State Highway Department, 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.

3. Essential Services

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

4. Construction

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use when construction has started before the effective date of these regulations provided that foundations have been put in place before said effective date of these regulations and provided further than such building shall be completed

within one (1) year from the date of passage of these regulations. (Amended eff. 1/8/92)

5. Inconsistencies

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

6. Prohibited Uses

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matter, or water-carried waste.

7. Sexually oriented uses or business

Sexually oriented uses or business are permitted only in the I-2 Industrial District under a conditional use permit as authorized by the Board of Zoning Appeals. (Amended eff. 8/18/94)

B. Lots

1. Corner Lots

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that District, facing both streets.

2. Sewage Facilities

Where central sanitary sewage facilities are not available, the minimum lot size shall be one-half (1/2) acre for a single family dwelling, unless a larger area is required by these regulations and/or the responsible Health Authority. (Amended eff. 5/10/95)

3. Transition Areas

To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Trustees shall have the power to determine the need for an amount of: plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

4. Substandard Lots

Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment, of



which at least one-half (1/2) of said lots are of record or have been sold on land contract on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth, or width of said lot; the width of the said yard of any such lot need not exceed ten (10) percent of the width of the lot; the depth of the rear yard need not exceed twenty (20) percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively. These regulations are subject to the Stark County Health Department approval.

5. Visibility at Corner Lots

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

C. Parking and Storage of Vehicles

No person shall park, store or leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a rusted, wrecked, junk or partially dismantled, inoperative or abandoned condition, whether attended or not, upon any property within the township unless the same is completely enclosed within a building, unless otherwise specifically permitted by these regulations. (Amended eff. 1/8/92)

In any Residential District, the parking or storage of vehicles and trailers with dual rear tires and rim size of 18 inches and larger and commercial construction equipment, not including recreational vehicles, shall be prohibited. (Amended eff. 8/29/96)

No more than two (2) recreational vehicles, such as a trailer home, motor home, or boat, may be stored on residential lots and must have current licenses. (Amended eff. 5/13/92).

D. Structures

1. Permitted Height Exceptions

Except as specifically stated in other parts of these regulations no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building, nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television, and wireless aerials or masts may be erected to any height.

2. Principal Building

No more than one (1) dwelling shall be permitted on any lot unless otherwise specifically stated in these regulations and every dwelling shall be located on a lot having required frontage on a public street.

3. Dwelling Other than a Main Structure

No residential structure shall be erected upon a lot with another dwelling, except that a two-story garage with living quarters upon the second floor may be permitted provided such quarters are occupied by guests or a servant (and his family) employed by the family occupying the main structure.

4. Accessory Building

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

Unattached accessory buildings one hundred twenty (120) sq. ft. or less shall not be located closer than fifteen (15) feet from the main building, may be within eight (8) feet of the rear and side lot line and must conform to the front yard building setback line. Any unattached accessory building shall not occupy more than thirty (30) percent of the required rear yard and shall not be located nearer than sixty (60) feet from any front lot line or side street lot line. Unattached accessory buildings one hundred twenty (120) sq. ft. or less shall be limited to fifteen (15) feet in height. (Amended 08/29/96)

Unattached accessory buildings one hundred twenty-one (121) sq. ft. or larger shall not be located closer than fifteen (15) feet from the main building, may be within eight (8) feet of the rear and side lot line and must conform to the front yard building setback line. Unattached accessory buildings one hundred twenty-one (121) sq. ft. or larger shall be limited to twenty-four (24) feet in height. (Amended 11/03/22)

Any greater height must be authorized by the Board of Zoning Appeals.

Converted transport vehicles, trailers, and mobile homes may not be used as accessory buildings. (Amended 08/29/96)

All unattached accessory buildings shall not exceed the square foot area of the primary use structure on the premises. (Amended 08/29/96)

5. Temporary Buildings

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

6. Compliance with Building Regulations

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the Stark County Building Department and/or the State of Ohio.

7. Swimming Pools

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1-1/2) feet of water depth shall be considered as structures for the purpose of permits, shall not be located in front or side yards, and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county or state codes. An in-ground pool shall be enclosed by fence not less than four (4) feet in height with secured access to the pool area. An above - ground pool shall be enclosed by a four (4) foot fence (the sides of the pool, if at least 4 feet high, may constitute the fence). (Amended 10/02/03)

8. Fences, Walls and Hedges

Fences, walls, or hedges may be located in any yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over four (4) feet in height. No zoning certificate will be required for such fence; however, the zoning inspector must be notified of such proposed fence and approve or disapprove of same. The maximum height for side and rear yard fences shall be six (6) feet. Fences enclosing above ground storage of liquids must be high enough to ensure maximum safety to residents. (Amended 01/08/92)

9. Business Displays

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

10. Satellite Dishes

Satellite dishes are permitted in any district and shall meet the same setback and height requirements as other accessory uses. However, in a residential district only one (1) satellite dish shall be permitted as an accessory use, which shall only be located in the rear yard area. It shall not be located on a roof unless it is less than three (3) feet in diameter. (Amended 010/8/92)

11. Agricultural Uses

As provided in Division (B) of Section 519.21 of the Ohio Revised Code, the following regulations are established to regulate agricultural uses on affected lands where thirty (30) percent of that lot or parcel is used for an agricultural use: (Amended effective 03/31/04)

A. On lots of one (1) acre or less: (Amended 03/31/04)

1. A minimum setback of fifty feet (50) from all property lines is required for all buildings, pasture and feeding areas for an agriculturally related use involving agricultural animals.
  2. All buildings and/or structures are subject to the size and height requirements of Article III Section 301.4(E)(4)
  3. The keeping of a kennel is prohibited on properties of one (1) acre or less.
- B. On lots greater than one (1) acre but not greater than five (5) acres: (Amended effective 03/31/04)
1. 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. In addition, all buildings, yards, or other confinements for agricultural animals must be located at least one hundred (150) feet distant from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of the animals.
  2. A pasture/feeding/storing area that is provided for agricultural animals shall be completely surrounded by a fence in accordance with this zoning resolution.
- For the purpose of this resolution, an agricultural animal is a domestic animal, including but not limited to a horse, cow, llama, goat, pig, hog, mink, or fowl.
- C. The use of land greater than five (5) acres, when used for agricultural purposes, is exempt from these provisions. (Amended 03/31/04)

## 12. Manufactured Homes, Permanently Sited

Any manufactured or factory-built housing proposed to be located in any district shall comply with the following regulations:  
(Amended 11/03/22)

- A. The structure shall be affixed to a permanent foundation and is connected to appropriate facilities
- B. The placement of the structure shall comply with all yard and setback requirements for the district for which it is proposed.
- C. Septic approval permit or connection to a central sanitary sewage facility, House number permit, and a plot drawing must be submitted to the Zoning Department.
- D. The structure has a minimum 3/12 residential roof pitch, conventional residential siding and a six-inch minimum eave overhang, not including appropriate guttering.

- E. The structure shall be located on the site so that the long axis is parallel with the street.
- F. The structure, excluding any additions has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point and a total living area excluding garages, porches or attachments of at least twelve hundred (1200) square feet.
- G. Manufactured homes shall comply with the “Manufactured Housing Construction and Safety Standards Act of 1974” also known as the “the HUD Code”.
- H. CMU, Split Face Block or Stone must be installed from grade to underneath side of structure

13. Outdoor Furnaces (Amendment LAW-06-2008)

- A A zoning permit is required
- B Outdoor furnaces shall be located in rear yard only
- C Outdoor furnaces shall not be closer than 30 feet from the principal structure
- D Minimum side yard setback shall be 70 feet
- E Minimum distance from any primary structure not served by the furnace shall be 200 feet
- F Minimum rear yard setback shall be 70 feet
- G No outdoor furnace shall be utilized as a waste incinerator
- H The outdoor furnace must be inspected and approved with local Building Department regulations
- I Manufacturer’s specifications for installation, use, and maintenance must be followed
- J Chimney/smokestack height shall be 12 feet measured from the natural grade of the ground.
- K Outdoor furnaces shall only use fuels that follow federal, state, and local government guidelines
- L The operation of an outdoor furnace shall not create a public nuisance or be a threat to human health or the environment.

14. Freestanding Wind Energy Conversion System (FWECS): (Added 09/06/12)

**Note:** The purpose of both the Freestanding (FWECS) and Structure Mounted (SMWECS) Wind Energy Conversion Systems regulations are to allow and regulate Wind Energy Systems as a conditionally permitted use in zoning districts. Both of these systems shall be considered small wind energy systems if they produce less than 5 megawatts. According to Ohio law, smaller wind energy systems that produce less than 5 megawatts are not regulated by the State of Ohio but by local zoning and building departments. According to the Ohio Administrative Code Chapter 4906-17, the Ohio Power Sighting Board regulates wind farms.

An applicant needs a construction certificate from the Ohio Power Siting Board if their wind energy system produces 5 megawatts or more. Local zoning has no direct influence over these larger systems.

It is the purpose of this regulation to promote the safe, effective and efficient use of FWECS installed to reduce the on-site consumption of utility supplied electricity. A FWECS shall be permitted as an accessory to a principal use within R-R, R-1, B-1, B-2, B-3, I-1, and I-2 zoning districts as a conditionally permitted use on lots 5 acres or greater. No person shall cause, allow or maintain the use of a FWECS without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article XI, Conditional Zoning Certificates and comply with subsections 165 and 167.

15. Structure Mounted Wind Energy Conversion System (SMWECS): (Added 09/06/12)

It is the purpose of this regulation to promote the safe, effective and efficient use of SMWECS installed to reduce the on-site consumption of utility supplied electricity. A SMWECS shall be permitted as an accessory to a principal use within R-R, R-1, B-1, B-2, B-3, I-1, and I-2 zoning districts as a conditionally permitted use on lots 1 acre or greater. No person shall cause, allow or maintain the use of a SMWECS without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article XI, Conditional Zoning Certificates and comply with subsections 166 and 167.

E. Yards

1. Front Yard Variances in Residential Districts

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 or greater than the least front yard depth prescribed elsewhere in these regulations, 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 and need not exceed one hundred (100) feet.

2. Lots, Yards, and Open Space

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

3. Projections into Yard Areas

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, cornices, and ornamental features projecting not to exceed twenty-four (24) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height except on that portion of lots within thirty feet (30) of the intersection of two (2) or more streets. Terraces, decks, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

An open unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten (10) feet. (Amended 01/08/92)

**16. Accessory Solar Energy Systems (Added 11/03/22)**

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 department.

All accessory solar energy systems shall meet the following requirements:

1. A roof mounted solar energy system is permitted in all zoning districts as an accessory to a principal use and:
  - 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.

2. 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.
3. Solar energy systems shall not be constructed until all applicable zoning and building permits have been approved and issued.
4. 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.
5. A site plan shall be submitted at the time of application and shall include:
  - a) Property lines and physical dimensions of the site and location of structures on property.
  - b) Location of solar energy system on the structure in which it is located and all related equipment.
  - c) Elevation of the proposed solar energy system at its maximum tilt.
  - d) Manufacturer's specification, including make, model and picture

#### **17. Principal Solar Energy Production Facility (Added 11/03/22)**

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 and I-2 Industrial Districts provided all requirements and regulations as set forth below are met. No person shall cause, allow or maintain the use of a principal solar energy production facility without first having obtained a zoning permit from the Zoning Department.

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

1. The proposed solar energy facility must be located on at least five (5) acres of land.
2. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
3. 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.
4. A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
5. The proposed solar energy facility is not located adjacent to, or within, the control zone of any airport.
6. 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.
7. 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.



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 not producing electricity, become damaged, discontinued or broken.
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, well 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.

## ARTICLE IV

### SECTION 401 F-P FLOOD PLAIN DISTRICT REGULATIONS

#### SECTION 401.1 PURPOSE

In recognition of certain lands in the township experiencing periodic flooding along rivers, creeks, streams, and other natural water courses. When the development of land in flood plains is not regulated, the burden of alleviating the flood problems falls upon the various levels of government, which in turn bear the expense in flood control, evacuation, and the rehabilitation of people, their property, and the community facilities which served the flood victims. Urban developed flood-prone property is subject to rapid deterioration in value and is conducive to the creation of slums.

#### SECTION 401.2 USES

Within a Flood Plain District F-P, no building, structure, or premise shall be used, arranged to be used, or designated to be used except for one or more of the following uses:

##### A. Permitted Uses

1. Agricultural and farm buildings necessary to a principal agricultural use. (Amended 1/8/92)
2. Public and/or privately owned parks, playground and similar recreation uses.
3. Wildlife refuge, game or hunting preserve.
4. Private airport landing strip.

##### B. Conditionally Permitted Uses

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

1. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses. Transient amusement activities such as circuses, carnivals, fairs, festivals, craft, antique and art sales and shows, transient theater and musical entertainments, flea markets and swap meets, when held at any of the above facilities, shall each require a separate permit which must be applied for at least 60 days prior to the event. Fee for such permit shall be fifty (\$50) dollars per event. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137, 146 of Article VIII. (Amended 09/18/91)
2. Strip mining, sand, gravel, and clay extraction, soil and peat moss removal, subject to Subsections 105, 112, 113, 115, 116, 117, 120.
3. Off-street parking as permitted and regulated in Article VI, subject to Subsections 105, 112, 113, 115, 116, 117, 120.

4. Golf driving ranges as an accessory use to golf courses. Subject to Subsections 102, 103, 104, 105, 110, 111, 117, 131, 132, 135, 136, 137, 140, 157. (Amended 09/18/91)
5. Miniature golf courses, subject to Subsections 101, 102, 103, 104, 105, 110, 111, 117, 118, 131, 132, 135, 136, 137, 140, 146, 158. (Amended 09/18/91)

SECTION 401.3      LOT REQUIREMENTS

- A. Minimum lot area shall be five (5) acres. (Amended 12/09/91)
- B. Minimum lot width shall be two hundred (200) feet.
- C. Minimum lot frontage shall be one hundred fifty (150) feet.

SECTION 401.4      YARD REQUIREMENTS

- A. Minimum front yard depth shall be fifty (50) feet.
- B. Minimum rear yard depth shall be fifty (50) feet.
- C. Minimum side yard width on each side shall be twenty-five (25) feet.

SECTION 401.5      ZONE BOUNDARIES

Zone boundaries shall be shown on the Zoning Map and shall be based upon such reports and studies as Flood Plain Information Studies, Department of Natural Resources, U.S. Army Corps of Engineers, the Stark County Engineer field surveys, and other appropriate and technically qualified information.

SECTION 401.6      FILL

No fill shall be made within the Flood Plain District without a Conditional Use Permit from the Board of Zoning Appeals. Such permit may be granted upon finding by the Board of Zoning Appeals that:

- A. Such fill will not raise the level of flooding of other properties along the water course in question; said fill may be permitted within the flood plain if an equal volume of material is removed from another area of the same flood plain.
- B. Such fill does not constrict a normal water course.
- C. Such fill shall not be greater in volume than is necessary to achieve a purpose as shown by a plan submitted by the property owner showing the uses to which the filled land will be put and the final dimensions of said proposed fill.
- D. Such fill or exposed materials shall be protected against erosion by rip-rap, vegetative cover, or other suitable materials approved by the Board of Zoning Appeals after consultation with either the Stark County Office of the Subdivision Engineer or Stark County Engineer's Office.

- E. Hydraulics information must accompany any application for proposed filling of Flood Plain land. (Amended 11/17/80)

## Article IV

### SECTION 402 R-R RURAL RESIDENTIAL ZONING DISTRICT REGULATIONS

#### 402 District Purpose

The purpose of this district is to accommodate residential development in areas that generally cannot be reasonably serviced by central water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density. (Amended 10/02/03)

#### 402.2 USES

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

##### A. Permitted Uses

1. Single-family dwelling.
2. Public buildings. (Amended 01/08/92)
3. Churches and other buildings for the purpose of religious worship.
4. Agricultural buildings and uses provided:
  - a. Buildings used to house farm animals shall be located no less than one hundred and fifty (150) feet from the nearest residence.
  - b. Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five (5) acres or more.
5. Roadside stands, offering for sale only agricultural products which are produced on the premises, including signs advertising such products not exceeding twenty (20) square feet in total area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. Such stand, sign, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard. Roadside stands shall be removed at the conclusion of seasonal sales in accordance with Article II.
6. Accessory buildings incidental to the principal use that do not include any activity conducted as a business.
7. Signs - As regulated by Article V hereof.
8. Off-street parking as permitted and regulated in Article VI.

9. Licensed Family Home (for the developmentally disabled ORC 5123.19). (Amended 1/29/88)
10. 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. (Amended 06/26/03)
11. Child day care home Type "B" (Added 04/25/17)

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificate for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses. Transient amusement activities such as circuses, carnivals, fairs, festivals, craft, antique and art sales and shows, transient theater and musical entertainments, flea markets and swap meets, when held at any of the above facilities, shall each require a separate permit which must be applied for at least 60 days prior to the event. Fee for each permit shall be fifty (\$50) dollars per event. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137, 146 of Article VIII. (Amended 09/18/91)
2. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 102, 103, 104, 105, 110, 111, 117, 124, 128, 132, 133, 134, 135, 136, 137, 139 of Article VIII. (Amended 02/08/89)
3. Cemetery subject to Subsections 103, 107, 129 of Article VIII.
4. Strip mining, sand, gravel, and clay extraction, soil and peat moss removal, subject to Subsections 105, 112, 113, 115, 116, 117, 120 of Article VIII.
5. Airports, airfields, and landing strips subject to Subsections 101, 104, 105, 125, 132 of Article VIII. (Amended 02/27/97)
6. Home occupation subject to Subsection 119, 132 of Article VIII. (Amended 02/27/97)
7. Mobile homes as a singular residence subject to Subsection 148 of Article VIII.

8. Private-owned schools subject to Subsection 132 of Article VIII. (Amended 02/27/97)
9. Golf driving ranges as an accessory use to golf courses. Subject to Subsections 102, 103,104,105, 110, 111, 117, 131, 132, 135, 136, 137, 140, 157 of Article VIII. (Amended 09/18/91)
10. Miniature golf courses, subject to Subsection 101, 102, 103, 104, 105, 110, 111, 117, 118, 131,132, 135, 136, 137, 140, 146, 158 of Article VIII. (Amended 09/18/91)
11. Telecommunications towers, subsections 160, 161,162,163, and 164 of Article VIII. (Amended 09/04/02)
12. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
13. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)
14. Child day care home Type "A" subject to subsections 102,105,117,132,136,137,152, 168,169,170,171, (Added 04/25/17)
15. Group Home subject to Subsection 102,105,117,132,136,137,152,168,169,170,172.

SECTION 402.3      LOT REQUIREMENTS

- A. Minimum Lot Area per Dwelling Unit or Other Main or Permitted Use - One (1) acre without centralized sewer, Twenty Thousand (20,000) square feet with centralized sewer (Amended 10/02/03)
- B. Minimum Lot Width at Building Line - One hundred fifty (150) feet without centralized sewer, One Hundred (100) feet with centralized sewers (Amended 10/02/03)
- C. Minimum Lot Frontage - Fifty (50) feet. (Amended 02/08/89)
- D. A lot that fronts on a cul-de-sac must have at least Seventy-Five (75) feet of frontage. However, where only a portion of the lot fronts on a cul-de-sac, the frontage must be at least Fifty (50) feet. (Amended 10/02/03)

SECTION 402.4      YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Sixty (60) feet
- B. Minimum Rear Yard Depth - Fifty (50) feet
- C. Minimum Side Yard Width on each side - Twenty-five (25) feet without centralized sewer, Twenty (20) Feet with centralized sewer (Amended 10/02/03)

SECTION 402.5      MINIMUM BUILDING SIZE

A. Minimum first floor area - 1200 square foot living area.

SECTION 402.6      MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.



## Article IV

### SECTION 403 R-1 SINGLE FAMILY LOW DENSITY SUBURBAN

#### SECTION 403.1 PURPOSE

This district is established to accommodate single-family residential dwellings in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities.

#### SECTION 403.2 USES

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

##### A. Permitted Uses

1. Single-family residential dwelling.
2. Public buildings. (Amended 01/08/92)
3. Churches and other buildings for the purpose of religious worship.
4. Agricultural buildings and uses provided:
  - a. Buildings used to house farm animals shall be located no less than one hundred and fifty (150) feet from the nearest residence.
  - b. Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five (5) acres or more.
5. Roadside stands, offering for sale only agricultural products which are produced on the premises, including signs advertising such products not exceeding twenty (20) square feet in total area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty feet (30) from either side lot line. Such stand, sign, and required off-street parking shall be located and set back in such a manner, so as not to create a traffic hazard. Roadside stands shall be removed at the conclusion of seasonal sales in accordance with Article II.
6. Accessory uses incidental to the principal use that do not include any activity conducted as a business.
7. Signs as permitted and regulated in Article V.
8. Off-street parking as permitted and regulated in Article VI.
9. Licensed Family Home (for the developmentally disabled ORC 5123.19). (Amended 1/29/88)

10. 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. (Amended 06/26/03)

11. Child care home Type "B" (Added 04/25/17)

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 107, 109, 111, 117, 146 of Article VIII.
2. Cemetery subject to Subsections 103, 107, 129 of Article VIII.
3. Strip mining, sand, gravel, and clay extraction, soil and peat moss removal, subject to Subsections 105, 112, 113, 115, 116, 117, 120 of Article VIII.
4. Institutions for higher education subject to Subsections 101, 102, 103, 104, 105, 107, 111 of Article VIII.
5. Tourist dwelling subject to Subsections 107, 111, 117 of Article VIII.
6. Home occupations subject to Subsection 119, 132 of Article VIII. (Amended 02/27/97)
7. Airports, airfields and landing strips subject to Subsections 101, 104, 105, 125, 132 of Article VIII. (Amended 02/27/97)
8. Mobile homes as a singular residence subject to Subsection 148 of Article VIII.
9. Private-owned schools, subject to Subsection 132 of Article VIII. (Amended 2/27/97)
10. Telecommunications towers, subsections 160, 161,162,163, and 164 of Article VIII. (Amended 9/04/02)
11. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
12. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)
13. Child day care home Type "A" subject to subsections 102,105,117,132,136,137,152,168, 169,170,171, (Added 04/25/17)
14. Group Home subject to Subsection 102,105,117,132,136,137,152,168,169,170,172.

SECTION 403.3 LOT REQUIREMENTS

- A. Minimum Lot Area - Twenty thousand (20,000) square feet without centralized sewer. Twelve thousand (12,000) square feet with centralized sewer. (Amended 05/10/95).
- B. Minimum Lot Width at Building Line - One hundred (100) feet, without centralized sewer. Eighty feet (80) with centralized sewer. (Amended 05/10/95)
- C. Minimum Lot Frontage - Fifty feet (50).
- D. As an option, the applicant may apply for a variable lot size development subject to the requirements of Subsection 150 of Article VIII.

- E. A lot that fronts on a cul-de-sac must have at least Seventy-Five (75) feet of frontage. However, where only a portion of the lot fronts on a cul-de-sac, the frontage must be at least Fifty feet (50). (Amended 10/02/03).

SECTION 403.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Fifty (50) feet.
- B. Minimum Rear Yard Depth - Fifty (50) feet.
- C. Minimum Side Yard Width - Ten (10) feet
- D. As an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 149 of Article VIII.

SECTION 403.5 MINIMUM BUILDING SIZE

- A. Minimum first floor area - 1200 square feet living area.

SECTION 403.6 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

## Article IV

### SECTION 404 R-2 ONE AND TWO FAMILY LOW DENSITY URBAN RESIDENTIAL

#### SECTION 404.1 PURPOSE

The purpose of this district is to permit single- and two-family dwellings at a medium density in areas generally adjacent to the built-up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities. (Amended 1/8/92)

#### SECTION 404.2 USES

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

##### A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Public buildings. (Amended 01/08/92)
4. Churches and other buildings for religious worship.
5. Accessory buildings incidental to the principal use that do not include any activity conducted as a business.
6. Signs as permitted and regulated in Article V.
7. Off-street parking as permitted and regulated in Article VI.
8. Licensed Family Home. (Amended 01/17/80)
9. 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. (Amended 06/26/03)
10. Child care home Type "B" (Added 04/25/17)

## B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Cemetery subject to Subsections 103, 107, 129.
2. Strip mining, sand, gravel, and clay extraction, soil and peat moss removal, subject to Subsections 105, 112, 113, 115, 116, 117, 120.
3. Institutions for higher education subject to Subsections 102, 103, 104, 105, 107, 111, 146.
4. Private or governmentally owned and/or operated picnic areas, play-grounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses. Excluded are such commercial recreational uses as drive-in theaters, miniature golf courses and golf-driving ranges. Transient amusement activities such as circuses, carnivals, fairs, festivals, craft, antique and art sales and shows, transient theater and musical entertainments, flea markets and swap meets, when held at any of the above facilities, shall each require a separate permit which must be applied for at least sixty (60) days prior to the event. Fee for such permit shall be fifty (\$50) dollars per event. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137, 146.  
(Amended 02/09/89)
5. Institutions for human medical care--hospitals, clinics, sanitariums, Convalescent homes, nursing home, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.
6. Home occupation subject to Subsection 119, 132. (Amended 02/27/97)
7. Mobile homes as a singular residence subject to Subsection 148.
8. Private-owned schools, subject to Subsection 132. (Amended 02/27/97).
9. Telecommunications towers, subsections 160, 161,162,163, and 164 of Article VIII.  
(Amended 09/04/02)
10. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
11. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)
12. Child day care home Type "A" subject to subsections 102,105,117,132,136,137,152, 168,169,170,171, (Added 04/27/17)
13. Group Home subject to Subsection 102,105,117,132,136,137,152,168,169,170,172.

### SECTION 404.3 LOT REQUIREMENTS

#### A. Minimum Lot Area

##### 1. Single-family dwelling:

Twenty thousand (20,000) square feet without centralized sewer. Twelve thousand (12,000) square feet with centralized sewer. (Amended 05/10/95)

##### 2. Two-family dwelling:

Thirty thousand (30,000) square feet without centralized sewer. Fifteen thousand (15,000) square feet with centralized sewer. (Amended 05/10/95)

##### 3. Minimum Lot Frontage - Fifty (50) feet. (Amended 10/2/03)

##### 4. A lot that fronts on a cul-de-sac must have at least Seventy-Five (75) feet of frontage. However, where only a portion of the lot fronts on a cul-de-sac, the frontage must be at least Fifty (50) feet. (Amended 10/02/03)

#### B. Minimum Lot Width at Building Line

##### 1. Single-family dwelling:

One hundred (100) feet without centralized sewer. Eighty (80) feet, with centralized sewer. (Amended 05/10/95)

##### 2. Two-family dwelling:

One hundred twenty (120) feet, without centralized sewer. Ninety (90) feet with centralized sewer. (Amended 05/10/95)

### SECTION 404.4 YARD REQUIREMENTS

#### A. Minimum Front Yard Depth - Fifty (50) feet.

#### B. Minimum Rear Yard Depth - Fifty (50) feet.

#### C. Minimum Side Yard Width - Ten (10) feet.

#### D. Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 149.

#### E. Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 151.

### SECTION 404.5 MINIMUM BUILDING SIZE

Minimum first floor area - 1200 square feet living area.

### SECTION 404.6 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

## Article IV

### SECTION 405 R-3 MEDIUM DENSITY URBAN RESIDENTIAL DISTRICT

#### SECTION 405.1 PURPOSE

The purpose of this district is to encourage a relatively high density residential development in areas generally adjacent to the built-up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities. The development is to consist of single family, two family, and limited multifamily dwellings not exceeding a density of eight (8) dwelling units per net acre, and only in areas served with centralized sewer and water facilities.

#### SECTION 405.2 USES

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

##### A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Public and parochial schools.
4. Church and other buildings for the purpose of religious worship.
5. Accessory buildings incidental to the principal use that do not include any activity conducted as a business.
6. Signs as permitted and regulated in Article V.
7. Off-street parking as permitted and regulated in Article VI.
8. Licensed Family Home (for the developmentally disabled ORC 5123.19). (Amended 01/29/88)
9. 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. (Amended 06/26/03)
10. Child care home Type "B" (Added 04/25/17)

##### B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Cemetery subject to Subsections 103, 107, 129.
2. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A. - Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 109, 111, 117, 137.
3. Multifamily dwellings of the row house, town house, and garden apartment types, subject to Subsections 105, 109, 111, 122, 138, 139, 140, 141.
4. Institutions for human medical care -- hospitals, clinics, sanitariums, convalescent homes, nursing homes, day care centers, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 107, 109, 111, 117, 146. (Amended 01/08/92)
5. Institutions for higher education subject to Subsections 102, 103, 104, 105, 107, 111, 146.
6. Home occupation subject to Subsection 119, 132. (Amended 02/27/97)
7. Group dwellings subject to Subsection 122.
8. Mobile homes as a singular residence subject to Subsection 148.
9. Private-owned schools, subject to Subsection 132. (Amended 02/27/97)
10. Licensed Group Home (for the developmentally disabled), subject to Subsections 109, 111, 136, 137, 140, 152, 153, 154, 155, 156. (Amended 01/29/88)
11. Telecommunications towers, subsections 160, 161, 162, 163, and 164. (Amended 09/04/02)
12. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
13. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)
14. Child day care home Type "A" subject to subsections, 105, 117, 132, 136, 137, 152, 169, 170, 171, (Added 04/27/17)
15. Group Home subject to Subsection 102, 105, 117, 132, 136, 137, 152, 168, 169, 170, 172.

## SECTION 405.3 LOT REQUIREMENTS

### A. Minimum Lot Area

1. Single--family dwelling - twelve thousand (12,000) square feet. (Amended 01/08/92)
2. Two-family dwelling - Fifteen thousand (15,000) square feet. (Amended 01/08/92)



3. Multi-family dwelling - Eighteen thousand (18,000) square feet, plus five thousand (5,000) square feet for each dwelling unit over three (3).
  4. Or, as an option, the applicant may apply for a variable lot size development subject to the requirements of Subsection 150.
  5. Minimum Lot Frontage - Fifty (50) feet. (Amended 10/02/03)
  6. A lot that fronts on a cul-de-sac must have at least Seventy-Five (75) feet of frontage. However, where only a portion of the lot fronts on a cul-de-sac, the frontage must be at least Fifty (50) feet. (Amended 10/02/03)
- B. Minimum Lot Width at Building Line
1. Single-family dwelling - Eighty (80) feet. (Amended 01/08/92)
  2. Two-family dwelling - Ninety (90) feet.
  3. Multifamily dwelling - One hundred (100) feet.
- C. Minimum Lot Frontage - Fifty (50) feet. (Amended 01/08/92)
- D. Minimum Usable Open Space - At least thirty (30) percent of the actual lot area shall be devoted to usable open space.
- E. Maximum Lot Coverage - Twenty-five (25) percent.

SECTION 405.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Thirty-five (35) feet.
- B. Minimum Rear Yard Depth - Thirty (30) feet.
- C. Minimum Side Yard Width - Eight (8) feet.
- D. Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 149.
- E. Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 151.

SECTION 405.5 MINIMUM BUILDING SIZE

- A. Minimum first floor area - 1200 square feet living area.

SECTION 405.6 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

## Article IV

### SECTION 406 R-4 MULTI-FAMILY URBAN RESIDENTIAL DISTRICT

#### SECTION 406.1 PURPOSE

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

#### SECTION 406.2 USES

Within an R-4 Multifamily Urban Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

##### A. Permitted Uses

1. Single-family dwellings.
2. Two-family dwellings.
3. Multifamily dwellings of the duplex, town house, row house, and garden apartment type, subject to the site plan requirements of Section 406.7.
4. Public and parochial schools.
5. Churches and other buildings for religious worship.
6. Accessory buildings incidental to the principal use that do not include any activity conducted as a business.
7. Signs as permitted and regulated in Article V.
8. Off-street parking as permitted and regulated in Article VI.
9. Licensed Family Home (for the developmentally disabled ORC 5123.19).  
(Amended 01/29/88)
10. 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.  
(Amended 06/26/03)
11. Child care home Type "B" (Added 04/27/17)

## B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Cemetery subject to Subsections 103, 107, 129.
2. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A.Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 109, 111, 117, 137.
3. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for the aged, and philanthropic institutions subject to Subsections 102, 103, 105, 107, 109, 111, 117, 146.
4. Temporary buildings for uses incidental to construction work subject to Subsections 117, 124.
5. Rooming house and boarding house accommodations subject to Subsections 111, 117.
6. Institutions for higher education subject to Subsections 102, 103, 104, 105, 107, 111, 146.
7. Home occupations subject to Subsection 119, 132. (Amended 02/27/97)
8. Group dwellings subject to Subsection 122.
9. Mobile homes as singular residences subject to Subsection 148.
10. Private-owned schools, subject to Subsection 132. (Amended 02/27/97)
11. Licensed Group Home (for the developmentally disabled), subject to Subsections 109, 111, 136, 137, 140, 152, 153, 154, 155, 156. (Amended 01/29/88) ORC 5123.19
12. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
13. Structure Mounted Wind Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)
14. Child day care home Type "A" subject to subsections 102,105,117,132,136,137,152, 168,169,170,171, (Added 04/27/17)
15. Group Home subject to Subsection 102,105,117,132,136,137,152,168,169,170,172.

## SECTION 406.3 LOT REQUIREMENTS

### A. Minimum Lot Area

1. Single-family dwelling - Twelve Thousand (12,000) square feet. (Amended 01/08/92)
2. Two-family dwelling - Eighteen thousand (18,000) square feet plus three thousand (3,000) square feet for each dwelling unit over three (3). (Amended 01/08/92)
3. Multifamily dwelling - Eighteen thousand (18,000) square feet plus three thousand (3,000) square feet for each dwelling unit over three (3). (Amended 01/08/92)
4. Or, as an option, the applicant may apply for a variable lot size development subject to the requirements of Subsection 150. (Amended 01/08/92)
5. Minimum Lot Frontage - Fifty (50) feet. (Amended 10/02/03)
6. A lot that fronts on a cul-de-sac must have at least Seventy-Five (75) feet of frontage. However, where only a portion of the lot fronts on a cul-de-sac, the frontage must be at least Fifty (50) feet. (Amended 10/02/03)

### B. Minimum Lot Width at Building Line

1. Single-family dwelling - Eighty (80) feet. (Amended 01/08/92)
2. Two-family dwelling - Ninety (90) feet. (Amended 01/08/92)
3. Multifamily dwelling - One hundred (100) feet.

### C. Minimum Lot Frontage - Fifty (50) feet. (Amended 01/08/92)

### D. Minimum Usable Open Space - At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.

### E. Maximum Lot Coverage

1. Twenty-five (25) percent.
2. Parking buildings (garages, carports) when having no part of the buildings used for residence purposes, shall be considered as equal to one-half of its area as part of lot coverage.

## SECTION 406.4 YARD REQUIREMENTS

- A. Front Yard Depth - Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
- B. Minimum Rear Yard Depth - Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.

C. Minimum Side Yard Width

1. Single-family dwelling - Six (6) feet.
2. Two-family dwelling - Ten (10) feet.
3. Multi-family dwelling - Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.

SECTION 406.5 MINIMUM FLOOR AREA PER DWELLING UNIT SQUARE FEET

- A. Efficiency apartment - 550 sq. ft. per unit. 1 bedroom - 700 sq. ft. per unit. 2 bedroom - 800 sq. ft. per unit. 3 bedroom - 900 sq. ft. per unit.

SECTION 406.6 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

SECTION 406.7 SITE PLAN REQUIREMENTS

A. Review of Site Plan

All multifamily uses permitted under Section 406.2 shall be permitted only after the review and approval of the site plans by the Board of Appeals and upon finding by the Board of Appeals that:

1. The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
2. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
3. The site plan includes adequate provision for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
4. Grading and surface drainage provisions are reviewed and approved by the County Engineer.
5. The design and construction standards of all private streets, driveways, and parking areas are to be built following approval of plans by the County Engineer according to construction standards specified in the Stark County Subdivision Regulations. The proposed development must conform to all applicable provisions of the Subdivision Regulations.
6. Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.

7. The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
8. Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
9. T.V. antenna shall be centralized.
10. On-site circulation shall be designed to make possible adequate fire and police protection.
11. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands, and walkways. No parking or service areas shall be permitted between any street and the main building.
12. Paved off-street parking and service areas shall be required; parking spaces shall contain at least two hundred (200) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; and 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 drive of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.

B. Conformance with Site Plan

1. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan.
2. A performance bond or other financial guarantee of 100 percent of the development cost shall be placed with the Township Trustees to ensure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans.

SECTION 406.8 OFF-STREET PARKING AND LOADING

As regulated by Article VI.

## Article IV

### SECTION 408 R-6 PLANNED UNIT DEVELOPMENT DISTRICT

#### SECTION 408.1 PURPOSE

The Planned Unit Development District (PUD) is established to provide for progressive and innovative planning and development of land and construction thereon to achieve one or more of the following objectives:

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

#### SECTION 408.2 PROCEDURE FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT

Because of the special characteristics of a Planned Unit Development, an application for a zone change shall be accompanied by a site development plan, drawn to a reasonable scale, which shall show the following information as a minimum. The zoning of each district to a Planned Unit Development district shall be in general conformance with the site development plan as approved by the Trustees in accordance with the Ohio Revised Code, Section 519.12. A Planned Unit Development district shall also require approval, where applicable, by the Stark County Regional Planning Commission as authorized by the Stark County Subdivision Regulations.

Actual development of the PUD can be accomplished by submission of one (1) or more final plans to the Lawrence Township Zoning Commission, each containing not less than ten (10) acres and which shall conform to a total minimum and maximum percentage as required in this section. (Amended 05/11/06)

#### A. Site Plan Information

1. Names, addresses, and telephone numbers of applicant, owners of all property included in the development, registered surveyor, engineer, and/or urban planner assisting in the preparation of the Planned Unit Development Plan.

2. The boundaries of the proposed PUD and total acreage included.
3. Topographic information such as is available from the Stark County Engineer's office.
4. Existing and proposed street system, street widths, and indicating those streets proposed to be public and/or private.
5. The areas proposed to be used for single-family dwellings, two-family dwellings, multifamily dwellings, business uses, location of proposed parking spaces, and number of dwellings by type.
6. The proposed density by dwelling units per acre.
7. The areas proposed for open space and recreational uses and descriptive data as to the methods to be employed to preserve and maintain the open space.
8. Description and location of water and sewer facilities and feasibility of extension into the development.
9. Existing land uses within three hundred (300) feet of the proposed Planned Unit Development.

### SECTION 408.3 SPECIAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

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

#### A. Minimum Project Area

A PUD shall cover a gross area of not less than ten (10) contiguous acres of land that shall not be divided into parts by any state or federal limited access highway, by any large areas of land not included in the proposed development, or by any railroad rights-of-way.

#### B. Project Ownership

The land included in the PUD may be owned, leased, or controlled either by a single person or entity or by a group of individuals or entities. Such ownership may be by a public or private entity.

#### C. Provisions for Future Maintenance of Open Space Land

The required amount of open space land reserved under a Planned Unit Development for the use of residents shall require establishment of a Homeowners Association or be held in such corporate ownership by owners of the project area. Such procedure must be legally initiated before any construction or sale of property can proceed.



The responsibility for maintenance of open space shall be specified by the developer and approved by the Trustees before final approval of the development. Landscaping shall be sufficient to provide a park-like environment and to reduce the harshness of a bare structure and streets. Planting shall be of a kind and size to assure an immediate atmosphere and permanent survival.

D. Central sanitary sewer facilities shall be required for any PUD

E. Minimum Percentages of Uses Required

1. Thirty (30) percent of the total land area must be devoted to usable open space and recreational facilities for the use of all the residents of the area being developed.
2. A minimum of twenty (20) percent of all units shall consist of single-family detached dwellings. The remaining units may consist of any combination of two-family and multifamily dwelling units. Single-family detached units shall be placed in proximity to the existing single-family residential areas to act as a buffer from the multifamily dwellings. In areas where multifamily units are proposed, there shall be no more than twelve (12) units in any contiguous group or building. Single family not required where no single-family zoning currently is adjacent to proposed PUD on all sides. If single family abuts one side only then the required minimum single family can be reduced to ten (10) percent.
3. No more than five (5) percent of the total area shall be devoted to accessory uses of businesses. Such businesses shall be located on one portion of the tract and shall be constructed in accordance with the approved plan. This provision only applies to a PUD of twenty (20) acres or more. Only the following businesses shall be permitted:
  - a. Retail or service establishments, such as a grocery, drugstore, shoe repair shop, hardware store, beauty or barber shop, cleaning and laundry pickup station.
  - b. Business or professional offices.
  - c. Restaurant, cafe, bar, soda fountain.

F. Maximum Density and Minimum Lot Requirements

1. The maximum overall housing density of a PUD shall not exceed eleven (11) dwelling units per acre of land excluding land required for open space. (Example, 10 acres x 30% for open space leaves 7 acres. 7 acres x 11 DU/acres - 77 total units.)
2. Setbacks may be varied for better use of the natural contour of the land, a more aesthetically pleasing view of the street, and a departure from street uniformity. An average setback of thirty (30) feet shall be maintained, and no front yard setback shall be less than twenty-five (25) feet.
3. No lot shall have less than twenty (20) feet frontage on a public or private street, and all lots shall be designed to abut on common open space or have access to such common open space via public or private rights-of-way.

4. Minimum distance between buildings - fourteen (14) feet for one and two story plus five (5) feet additional for each story over two.
  5. Rear yards - where buildings are not attached, there shall be a minimum of ten (10) feet required, with each ten (10) feet accountable for three (30) dwellings.
  6. Perimeter yards - all buildings on the perimeter of the PUD or being developed along previously dedicated roads shall have a minimum setback of thirty (30) feet.
- G. Minimum Floor Space per Dwelling Unit - Six hundred (600) square feet, exclusive of patios, carports, garages, covered porches, for one-bedroom unit and seven hundred twenty (720) feet for two-bedroom units or more.
- H. Maximum Height Requirement for Buildings in a PUD District - four (4) stories and not to exceed fifty-six (56) feet in height.
- I. Parking Requirements - All permitted uses in a PUD shall be required to meet the parking requirements in Article VI of these regulations. Parking on the street, either public or private, shall be prohibited.
- J. Licensed Group Homes are excluded from being located in a Planned Unit Development (PUD) District.

## Article IV

### SECTION 411 B-1 NEIGHBORHOOD BUSINESS DISTRICT

#### SECTION 411.1 PURPOSE

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

SECTION 411.2 MAXIMUM BUILDING DIMENSIONS - No structure shall exceed thirty-five (35) feet in height nor have a foundation size greater than 5000 square feet per building.  
(Amendment LAW-02-2008)

#### SECTION 411.3 LOT REQUIREMENTS

- A. Minimum Lot Area - None
- B. Minimum Lot Width at Building Line - None
- C. Minimum Lot Frontage - None

#### SECTION 411.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Fifty feet (50)
- B. Minimum Side Yard Width - Fifty feet (50) when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum Rear Yard Depth - Twenty-five (25) feet

SECTION 411.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VI hereof.

#### SECTION 411.7 USES

Within a B-1 Neighborhood Business District, no building, structure or premises shall be used, arranged to be used, or designed to be used except as described below. All outside storage shall be enclosed within a fence such that stored materials are not in the line of sight. (Amendment LAW-02-2008)

##### A. Permitted Uses (Amendment LAW-02-2008)

1. Retail and Wholesale Sales in Completely Enclosed Structures
2. Personal Services in Completely Enclosed Structures
3. Restaurants without Drive-Thru Facilities

4. Financial Institutions without Drive-Thru Facilities
5. Cultural, Educational, and Religious Facilities
6. Public Buildings
7. Child Day Care Centers (Amended LAW-01-2017)
8. Bed & Breakfast Facilities
9. Accessory buildings clearly incidental to the principal uses permitted that do not include any activity conducted as a business.
10. Signs - As regulated by Article V hereof.
11. Agricultural Products & Supplies Sales

**B. Conditionally Permitted Uses (Amendment LAW-02-2008)**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Financial Institutions with Drive-Thru Facilities
2. Funeral home. (Amended 5/13/92)
3. Restaurants with Drive-Thru Facilities
4. Churches
5. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/2012)
6. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/2012)

## Article IV

### SECTION 412 B-2 SUBURBAN OFFICE AND LIMITED BUSINESS DISTRICT

#### SECTION 412.1 PURPOSE

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

#### SECTION 412.2 USES

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

A. Permitted Uses (LAW-03-2008)

1. Professional Offices
2. Medical and Dental Offices
3. Radio and Television Broadcasting Station, not including transmission tower
4. Accessory buildings clearly incidental to the principal uses permitted that do not include any activity conducted as a business.
5. Child Day Care Centers (Amended LAW-01-2017)

B. Conditionally Permitted Uses (LAW-03-2008)

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Stand-alone automatic teller machines (ATM), subject to Article VIII, Subsection 102)
2. Planned Integrated Commercial Developments excluding any type of casino or gambling facility (Subject to Article VIII, Sub-Section 130)
3. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/2012)
4. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/2012)

SECTION 412.3 LOT REQUIREMENTS

- A. Minimum Lot Area – One-Half Acre
- B. Minimum Lot Width at Building Line – 100 Feet
- C. Minimum Lot Frontage – 100 Feet

SECTION 412.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Fifty feet (50)
- B. Minimum Side Yard Width - Fifty feet (50) when adjacent to a residential district and on the side adjacent to the residential district only; otherwise, the minimum side yard width shall be twenty-five (25) feet.
- C. Minimum Rear Yard Depth - Twenty-five feet (50)

SECTION 412.5 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet in height (Amended 01/08/92)

SECTION 412.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VI.

## Article IV

### SECTION 413 B-3 COMMUNITY BUSINESS DISTRICT

#### SECTION 413.1 PURPOSE

The purpose of this district is to provide for a variety of retail and service establishments that serve a community sized and larger trading area population. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood business district.

#### SECTION 413.2 USES

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

##### A. Permitted Uses (LAW-03-2008)

All the following permitted businesses, services, or processing shall be conducted wholly within a completely enclosed building:

01. All uses permitted in the B-1 and B-2 Districts.
02. Retail and Wholesale in completely enclosed buildings, greater than 5000 sq. ft.
03. Personal Services in completely enclosed buildings, greater than 5000 sq. ft.
04. Auto, Truck, Trailer, and Farm Equipment, both new and used sales, service, or storage facilities, including repair facilities and fueling station.
05. Restaurant
06. Funeral Home
07. Off street public parking lot & garage
08. Hotel, Motel, Tourist Home
09. In-door and Out-Door Recreational Facility
10. Meeting or Banquet Hall
11. Passenger-transportation agency and terminal.
12. Cultural education, recreational, or religious facility, maintained by government, religious institution, or nonprofit organization.
13. Car wash subject to off-street parking requirements of Article VI, Section 601.1, q.
14. Radio and television broadcasting station.
15. Off-street public parking lot and garage.
16. Hospital
17. Accessory uses clearly incidental to the uses permitted on the same premises.
18. The following use when conducted not closer than within fifty feet (50') of any Residential District.
  - a. Carpenter, cabinet, upholstery, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting, and other similar establishments.
  - b. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops.

c. Truck or transfer terminal.

19. Mini-storage or mini-warehouse facilities. (Amended 1/8/92)

20. Internet Sweepstakes and/or Skill Games location, business or site. (Added 01/10/15)

B. Conditionally Permitted Uses (LAW-03-2008)

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Planned Integrated Commercial Developments excluding any type of casino or gambling facility (Subject to Article VIII, Sub-Section 130)
2. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
3. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)

SECTION 413.3 LOT REQUIREMENTS

- A. Minimum Lot Area - None.
- B. Minimum Lot Width at Building Line - None.
- C. Minimum Lot Frontage - None.

SECTION 413.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Fifty feet (50).
- B. Minimum Rear Yard Depth - Twenty-five (25) feet.
- C. Minimum Side Yard Width - Fifty feet (50) when adjacent to a residential district and on the side adjacent to the residential district only.

SECTION 413.5 MAXIMUM BUILDING HEIGHT - None

SECTION 413.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VI



SECTION 413.7 OUTDOOR DISPLAY AREAS

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

SECTION 413.8 STORAGE OF MANUFACTURED PRODUCTS

May be stored out-of-doors except that no such storage area shall be within Fifty feet (50) of any residential district. Storage areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such storage area; such landscaped buffer shall be maintained in a neat and orderly fashion. (Amended 08/13/87)

## Article IV

### SECTION 421 I-1 RESTRICTED INDUSTRIAL DISTRICT

#### SECTION 421.1 PURPOSE

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities and research institutions that are office-like in appearance and service requirements.

#### SECTION 421.2 USES

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

##### A. Permitted Uses

1. Administrative, executive, financial, professional, accounting, clerical, drafting, and other similar offices.
2. Experimental testing, and research facilities, providing such testing or experimentation creates no hazard or common law nuisance beyond the confines of the building.
3. Motor freight garage, truck or transfer terminal, office warehousing and storage.
4. Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
5. The manufacture, compounding, processing, assembling, and packaging of such products as:

Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries, and other food products, except when such operation would create a hazard or common law nuisance beyond the confines of the building.

Electrical and electric appliances, instruments and devices, television sets, radios, phonographs and household appliances.

Musical instruments, toys, novelties, and other similar small rubber, plastic, or metal products.

Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.

Professional, scientific and controlling instruments; clerical and office equipment, and similar products.

6. Printing, publishing and allied industries.
7. Accessory buildings and uses incidental to the principal uses and which do not include any activity conducted as a separate business.
8. Recycling Transfer Facility. (Amended 01/08/92)
9. Internet Sweepstakes and/or Skill Games location, business or site. (Amended 08/17/15)

#### B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Strip mining, sand, gravel and clay extraction, soil and peat moss removal, subject to Subsections 105, 112, 113, 115, 116, 117 120.
2. Temporary buildings for uses incidental to construction work subject to Subsection 124. (Amended 01/08/92)
3. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
4. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)

#### SECTION 421.3 LOT REQUIREMENTS

- A. Minimum Lot Area - One (1) acre. (Amended 01/08/92)
- B. Minimum Lot Width - One hundred (100) feet.
- C. Minimum Lot Frontage - Eighty feet (80).

#### SECTION 421.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - One hundred (100) feet
- B. Minimum Rear Yard Depth - Twenty-five (25) feet except where the rear yard is adjacent to an "R" District or backs onto a major thoroughfare, in which case a minimum of seventy-five (75) feet shall be required.
- C. Minimum Side Yard Width - Fifteen (15) feet except where the side yard is adjacent to an "R" District or a major thoroughfare, in which case a minimum of seventy-five (75) feet shall be required.

SECTION 421.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet.

SECTION 421.6 PARKING AND LOADING REQUIREMENTS - As regulated in Article VI hereof.

SECTION 421.7 SIGNS - As permitted and regulated in

## Article IV

### SECTION 422 I-2 INDUSTRIAL DISTRICT

#### SECTION 422.1 PURPOSE

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses. (Amended 01/08/92)

#### SECTION 422.2 USES

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

##### A. Permitted Uses

1. Off-street public parking lot and garage.
2. Plant greenhouse.
3. Warehousing.
4. Wholesale establishments.
5. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:
  - a. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products. (Amended 01/08/92)
  - b. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, previous or semi-precious metals or stones, metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood (where saw and planing mills are employed within a completely enclosed building), yarns.
  - c. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
  - d. Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber or plastic products. (Amended 01/08/92)
  - e. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, household appliances, electronic and audio and video equipment, business, office and entertainment supplies. (Amended 01/08/92)

- f. Electric and neon signs, billboards, and other commercial advertising structures.
- g. Laboratories and processing - experimental, film, or testing provided no operation shall be conducted or equipment used which would create hazards, noxious, or offensive conditions.

In the interests of the community and other industries within the District, the Zoning Inspector shall in regard to an industrial operation whose effects on adjacent premises are not readily known, refrain from issuing a Zoning Certificate and shall refer the request to the Board of Zoning Appeals for an interpretation of whether or not the industrial use is a permitted use under the requirements of this Section. The Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

- 6. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen (15) percent.
  - a. Building materials, sales yard, and lumber yard including mill work when within a completely enclosed building.
  - b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - c. Carpenter, cabinet, upholstery, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting, and other similar establishments.
  - d. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
  - e. Ice manufacturing and cold storage plant, dairy products and bottling plant.  
(Amended 01/08/92)
  - f. Laundry, cleaning, and dyeing plant.
  - g. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body, radiator, motor tune-ups, muffler shops, tire repairing, sales, and service including vulcanizing. (Amended 01/08/92)
  - h. Stone or monument works not employing power tools; or if employing such tools then within a completely enclosed building.
  - i. Veterinarian hospital or clinic.
  - j. Cheese processing plant where waste materials are properly disposed of according to health regulations.
- 7. Public utility rights-of-way and pertinent structures.

8. Accessory uses clearly incidental to the uses permitted on the same premises.
9. Signs - as regulated by Article V hereof.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of Article VIII, Section 802, referred to below:

1. Any manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products, provided said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat, subject to Subsections 126, 143.
2. Sanitary landfill site, subject to Subsections 103, 104, 116, 132, 144, 146, 147.
3. Junk yards, scrap yards, subject to Subsections 104, 110, 116, 132, 145, 147.
4. Temporary buildings for uses incidental to construction work subject to Subsection 124.
5. Strip or open pit mining, soil removal, or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to Subsections 105, 112, 113, 1125, 116, 117, 120.
6. Sexually Oriented Use or Business subject to Subsections: 101, 102, 103, 104, 105, 107, 109, 110, 111, 117, 118, 123, 124, 125, 132, 136, 137, 138-i, 139, 140, 159. (Amended 08/18/94)
7. Free Standing Wind Energy Conversion System (FWECS) Subject to subsections 165 and 167 of Article VIII. (Added 09/06/12)
8. Structure Mounted Wing Energy Conversion System (SMWECS) subject to subsections 166 and 167 of Article VIII. (Added 09/06/12)

SECTION 422.3 LOT REQUIREMENTS

- A. Minimum Lot Area - One-half (1/2) acre.
- B. Minimum Lot Width - One hundred (100) feet.
- C. Minimum Lot Frontage - One hundred (100) feet.

SECTION 422.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Fifty (50) feet, except as otherwise required in Section 422.4 (D).

- B. Minimum Rear Yard Depth - Twenty-five (25) feet except as otherwise required in Section 422.2 above and in Section 422.4 (D).
- C. Minimum Side Yard Width - Fifteen (15) feet, except as otherwise required in Section 422.2 above and in Section 422.4 (D).
- D. Yards Adjoining Any Residential District

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

SECTION 422.5 MAXIMUM BUILDING HEIGHT - Fifty feet, except as provided otherwise in Article III hereof.

SECTION 422.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VI hereof.



## Article V

### SECTION 501 SIGN REGULATIONS

#### SECTION 501.1

#### PURPOSE

The purpose of this article is to provide for the use, location, and size of signs.

#### SECTION 501.2

#### GENERAL REQUIREMENTS

- A. Signs shall not project over or obstruct the required windows or doors of any building, or attach to or obstruct a fire escape.
- B. Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street intersections, or signals at railroad grade crossings. Signs shall not be located closer than one (1) foot from any street right-of-way or in any way impair the vision of traffic entering or exiting the property or any adjacent properties.
- C. Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", etc., or otherwise resemble highway traffic or directional signals.
- D. No sign shall be located within any public right-of-way.
- E. Signs and billboards that are illuminated shall use indirect lighting only. The source of light shall not be visible from the street, and no flashing, revolving, or intermittent illumination shall be employed.
- F. Signs must be maintained and repaired to the satisfaction of the Zoning Inspector.
- G. Failure to comply with these regulations will cause repeal of the zoning certificate and removal of the sign.
- H. Regulations apply to all signs whether permanent or temporary. (Amended 01/08/92)
- I. Temporary Signs advertising products or services sold on the premises upon which the sign is located, or public announcement signs, shall meet the following requirements:
  - 1. No more than two (2) temporary sign permits shall be issued for any one property within six (6) months.
  - 2. No more than one (1) temporary sign permit shall be issued for a specific property at one time.
  - 3. No such temporary sign shall exceed 40 sq. ft. of surface area per side.
  - 4. Such signs may be displayed for up to 30 consecutive days commencing with issuance of the permit. Such signs shall be removed from the property by the next day after the permit expires.
- J. Measurement of Sign Area

1. The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.
2. The surface area of a double-faced, back-to-back sign constructed in the form of a "v" shall be calculated by using the area of only one 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.
3. Where a sign consists of individual letters, elements or symbols, the measurement area shall consist of the area beginning at the first letter,

### SECTION 501.3 SIGNS PROHIBITED IN ALL DISTRICTS

The following signs are prohibited in Lawrence township:

- A. Signs containing an arrow or words such as "stop", "go", "slow", etc., or otherwise resembling highway traffic or directional signals.
- B. All signs attached to public benches, streetlights, or street sign posts
- C. Signs attached to fences, trees, utility poles or the like.
- D. Signs placed on motor vehicles, trucks, or trailers which are parked or located for the primary purpose of displaying said sign
- E. Rooftop signs
- F. Any sign not specifically authorized by these regulations

### SECTION 501.4 SIGNS PERMITTED IN ANY DISTRICT BUT NOT REQUIRING A ZONING CERTIFICATE

- A. Directional signs: such signs, ground or wall, shall not contain any advertising material, shall be located on the premises of the business for which the sign is used to direct traffic to and from, and are limited to the name of the business or establishment on said premises. Directional ground signs shall not be higher than five (5) feet from the ground to the bottom of the sign and no more than five (5) feet in width. Directional signs shall not exceed fifteen (15) square feet in size.
- B. One nameplate of two (2) square feet or less per occupancy. Such nameplates are limited to name and street address only and shall not contain any advertisement.
- C. Public signs or notices or any sign relating to an emergency.
- D. Signs posted on private property relating to no hunting, private parking, no dumping, or warning the public against trespassing or danger from animals or other elements.

- E. Temporary signs (not exceeding fifteen (15) square feet)
  - 1. Real Estate "For Sale"
  - 2. Auction
  - 3. Construction Project (Shall be removed upon completion of the project).
  - 4. Political (Shall be erected no more than 60 days prior to election day and removed no more than 5 days after election day)
  - 5. Agricultural product information such as chemicals or sprays for produce grown on the premises
  - 6. One unlighted sign in conjunction with a roadside stand which shall be used to advertise agricultural products produced on the premises. Such signs shall be removed at the conclusion of the seasonal sales.
  
- F. Banners – The intent is for the use of community wide civic organizations serving a public purpose or service such as non-commercial clubs, recreational, and neighborhood associations, cultural activities, churches, schools, fire and police departments. The banner shall be displayed no more than 30 days.

**SECTION 501.5 SIGNS PERMITTED IN ANY DISTRICT BUT REQUIRING A ZONING CERTIFICATE**

- A. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such temporary sign is located. Such sign shall not exceed eighty (80) sq. ft. in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way. Such sign permits shall be renewed for each six (6) months of use.
  
- B. Temporary Signs advertising products or services sold on the premises upon which the sign is located. No such temporary sign shall exceed 40 sq. ft. of surface area per side.
  
- C. One permanent unlighted real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed.
  
- D. One unlighted nameplate not more than two (2) square feet in area announcing the name and occupation shall be permitted for a "home occupation".
  
- E. One unlighted nameplate not more than three (3) square feet in area shall be permitted for a licensed group home for the developmentally disabled. (Amended 01/29/88)
  
- F. Signs incidental to the legal process and necessary to the public safety and welfare.
  
- G. A church, school, community center, or other public institution may have for its own use; one permanent announcement sign or bulletin board not to exceed 32 sq. ft.

**SECTION 501.6 SIGNS PERMITTED IN ALL "B" DISTRICTS BUT REQUIRING A ZONING CERTIFICATE**

All signs permitted in "R" districts are also permitted in "B" districts. These signs shall be located no closer than twenty-five (25) feet to any lot located in an "R" District.

- A. Signs appropriate to a public or quasi-public building for purpose of displaying the name and activities or services therein. Such sign shall not exceed twenty (20) square feet in area and shall be restricted to the premises.
- B. One exterior business sign may be erected which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises. Such sign may be affixed flat against the wall of buildings or may project, there from, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projecting signs shall not be over twelve (12) feet in height and in no case shall exceed the height regulations nor shall exceed fifty (50) square feet in area.
- C. One pole-type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not have an area of more than twenty (20) square feet. Such sign shall not be over twenty-five (25) feet in height.
- D. One pole-type high-rise sign which advertises a retail business or service conducted on the premises in the B-3 Community Business District may be permitted for each motorist service establishment provided such sign shall have an area not greater than one hundred sixty (160) square feet per side.

**SECTION 501.7 SIGNS PERMITTED IN ALL "I" DISTRICTS BUT REQUIRING A ZONING CERTIFICATE**

All signs permitted in "R" districts or "B" districts are also permitted in "I" districts. These signs shall be located no closer than twenty-five (25) feet to any lot located in any "R" District.

- A. One exterior sign may be erected which advertises an industrial activity conducted upon the premises and/or advertise products, merchandise, or commodities produced on the premises. Such sign may be affixed flat against the wall of buildings or may project, there from, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projected signs shall not be over twelve (12) feet in height and in no case shall exceed the height regulations.
- B. One non-pole type free-standing sign shall be permitted on the premises of a business or industry provided said sign shall not exceed ten (10) feet in overall height, including supports; fifteen (15) feet in length, and one hundred (100) square feet in area per side.
- C. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new industrial park within which such sign is located may be located and maintained upon the issuance of a temporary six (6) months renewable zoning certificate and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed eight (80) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.

**SECTION 501.8 BILLBOARDS AND OUTDOOR ADVERTISING SIGNS**

- A. Billboards and outdoor advertising signs shall be permitted in all "B" and "I" Districts or on land used for agricultural purposes. Such signs shall be located so as to maintain the minimum front yard, side yard, and rear yard as required for buildings located in the same district.

1. Billboards shall not be located closer than fifty (50) feet from any building located upon the same lot or 500 feet from adjacent premises.
2. Billboards shall not exceed a gross area of five hundred and fifty (550) square feet.
3. Billboards shall not be permitted which have blinking, flashing, revolving light, or utilize reflective surfaces, moving, or video displays
4. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of any public parkway, public square or entrance to any park, school, library, church, or similar institution.
5. A Billboard shall not be located closer than one thousand (1000) feet from another billboard.
6. Billboards shall be limited to two (2) per property.

SECTION 501.9            SIGN PERMIT ISSUANCE PROCEDURE

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

- A. A drawing of the sign (except temporary signs) with the dimensions, height, square footage, and type of illumination (if applicable) 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.

SECTION 501.10            ZONING CERTIFICATE FEE FOR SIGNS

(See Section 1001.5)

## Article VI

### SECTION 600 PARKING AND LOADING REQUIREMENTS

#### SECTION 601 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall provide off-street to meet all the parking needs; the edge of such facilities shall be within five hundred (500) feet of the principal permitted use or building. Required parking spaces shall be available for use at all times.

#### SECTION 601.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- A. Auditorium, Stadium, and Similar Uses - One (1) for each four (4) seats based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios - One (1) for each one hundred fifty (150) square feet, or fraction thereof, of floor area, plus one (1) space for each two (2) employees.
- C. Churches and School Auditoriums - One (1) for each three (3) seats in principal auditorium, based on maximum seating capacity.
- D. Clubs and Lodges - One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area of one (1) for each three (3) seating spaces in the assembly room.
- E. Dwelling - Two (2) for each dwelling unit plus one additional for each five dwelling units in multifamily dwellings or developments.
- F. Hospitals - One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- G. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Clinics - Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
- I. Restaurants - One (1) for each two (2) seats.
- J. Retail Stores and Personal Service Shops, etc. - One (1) per each one hundred (100) square feet, or fraction thereof, of floor area.
- K. Indoor Theaters - One (1) for each three (3) seats.
- L. Lodging Houses, Boarding Houses - One (1) for each three (3) guest rooms but not less than two (2) in any case.
- M. Libraries and Museums - One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.

- N. Automobile Repair Garages - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- O. Food Locker - One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- P. Roadside Stand - Two (2) parking spaces.
- Q. Car Washes

- 1. Automatic Car Wash

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

- 2. Semi-Automatic Car Wash

Car washes in which automatic machinery is used to wash the vehicle, but the vehicle provides the power through the production line shall have and maintain on the premises at least eight (8) paved off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least one and one-half (1-1/2) off-street parking spaces per exit lane; and said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or exiting the washing facility.

- 3. Manual Car Wash

Car washes in which vehicles are manually washed and provide their own power through the stall shall have and maintain on the premises at least five (5) paved off-street parking spaces for each parking stall. In addition, said parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.

## SECTION 601.2 GENERAL REGULATIONS

- A. Floor Area - For the purposes of this section "floor area" in offices, merchandise, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, fractions of required floor area over one-half (1/2) shall require one (1) parking space.
- B. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.

- C. Parking Area Design - Such parking areas shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the requirements of the County Engineer. 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. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces; and to prevent bumper over-hang.
- D. Entrances and Exits - Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) access ways abutting on any one (1) street. Such access ways shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have access ways of not less than eight (8) feet.
- E. Yard Restrictions - Off-street parking facilities shall not occupy any part of any required front or side yard in all "F-P" and "R" District areas, but where open may be included as part of a required open space for a rear yard. In all "B" and "I" District areas, open off-street parking facilities may be located in the required front yard provided that at least a twenty (20) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all "B" and "I" District areas, open off-street parking facilities may occupy the required rear yard.
- F. Locating - The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in Subsection "H" below:
- G. Joint Use - Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

Parking spaces already provided to meet off-street parking requirements for business and industrial establishments lying within five hundred (500) feet of a place of public assembly along lines of public access, that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking may be used to meet not more than fifty (50) percent of the total requirements of parking space.

- H. Parking Lots in Residential Districts - The Board of Zoning Appeals may issue a Conditional Zoning Certificate, for parking lots in residential districts subject to Article VI, Article VIII, and the following conditions:
  1. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permissible uses in an adjoining business or industrial district.
  2. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use for which the parking is provided, permitted or conditionally permissible.



3. Such parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on such parking lot.
4. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
5. Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential District.
6. Such parking lot shall be efficiently screened on each side by a fence of acceptable design, wall, or compact hedge. Such fence, wall, or hedge shall be not less than four (4) feet in height and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition.

The planting strip for hedges shall be no less than three (3) feet in width. At least one (1) water outlet shall be provided not more than fifty (50) feet from the lot for maintenance of plant materials. The space between such fence, wall, or hedge and the side lot line of adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

7. The Board of Zoning Appeals may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions, and the use and character of adjacent properties. The Board of Zoning Appeals may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.

## SECTION 602      LOADING AND UNLOADING SPACE REQUIREMENTS

### SECTION 602.1      MINIMUM SPACES REQUIRED

- A. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:
  1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with a least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building.
  2. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
  3. Loading space as required under this section shall be provided as area additional to off street parking spaces as required under Section 701 and shall not be considered as supplying off-street parking space.

SECTION 603 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

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

## Article VII

### SECTION 700 NONCONFORMING USES

#### SECTION 701 PURPOSE

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

#### SECTION 701.1 REGULATIONS

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

##### A. Alterations and Enlargement

A nonconforming building, structure or use existing at the time this resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty-five (25) percent in square foot area, upon application and determination of the board of zoning appeals. (Amended 01/08/92)

##### B. Nonconforming to Nonconforming Use

A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is identical or in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

##### C. Restoration

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 wherein the expense of such work does not exceed sixty (60) percent of the replacement cost of the building or structure at the time such damage occurred.

##### D. Construction Approved Prior to Resolution

Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Resolution or any amendment thereto provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said zoning certificate.

E. Displacement

No nonconforming use shall be extended to displace a conforming use.

F. 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.

G. Unsafe Structures

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

H. Certificate of Nonconforming Use

Within one (1) year of the effective date of this Resolution the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.

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

I. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

**SECTION 701.2 CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE UNDER THIS RESOLUTION**

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

The certificates shall be issued by the Zoning Board of Appeals.

## Article VIII

### SECTION 800 CONDITIONAL ZONING CERTIFICATES

#### SECTION 801 PURPOSE

To provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Resolution.

#### SECTION 801.1 PROCEDURES FOR MAKING APPLICATION

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

##### A. Application Submitted to the Zoning Inspector

Any application for a Conditional Zoning Certificate shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by the payment of a fee, which fee shall not be refundable and which may not be waived. In addition, the Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of 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. Any other additional costs shall be at the expense of the applicant. (Amended 01/08/92)

##### B. Data Required with Application

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their uses, and the acreage or area involved, including that for parking.
3. Complete plans and specifications for all proposed development and construction, and where appropriate, reclamation.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 801.2 below.

##### C. Review by the Board of Zoning Appeals and Zoning Commission

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Resolution. In addition, the Board of Zoning Appeals shall submit each proposed development to the Township Zoning Commission for review and recommendations. The Township Zoning Commission shall return this information in writing to the Board of Zoning Appeals as soon as practicable but in no case beyond the date determined by the following requirements. Such review by the Board of Zoning Appeals shall be

completed and made public within forty-five (45) days of the date of submission and shall be made at a public meeting. (Amended 01/08/92)

D. Hearing

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

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

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution.

F. No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. At the expiration of one (1) year from the date of the original application each reapplication shall be accompanied by a fee of fifty (50) dollars.

G. Termination

The conditional zoning certificate shall become void at the expiration of one (1) year after date of issuance unless the structure, alteration or land use thereof is started. (Amended 1/8/92)

H. Continuation of Existing Uses Conditionally Permissible

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

## SECTION 801.2 BASIS OF DETERMINATION

The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Resolution will be observed.

A. General Standards

The Board of Zoning Appeals shall review the particular facts and

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

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

SECTION 802 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 401.2B, 402.2B 403.2B, 404.2B 405.2B, 406.2B, 407.2B, 408.2B, 411.2B, 412.2B, 413.2B, 421.2B, 422.2B

- 101 All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of vehicular entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 104 There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Elementary school structures should be located on a collector thoroughfare.
- 107 Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 108 Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial districts.
- 109 Such uses shall not require uneconomical extensions of utility services at the expense of the community.

- 110 Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 111 Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 112 No sand, gravel, stone, coal, clay, soil, peat moss, or other natural resources shall be removed or stored or overburden stored within two hundred (200) feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.
- 113 No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- 114 Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- 115 All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding round form so as to appear reasonably natural. All slopes, banks and high walls shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.
- 116 Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 117 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 118 The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 119 Customary home occupations, subject to the requirements of this sub-section as follows:
  1. Handicraft, dressmaking, baking, and operation of a beauty shop. (Amended 1/8/92)
  2. The professional offices of a physician, surgeon, dentist, lawyer, engineer, or other like profession (veterinarian, real estate, insurance, C.P.A.).
    - a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
    - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
    - c. Such use shall be conducted only by persons residing in the dwelling unit.



- d. The use shall not involve the use of more than thirty-three and one-third (33-1/3) percent of the floor area of only one (1) story.
- e. One (1) unlighted name plate not more than three (3) square foot in area announcing the name of home occupation shall be permitted.
- f. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

120 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond of \$2,500 per acre with a minimum bond of \$15,000 to the Township of Lawrence as a guarantee that such work will be done in a satisfactory manner as follows:

- 1. Plans and specifications of proposed reclamation and restoration procedures shall be approved by the Township Trustees prior to the issuance of the permit. The restoration and reclamation procedures shall indicate the methods to be used to comply with Subsections 105, 112, 113, 115, and 117 of this Resolution.
- 2. In the event the applicant must comply with Ohio Revised Code 1513.01-19 as now defined or as may hereafter be amended, said applicant shall then file with the Zoning Inspector a copy of his application with the Division of Reclamation together with the approval of said division.
- 3. Copies of all required reports and procedures as defined in Revised Code 1313.01-19 shall be filed with the Zoning Inspector.
- 4. The requirements of the Ohio Revised Code, if applicable, and the requirements of this Resolution must be met before the required bond shall be returned.
- 5. If the operator fails or refuses to comply with the requirements for reclamation and restoration as stated in Ohio Revised Code 1513.01-19 or as required in Paragraph 1 of Subsection 120, the bond shall be forfeited for liability thereon and collection shall be made by the Township Clerk.

121 Such developments should be located on or immediately adjacent to state highways.

122 Special provisions for group dwellings:

- a. Group dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements, the entire group as a unit requiring one (1) front and rear and two (2) side yards as specified for dwellings in the appropriate district.
- b. Each two (2) or two and one-half (2-1/2) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.

- c. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.
- d. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.
- e. The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
- f. All dwelling structures of the group except those facing a public street shall face upon the court.

123 Such uses shall be permitted under the following conditions:

- a. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
- b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
- c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
- d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

124 Any temporary structures must be indicated as such on-site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.

125 Such uses should be located on a major thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

126 Such uses shall be conducted not closer than one hundred (100) feet from any "R" District. Where the "I" District abuts upon but is separated from an "R" District by a street, the width of the street may be considered as part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, as, fumes, noise, vibration, refuse matters, or water-carried wastes.

127 Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.

128 Site regulations: (Amended 02/08/89)

1. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors from sanitary sewer facilities, garbage collection areas, sanitary dumping stations.
2. Suitable control measures shall be taken whenever dust is a problem or potential problem.
3. There shall be no burning of refuse, garbage, or other waste materials.
4. Access to all structures and campsites shall be designed to make possible adequate fire and police protection.
5. Campgrounds 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 front, side and rear setbacks of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for buffering purposes according to the following specifications:
  - a. The fifty (50) foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screen value.
  - b. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
  - c. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening effect and no visual openings shall exist.
  - d. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible. In no case shall trees be less than five (5) feet in height.
6. No more than four (4) campsites per usable acre exclusive of driveways, structures, recreation areas, swimming pools, lakes or any other land uses will be permitted at any time.

129 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- a. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term "marker" to refer to name of deceased.
- b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
- c. Minimum area required for a cemetery site to be forty (40) acres.
- d. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.

- e. Pavement width of driveways shall be at least twenty (20) feet (ten feet per moving lane).
- f. Drives shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
- g. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Board of Zoning Appeals.
- h. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
- i. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health, the County Sanitary Engineer, and County Engineer, prior to the issuance of a conditional use permit.
- j. Only signs designating entrances, exits, traffic direction and title shall be permitted, and must be approved by the Board of Zoning Appeals.
- k. Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
- l. Provisions shall be made for landscaping throughout the cemetery.
- m. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- n. No grave sites shall be located within fifty (50) feet of the right-of-way lines of any publicly dedicated thoroughfare.
- o. A grave site shall not be within one hundred (100) feet of an existing residence.
- p. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Board of Zoning Appeals, the County Engineer, and the County Board of Health. Guarantees shall be in a form approved of by the Board of Zoning Appeals and may be one of the following:
  - 1. A performance bond in the amount of 100 percent of the development cost for cemeteries. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Board of Zoning Appeals, the County Engineer, and the County Board of Health.
  - 2. Other methods as might be worked out by the Board of Zoning Appeals, Township Trustees, Developers, and their legal advisors.

- 130 An integrated planned commercial development which is a grouping of three (3) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business use permitted for conventional development in the district shall be permitted in integrated planning business developments.
  - b. The minimum setback building line shall be one hundred (100) feet measured from the street right-of-way line.
  - c. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be fifty (50) feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be seventy-five (75) feet on the side(s) abutting the residential zone only.
  - d. All points of entrance and/or exit shall be located no closer than two hundred (200) feet to the intersection of two (2) thoroughfares.
  - e. The minimum site size to be considered for an integrated planned shopping development shall be three (3) acres.
- 131 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- 132 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a one (1) year period only. After a one (1) year period has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector determine that the said use has been and is being operated according to the specifications of the zoning resolution and the previous Conditional Zoning Certificate. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the Conditional Zoning Certificate.
- 133 No campsite shall be occupied by the same occupant or group and/or tent, trailer, or other camping equipment for a period longer than fourteen (14) consecutive days. No cabin, lodge, room, or other rental accommodations shall be occupied by the same occupant or group for a period longer than thirty (30) consecutive days. No permanent or year-round occupancy shall be permitted at any time. (Amended 02/08/89)
- 134 Only retail uses which are customarily accessory or 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 the campers using the park.
- 135 A minimum area of fifty (50) acres shall be required for a use proposed under these regulations.

- 136 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical and other applicable codes.
- 137 All activities, programs, and other events 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.
- 138 The proposed project shall conform to all requirements and/or conditions as the Board of Appeals may deem necessary to meet the following criteria:
- a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
  - b. Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
  - c. The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
  - d. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
  - e. T.V. antenna shall be centralized.
  - f. On-site circulation shall be designed to make possible adequate fire and police protection.
  - g. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands, and walkways. No parking or service areas shall be permitted between any street and the main building.
  - h. Paved off-street parking and service areas shall be required; parking spaces shall contain at least two hundred (200) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; all parking and service areas shall be paved with concrete, asphalt or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
  - i. The property must be served by centralized sewer and water facilities approved by the State and County Health Departments and operated and maintained according to the inspection and rules of the Stark County Health Department and the Stark County Sanitary Engineer's regulations.
- 139 No zoning certificate shall be issued until final site plans have been submitted and approved by the Board of Zoning Appeals. Said site plans shall show the following: drainage (including storm water), and approved by the County Engineer, location of all buildings, fuel

tanks (if any), off-street parking, and service facilities, water supply, sanitation, walks fences, walls, abutting streets. No zoning certificate shall be issued until the approval by the State and County Health Departments has been obtained concerning the proposed sanitary sewerage facilities.

- 140 The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Township Trustees.
- 141 A performance bond or other financial guarantee acceptable to the Township Trustees shall be placed with the Trustees to ensure that the landscaping be installed, that the hard surfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed, all in accordance with the Township Trustees' and Board of Zoning Appeals' approved plans.
- 142 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.
- 143 In the interests of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-2 District, the Board of Zoning Appeals may require any conditions deemed necessary; and in regard to an industrial operation whose effects on adjacent premises, the area, or the community are not readily known, the Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
- 144 All sanitary landfill sites shall be subject to approval by the County and State Health Departments and subject to their requirements governing landfills.
- 145 The scrap or junk yard use shall only be permitted under the following conditions:
  - a. All sites, procedures, and processes shall be subject to the approval of the appropriate County and State agencies; no Conditional Zoning Certificate shall be issued until the necessary County and/or State approval are obtained.
  - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
  - c. Suitable control measures shall be taken whenever dust is a problem or potential problem.
  - d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards or junk yards shall be located no closer than two hundred (200) feet to any "R" District and/or public street right-of-way line, and shall otherwise have front, side, and rear setbacks of at least one hundred fifty (150) feet. At least a fifty (50) foot wide strip in the two hundred (200) foot setback shall be planted for camouflaging purposes according to the following specifications:
    1. The fifty (50) foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screening value.

2. Said trees shall be planted on a staggered pattern with no more than ten (10) feet between trees.
  3. The fifty (50) foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect and no visual openings shall exist.
  4. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
- f. A minimum area of twenty (20) acres shall be required for a use proposed under this category.

146 All structures should be located at least one hundred (100) feet from all property lines.

147 At the time of issuance of a permit a bond in the amount of \$1,500 shall be filed with the township clerk on a form acceptable to the township clerk.

148 A mobile home for residential purposes may be permitted in any residential district by the Board of Zoning Appeals under a conditional use permit subject to the following circumstances only.

- a. For the purpose of providing housing in a mobile home for the members of the family residing in a dwelling already constructed on the lot, and for the following circumstances only.
  1. In case of fire, flood, storm, or any similar act of God which destroys the present dwelling a mobile home may be permitted for a period not to exceed one year.
  2. For the purpose of permitting the members of the family to reside in a mobile home for the duration of sickness or disability and must be substantiated by a doctor's statement of the necessity for care from others.
- b. A permit shall be required for every mobile home and shall be for a period not to exceed one (1) year but may be renewed annually based upon continuing illness, disability, or pre-existing nonconforming use, subject to review by the Board of Zoning Appeals and payment of a fee as set by the Trustees. (Amended 01/08/92)
  1. Before applying to the Board of Zoning Appeals for a mobile home permit, the applicant shall have permission in writing from the Stark County and State Boards of Health stating that all health requirements have been met.
  2. All mobile homes shall have adequate health facilities available, including running water inside the mobile home and toilet facilities connected to an approved sewerage system.
  3. All mobile homes must have a minimum of 500 square feet of floor space except for hardship cases that may have minimum dimension of ten (10) feet in width and thirty (30) feet in length.



- a. Location of the mobile home shall be permitted in the rear yard and directly in back of the permanent residence.
- b. The location of the mobile home must meet all of the existing setback provisions for accessory buildings in the district in which the trailer is to be located.

149 Upon issuance of a permit by the Zoning Inspector stating the desire to use flexible setbacks, the front yard setbacks in a residential subdivision may be varied to allow an average setback of forty (40) feet throughout said subdivision and meeting the following requirements:

- a. The minimum front yard setback allowed will be thirty (30) feet.
- b. The building setbacks of lots adjacent to existing structures must conform to the setback of the existing structures except in the extension of an existing flexible setback subdivision.
- c. The flexible setback option is applicable only to a platted subdivision.
- d. Review of a flexible setback subdivision by the Stark County Regional Planning Commission will include consideration of the flexible setbacks as a condition for approval of the subdivision. Subdivision approval and flexible front yard setback approval may take place concurrently.
- e. Upon approval of the flexible front yard setback, said setback lines will be placed on the subdivision map and filed with the Township Zoning Inspector.
- f. At the time of filing, the approved flexible front yard setback lines will become binding to each lot as they appear on the final Subdivision Map.

150 Upon issuance of a permit by the Zoning Inspector stating the desire to vary individual lot sizes, varying individual lots sizes, varying permitted provided that the overall density requirements of the zoning district or districts within which the project is located is not exceeded. The average net area of all lots within a Variable Lot Size Development shall not be less than the minimum lot size within which the development is located.

a. Minimum lot sizes for variable density development shall be:

- R-1 3,000 sq. ft. with centralized sewer.
- R-2 Single Family 7,500 sq. ft. with centralized sewer. Two-family 12,000 sq. ft. with centralized sewer.
- R-3 Single Family 6,000 sq. ft. with centralized sewer.  
Two-family 10,000 sq. ft. with centralized sewer.  
Multifamily 15,000 sq. ft. plus 3,000 sq. ft. for each dwelling unit over three (3) with centralized sewer. (Amended 08/29/96) (LAW-01-1996)

b. Unless otherwise specified during subdivision review, minimum yard and frontage requirements for each lot in a variable density development may be reduced in proportion to the total reduction in lot size below the standard zoning requirements for the zone in which the lot is located.

c. Each variable lot size development shall consist of a minimum of five (5) acres.

151 Upon issuance of a permit by the Zoning Inspector stating the desire to develop a zero lot line subdivision, a subdivision may be developed eliminating the side yard requirement and permitting residential dwellings to be built on the side yard lot line of each lot in a subdivision provided the following requirements are met:

- a. The zero-lot line option is applicable only to a platted subdivision.
- b. No part of the structure shall project into the adjacent yard.
- c. Each home in the sub-division will be placed as near the right or left lot line as the furthest structural projection will permit. The lot line chosen will be adhered to around an entire block within the subdivision.
- d. Lots adjacent to existing structures are eligible for zero lot line only if the lot line furthest from the existing structure is used. If this is not possible, the side yard restrictions of the zone or zones in which the subdivision is being built must be adhered to for all those lots adjacent to existing structures. This does not apply to the extension of an existing zero lot line subdivision.
- e. Review of a zero-lot line subdivision by the Stark County Regional Planning Commission will include consideration of the zero lot line option as a condition for approval of the subdivision. Subdivision approval and zero lot line approval may take place concurrently.
- f. Upon approval of the zero lot lines, said zero lot lines will be placed on the subdivision map and filed with the Township Zoning Inspector.
- g. At the time of filing, the approved zero lot lines will become binding to each lot as they appear on the final subdivision map.
- h. The entire subdivision must have an agreement of cooperation between property owners granting permission to enter the property adjacent to the zero lot line for safety purposes and performance of necessary maintenance.

152 Sufficient parking and "drop-off and pick-up" areas shall be provided off the public roadway.

153 Minimum Lot and Yard Requirements for a group home shall be the same as listed for "Multifamily Dwellings" in Section 405.3 and 405.4 of these Regulations for an R-3 Medium Density Urban Residential District and in Section 406.3 and 406.4 of these Regulations for the R-4 Multifamily Urban Residential District.

154 No such group homes shall be located within a one-mile radius of another such facility for the developmentally disabled.

155 Such facility shall be designed to be compatible with surrounding land uses and the residential character of the neighborhood.

- 156 One unlighted name plate not more than three (3) square feet shall be permitted for a licensed group home, as regulated by Article V of these regulations.
- 157 All structures and activity areas shall be located at least fifty (50) feet from all property lines. (Amended 09/18/91)
- 158 A minimum of twenty-five (25) acres shall be required for a use proposed under these regulations. (Amended 09/18/91)
- 159 Sexually oriented use shall be permitted under the following conditions:
- a. All windows, doors, openings, entries, etc. shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street or way.
  - b. No such use shall be established within one thousand (1000) feet of any residentially zoned boundary or the property line of a lot devoted to a residential use, nor within one thousand (1000 feet) of any church, school, park, playground, synagogue, convent, or any area where large numbers of minors regularly travel or congregate.
  - c. No such use shall be located within a two thousand (2000) foot radius of another sexually oriented use. (Amended 08/18/91)
- 160 Any person proposing to erect a telecommunications tower shall provide notice to property owners and to the Lawrence Township Board of Trustees as required by Ohio Revised Code §519.211(B)(3) and any amendments thereto. (Amended 09/04/02)
- 161 If the board of township trustees receives written notice from a property owner or an objection by a board member, then pursuant to Ohio Revised Code §519.211 (B)(4)(a) and any amendments thereto, and upon notice to the person proposing to erect a telecommunications tower, the tower shall be subject to Ohio Revised Code §519.02 to 519.25 and any amendments thereto. (Amended 09/04/02)
- 162 All wireless telecommunication towers and facilities shall comply with the following standards and conditions. (Amended 09/04/02)
- a. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property. (Amended 9/04/02)
  - b. In an R-R, R-1, R-2, R-3, R-4, R-5 and R-6 PUD District towers shall be setback 350 feet from any residential dwelling. (Amended 9/04/02)
  - c. The minimum setback of the tower from all property lines shall be the height of the tower plus 50 feet provided that the base of the tower, including any guy wire anchors and required enclosure shall comply with the front yard setback for the district in which it is located. (Amended 9/04/02)
  - d. Towers located as a conditional use shall not exceed a height of 200 feet. (Amended 9/04/02)

- e. 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. (Amended 9/04/02)
- f. 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. (Amended 9/04/02)
- g. 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 for 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). (Amended 9/04/02)
- h. 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 be topped with 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. (Amended 9/04/02)
  - 2. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible. (Amended 9/04/02)
  - 3. Other appropriate landscaping that achieves the screening objective. (Amended 9/04/02)
- i. 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). (Amended 9/04/02)
- j. The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public. (Amended 9/04/02)
- k. 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. (Amended 9/04/02)
- l. Any accessory buildings shall comply with the location regulations set forth for the district in which the tower is located. (Amended 9/04/02)
- m. "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. (Amended 9/04/02)

- n. 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. (Amended 9/04/02)

- 163 a. 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 Administrator to do so. (Amended 9/04/02)
- b. 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. (Amended 9/04/02)
- c. If a tower and facilities are not removed within 90 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. (Amended 9/04/02)

- 164 Prior to receiving final inspection by the Zoning Administrator, documentation shall be submitted to the Zoning Administrator certifying that the wireless telecommunication facility complies with all current Federal Communications, Commission (FCC) regulations for nonionizing electromagnetic radiation (NIER). (Amended 9/04/02)

- 165. Freestanding Wind Energy Conversion System, subject to the requirements of this Sub-section as follows: (Added 9/6/2012)

- a. 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.
- b. Placement of FWECS towers at a density of no greater than one (1) per five (5) acres.
- c. No FWECS shall be located in any required front yard area.
- d. 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.
- e. Minimum setback from all property lines, structures, and above ground utility lines shall be 125 ft.
- f. 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.
- g. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 ft.
- h. Blade color shall be white or light gray.
- i. Lighting of the tower for aircraft and helicopter will conform with Federal Aviation Administration (FAA) standards for wattage and color, when applicable.
- j. The tower shall have either:

1. Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure.
  2. A locked anti-climbing device installed on the tower, or
  3. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
- k. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
  - l. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
  - m. No variance shall be issued for the placement of a FWECS so close to a property line as to result in any portion of the FWECS 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.
  - n. Site Plan Requirements include but are not limited to:
    1. Property lines and physical dimensions of the site.
    2. Location of FWECS 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 FWECS tower.
    5. Location of trees within a 100 ft. radius of the proposed FWECS.
    6. Make, model, picture, and manufacturer's specification, including noise decibels.
    7. Scaled drawing no smaller than 1" = 100'.
    8. Operating noise level specified shall not exceed 40 decibels at the property line.

166. Structure Mounted Wind Energy Conversion System subject to the requirements of this Sub-section as follows: (Added 09/06/2012)

- a. The lowest extension of any rotor blade or other exposed moving component of an SMWECS 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 SMWECS. In addition, SMWECS shall project no more than twenty (15) feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.
- b. A SMWECS shall not produce vibrations that are perceptible to humans beyond any property line upon which a SMWECS is located.
- c. Guy wires or similar apparatus shall not be allowed as part of an SMWECS or installation.
- d. The total height of an SMWECS shall not exceed 15 feet above the maximum permitted height of the structure per the district in which it is located.
- e. A SMWECS shall be setback a minimum of 15 feet from any property line, public right-of-way, public easement or overhead utility lines.
- f. If the SMWECS 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 SMWECS components.
- g. If more than one SMWECS is installed on a property, then a distance equal to the mounted height of the adjacent SMWECS must be maintained between the bases of each SMWECS.
- h. Operating noise level specified shall not exceed 40 decibels at the property line.

167. Decommissioning of Wind Energy Systems, subject to the requirements of this subsection as follows: (Added 09/06/2012)

- a. The FWECS or SMWECS owner/applicant shall complete Decommissioning within 12 months after the end of the FWECS or SMWECS useful life. The term “useful life” is defined as zero electricity generation for a period of 12 consecutive months from a particular system.
  - b. All Decommissioning expenses are the responsibility of the Owner/Applicant.
  - c. 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.
  - d. If the FWECS or SMWECS owner/applicant fails to complete the act of Decommissioning within the period described in this Section, the Lawrence Township Trustees may deem the FWECS or SMWECS a public nuisance.
  - f. Following removal of a FWECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.
168. The Board of Appeals may require any additional conditions it deems necessary to the interest of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining land uses.
169. State license must be obtained before conditional use certificate will become effective.
170. Signs shall only be permitted in accordance with regulations of Article V, Sections 501.2 through 501.6.
171. Outside play areas may be required to be enclosed by a fence with type and height to be determined by the Board of Zoning Appeals.

## Article IX

### SECTION 900 BOARD OF ZONING APPEALS

SECTION 901 A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION.

#### SECTION 901.1 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 Lawrence 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 901.2 ORGANIZATION

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

#### SECTION 901.3 QUORUM

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

#### SECTION 901.4 MEETINGS

The Board shall meet at the call of its Chairman and at such other time as it may determine. All meetings of the Board shall be open to the public.

#### SECTION 901.5 WITNESSES

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

#### SECTION 901.6 PROCEEDINGS

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

#### SECTION 901.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:



- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order requirements, 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, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Resolution.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.
- D. The Board of Zoning Appeals shall have no authority to permit a use where such use is not permitted by this Resolution.

SECTION 901.8 APPEALS

Appeals to the Board may be taken by any person or by any officer, board or department of Lawrence Township, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board has original jurisdiction. Such appeal shall be taken within twenty (20) days after the decision. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed, shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time after date of hearing but not later than 30 days following the hearing. (Amended.01/08/92)

SECTION 901.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be submitted by any property owner, or their designated agent, including a tenant, or by governmental officer, department, board, and bureau provided that the authority designating the agent has been given in a notarized statement signed by the owner. Such application shall be filed with the Zoning Inspector who shall transmit the same to the Board. (Amended 8/29/96) (LAW-01-1996)

SECTION 901.10 PROCEDURE

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

the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

Interpretation; Variances; Conditional Zoning Certificate; together with all documents pertaining thereto.

#### SECTION 901.11 NOTICE OF HEARINGS

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

#### SECTION 901.12 DECISIONS

A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the zoning certificate or Conditional Zoning Certificate to the applicant or appellant, whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

## Article X

### SECTION 1000 ADMINISTRATION FEES AND ENFORCEMENT

#### SECTION 1001 ADMINISTRATION

##### SECTION 1001.1 ZONING INSPECTOR

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

##### SECTION 1001.2 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Article VIII, Conditional Zoning Certificates of this Resolution, and shall have the power as specified in Article IX of this resolution to issue Conditional Zoning Certificates. (Amended 01/08/92)

##### SECTION 1001.3 SUBMISSION OF APPLICATIONS

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

Note: Site development plan approval by the Stark County Regional Planning Commission shall first be obtained before zoning certificates are issued for the improvement of property for multifamily residential, commercial, or industrial uses, in accordance with Ohio Revised Code, Section 711.001 and the Stark County Subdivision Regulations. (Amended 01/08/92)

##### SECTION 1001.4 ZONING CERTIFICATES REQUIRED

- A. Before constructing, or altering any sign, structures, or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:
1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
  2. The location, dimensions, height, and bulk of structures to be erected.
  3. The intended use.
  4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
  5. The yard, open area, and parking space dimensions.
  6. Conformance with Section 301.4f

- 7. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and its accompanied by the adopted fee. (Amended 01/29/88)
- C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.
- D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 801.1 shall be followed in lieu of the above regulations.

SECTION 1001.5 FEE SCHEDULE FOR THE ADMINISTRATION OF ZONING

A fee schedule to cover the costs involved in the administration of these Regulations shall be adopted by Resolution of the Township Trustees. Copies of such adopted fee schedule shall be available to the public at the Township Hall. (Amended 01/29/88)

SECTION 1002 VIOLATIONS AND PENALTIES

SECTION 1002.1 VIOLATIONS

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

SECTION 1002.2 PENALTIES

Any person violating any provisions of this Resolution or supplement or amendments thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (100) dollars. Each day of continuation of a violation of this Resolution shall be deemed a separate offense.

## **Article XI**

### **VALIDITY AND SEPARABILITY**

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

## Article XII

### REPEALER

The provisions of the Zoning Resolution for Lawrence Township, Stark County, Ohio as to Sections One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven as adopted on November 19, 1960, the designations of the map pertaining thereto and the amendments L-1-1962, L-2-1963, L-3-1963, L-4-1965, L-6-1968, L-7-1968, L-8-1968, L-9-1970, L-10-1971, L-11-1971, L-15-1972, L-16-1972 are hereby repealed and are of no effect upon the adoption of the amendments and supplements to the Zoning Resolution of Lawrence Township and the map pertaining thereto on LAW-05-2008, upon the passage of a resolution by the Board of Trustees of Lawrence Township on July 14, 2008, adopting the amendments and supplements contained in Article I through XII hereto and the attached map. (Amended August 14, 2008)

## Article XIII

### EFFECTIVE DATE

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

Recommended by the  
Township Zoning Commission

Date: November 3, 2022

RICHARD PANTALONE, Chairman of the Township Zoning  
Commission.

Adopted by the Lawrence Township Trustees

|                   |                |
|-------------------|----------------|
| MICHAEL STEVENS , | President      |
| KEITH BLOWERS,    | Vice President |
| SEAN ROSEMAN,     | Trustee        |

Attested to by the Fiscal Officer of the Township:

CYNTHIA E. MEISMER, Fiscal Officer

