

BATH TOWNSHIP BOARD OF TRUSTEES

Greene County, 1006 Yellow Springs-Fairfield Road, Fairborn, Ohio 45324

Phone 937-878-0611 – Fax 937-878-9081

John O. Martin, Trustee, Thomas Pitstick, Trustee, Steven E. Ross, Trustee

Elaine M. Brown, Fiscal Officer

BATH TOWNSHIP  
ZONING RESOLUTION

July 16, 2008

I hereby certify that this Zoning Resolution is a true and accurate copy as of the date of its filing with Greene County, Ohio.

\_\_\_\_\_  
Elaine M. Brown, Fiscal Officer

Date: \_\_\_\_\_

BATH TOWNSHIP ZONING RESOLUTION

AMENDMENT

Certified to be the text and map adopted and approved by the Bath Township Zoning Commission on **March 5, 2012** and certified to the Bath Township Board of Trustees.

CERTIFIED:

ATTEST:

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Marc Smith  
Chairman, Bath Township  
Zoning Commission

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Teresa Phillips  
Clerk, Bath Township  
Zoning Commission

Certified to be true and correct copy of the text and map Amendment of the Bath Township Zoning Resolutions as adopted by the Bath Township Board of Trustees on **May 18, 2012**.

CERTIFIED:

ATTEST:

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John O. Martin

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Elaine Brown  
Fiscal Officer, Bath Township  
Board of Trustees

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Thomas Pitstick

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Steven E. Ross

BATH TOWNSHIP ZONING RESOLUTION

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# BATH TOWNSHIP ZONING RESOLUTION

Bath Township Zoning  
Effective Date **July 16, 2008**

## **PREFACE**

A RESOLUTION AMENDING THE TEXT AND THE OFFICIAL ZONING DISTRICT MAP OF THE ZONING RESOLUTION FOR BATH TOWNSHIP, Greene County, Ohio under the authority of Bath Township Resolutions adopted November 1954 and Amendments and the official Zoning District Map.

This Resolution is for the purpose of protecting and promoting public health and safety, convenience, comfort, prosperity and general welfare, conserving and protecting property and facilitating adequate but economical provisions of public improvements.

Further, this Resolution will establish additional guidelines and categories for the Zoning Commission, Township Trustees, Board of Zoning Appeals and Zoning Inspector to operate by.

It is not the intent nor purpose to eliminate the "Zoning Resolutions of Bath Township, Greene County, Ohio as adopted November 1954," but to provide a complete rewrite and restructure that incorporates updates and clarifications to meet the present day needs of Bath Township Zoning requirements for orderly growth. The prior official Resolution dated November 1954 and Amendments shall be retained as part of the official record for historical purposes, but this Resolution dated above, and all future amendments shall be the official Resolution for the conduct and implementation of Bath Township Zoning.

The Official Zoning District Map which is on file in the office of the Bath Township Board of Trustees is a part of the Zoning Resolution of Bath Township. This map is periodically revised as provided by law by official action of the Governing Body of Bath Township to reflect the current changes in Zoning Districts.

For questions or comments on the Bath Township Zoning Resolution, contact the Bath Township Zoning Inspector.

BATH TOWNSHIP ZONING RESOLUTION

**ARTICLE 1 GENERAL PROVISIONS**

**SECTION 101 PURPOSE:**

This is a Zoning Resolution for Bath Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code (ORC) for the following purposes, among others:

101.1 To promote the public health, safety and general welfare of the present and future inhabitants of Bath Township:

101.2 To protect the agriculturally based economy and promote the orderly development of residential, business, industrial, recreational, and public areas within Bath Township in accordance with the Perspectives 2020: A Future Land Use Plan for Greene County, Ohio (or current version);

101.3 To protect the quality of life within Bath Township through the protection of the total environment, the prevention of nuisances, and the provision of adequate light, air, and convenience of access to property;

101.4 To achieve timing, density, and distribution of land development and use that will prevent environmental pollution and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services within Bath Township.

101.5 To achieve an accessibility, design, and density of land development and use to promote safety from fire, floods, and other dangers within Bath Township;

101.6 To achieve such density, distribution, and design of land development and use as will protect and preserve the designed capacity of the streets and roads within Bath Township and prevent traffic congestion or hazards;

101.7 To achieve such density, design, and distribution of housing as will protect and enhance residential property and promote adequate housing for every citizen within Bath Township; and

101.8 To ensure the compatibility of land uses, and to ensure land uses follow the stated intent and purpose in Article 4 for each District.

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 102 TITLE:**

This Resolution, including the Official Zoning District Map made a part hereof, shall be known and may be referred or cited to as the “Bath Township Zoning Resolution.”

**SECTION 103 INTERPRETATION:**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restriction or private covenant, the most restrictive, or that imposing the higher standards shall govern but Bath Township has no authority to govern private deed restrictions or covenants. Uses not identified in the Zoning Districts identified in Article 4 shall not be permitted unless a similar use determination is approved by the Board of Zoning Appeals.

**SECTION 104 AREA OF JURISDICTION:**

The provisions of this Resolution shall apply to all land within the unincorporated area of Bath Township, Greene County, Ohio.

**SECTION 105 COMPLIANCE WITH REGULATIONS**

105.1 No structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the District in which such structure is located.

105.2 No structure or lot shall be used for any purpose other than that which is permitted in the District in which such structure or lot is located.

105.3 No yard or other open space within the same parcel or any structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.

105.4 No lot held under one (1) ownership at the time of the effective date of this Resolution and all prior Bath Township Resolutions versions and Amendments shall be reduced or subdivided in any manner below the minimum area and yard provision required by this Resolution.

BATH TOWNSHIP ZONING RESOLUTION

105.5 Article 8 and Article 10 of this Resolution provide for specific exceptions and explains the processes to modify the foregoing compliance regulations.

**SECTION 106 USES EXEMPTED FROM PROVISIONS OF RESOLUTION**

106.1 The use of land for agricultural purposes or the construction or use of structures incidental to the use for agricultural purpose of the land on which such structures are located shall be permitted in all Districts established by this Resolution, and no Zoning Certificate shall be required for any such structure, except as stated in Article 4, Agricultural uses.

106.2 Except for wireless telecommunication towers and facilities in “R” Districts, the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use and/or enlargement of any structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in any Districts established by this Resolution and no Zoning Certificate shall be required for any structure or for the use of any land essential to the operations of a public utility or railroad, but the determination as to the qualification of public utility or railroad shall be made by the Zoning Inspector after submittal of documented criteria.

**SECTION 107 WRIGHT-PATTERSON AIR FORCE BASE ZONING REGULATIONS**

All requests for Zoning changes, variances, conditional uses, and Zoning Certificates in the Township shall conform to the Wright-Patterson Air Force Base Zoning Regulations.

**SECTION 108 VALIDITY**

If any article, action, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

**SECTION 109 EFFECTIVITY:**

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.



## BATH TOWNSHIP ZONING RESOLUTION

### ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

For the purpose of this Resolution certain terms and words are defined as follows: Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, and arranged, and designed to be used or occupied." Except where specifically defined all words used in this Resolution shall carry their customary meaning as defined in Webster's New World Dictionary.

**ABATTOIR:** A slaughterhouse where animals are butchered for food, including incidental activities thereto, such as, holding pens, transient feed lots, steam generators, washing and packaging machines and equipment.

**ACCESSORY STRUCTURE:** A structure physically unattached (such as a garage) and incidental to the principal structure or conditionally permitted structure.

**ACCESSORY USES:** Accessory uses incident to a principal permitted use or a conditionally permitted use within the District.

**ACTUAL START OF CONSTRUCTION:** The first placement or permanent construction of a structure on a site, such as the pouring of a slab, footings or the installation of piles.

**ADULT ENTERTAINMENT FACILITY:** A facility having any portion of its use listed in the following categories.

a. **Adult Book or Video Store:** A business having any portion of its stock devoted to the sale and/or display and/or trade of materials such as: books, magazines, videos, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or specified anatomical areas" as herein defined.

b. **Adult Motion Picture Theater:** A facility used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or specified anatomical areas" as herein defined.

c. **Adult Entertainment Business:** A business involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of "specified sexual activities" and/or "specified anatomical areas" and/or physical contact of live males or females, and which is characterized and/or portrayed by either photography, dancing, stripping, reading, massage, male or female impersonation, or similar activity or medium.

d. **Sexual Oriented Social/Recreational Facility:** Any facility involved in the sale, service, presentation, or activities relating to "specified sexual activities" and/or "specified anatomical areas" for-profit or non-profit.

## BATH TOWNSHIP ZONING RESOLUTION

e. Sexually oriented Activity or Event: A meeting, gathering, or event to take place on non-residential used property within the Township for the purpose of sexual activities herein defined that is sponsored, organized, promoted, or spontaneous.

f. Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of full or partial (exposed specified anatomical areas) nudity in the performance of their duties.

AGRICULTURE: See ORC 519.01.

AGRIBUSINESS: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide service for or are dependent upon agricultural activities found within the Agricultural or Prime Agriculture District, and are not necessarily suited to locations within an established community. Agribusiness include concentrated animal feeding operations as defined by ORC Section 903.01(M) or major concentrated animal feeding facilities as defined by ORC Section 903.01(N).

ALCOHOLIC BEVERAGES DISPENSING FACILITY: Restaurants, Hotels, Motels, Night Clubs, Taverns, Bars, Clubs and similar establishments serving or selling alcoholic beverages for consumption on and/or off the premises.

ANIMAL HOSPITALS or CLINICS: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital/clinic use.

AUCTION HOUSE: A place of business offering for sale or resale goods, which periodically holds auctions on the premises for the purpose of selling said goods to the highest bidder at public auction.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AWNING: A secondary covering attached to the exterior wall of a structure. It is typically composed of metal, wood, canvas or acrylic cloth that is stretched tightly over a light structure of aluminum, iron or steel or wood.

BED & BREAKFAST RESIDENCE: A single family dwelling unit (with the appropriate occupancy permit from the Greene County Building Inspection Department) in which the principal use is permanent residential quarters of the resident owner, and in which not more than five (5) bedrooms in the principal structure are made available for transient occupancy for a fee. Such occupancy shall be less than seven (7) consecutive days per person in a thirty (30) day period, and occupied by no more than ten (10) guests at any one time, with breakfast being served upon the premises as part of the accommodations. It shall not contain separate or additional kitchen facilities for guests. All access to guest rooms shall be only through the principal structure.

BILLBOARD OR SIGNBOARD: Any sign situated on private premises with an area greater than 100 square feet on which written or pictorial information is posted.

BOARD: The Board of Zoning Appeals of Bath Township, Greene County, Ohio.

## BATH TOWNSHIP ZONING RESOLUTION

**BOARDING HOUSE:** See Room and Boarding House.

**BOARD OF TOWNSHIP TRUSTEES:** The Board of Township Trustees for Bath Township, Greene County, Ohio.

**BUILDING:** Any structure having a roof supported by poles, columns, or by walls, which are designed for the shelter, or enclosure of persons, animals, or property of any kind.

**BUILDING, FRONT LINE OF:** The line of that face of the structure, excluding uncovered steps, nearest the front line of the lot.

**BUILDING, HEIGHT OF:** The vertical distance from the floor of the main entry level to the highest point of the roof.

**BUILDING, PRINCIPAL:** A structure in which the main or principal use of the lot on which said structure is situated.

**BULLETIN BOARD:** A sign where temporary messages are displayed to highlight information.

**BUSINESS:** Retail, commercial, and service establishments which, cater to the community residents, workers, and businesses needs for goods and services. Business includes, but is not limited to, supermarkets and stores for the sale of food, drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities. This includes motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, commercial recreation and similar commercial activities.

**BUSINESS, NEIGHBORHOOD:** Retail and service establishments which cater to and can be located in close proximity to residential Districts without creating undue vehicular congestion, excessive noise or other objectionable influence. Neighborhood Business uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, offices, banks, restaurants, child/day care, nursing homes, and hardware and grocery stores, if less than 10,000 square feet of floor area. Other small businesses of an equal restricted and local nature may be permitted, based on the discretion of the Board of Appeals.

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

**CHILD CARE/DAY CARE:** A facility, including playground premises, used for the commercial care of three (3) or more children who are not members or wards of the owner or his/her immediate family, and are not lodged overnight.

**CLINIC:** An establishment where patients who are admitted for examination and treatment by a physician or physicians practicing medicine together or professionals licensed to practice the healing arts.

## BATH TOWNSHIP ZONING RESOLUTION

**CLUB:** A structure or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**COMMISSION:** The Township Zoning Commission of Bath Township, Greene County, Ohio.

**COMMERCIAL SCHOOLS:** Any structure or part thereof which is designed, constructed, or used for education or instruction, excluding public schools.

**COMMUNITY BASED RESIDENTIAL FACILITIES:** Facilities providing resident services for the care and/or rehabilitation of individuals who require protective supervision within a residential environment, including the following three (3) types of facilities.

a. **CARE HOME:** A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting to persons with developmental disabilities. A developmental disability shall be defined as that originated before the attainment of eighteen (18) years of ages and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment or general intellectual functioning or adaptive behavior or require similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation. There are two types of Care Homes: Family Care Home – no more than eight (8) persons, and Group Care Home - more than eight (8) persons but not more than sixteen (16) persons.

b. **HOME FOR ADJUSTMENT:** A residential facility operated by a court, a social service agency, or a private citizen which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1 ) to assist them in recuperating from the effects of drugs or alcohol; 2) to assist them in adjusting to living with handicaps or emotional or mental disorders in lieu of or subsequent to confinement within a institution; or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court or state or local agency having authority under law to license the operation.

c. **INSTITUTION:** A facility such as a hospital, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency or governmental authority.

## BATH TOWNSHIP ZONING RESOLUTION

COMMUNITY AND CLUB SWIMMING POOL: See Article 5 Section 504.2.

COMMUNITY WATER SUPPLY SYSTEM: See Protected Public Water Supply.

COMPREHENSIVE PLAN: Perspectives 2020: A Future Land Use Plan for Greene County, Ohio (or the most current version).

CONDITIONAL USE: A use that may have an impact within a Zoning District and requires a hearing and approval by the Bath Township Board of Zoning Appeals prior to the use being allowed. Such uses will comply with all conditions and standards for the location or operations of the use as specified by this Zoning Resolution, and all specific conditions dictated by the Board of Zoning Appeals.

DECK: A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a structure.

DEMINIMIS QUANTITY: A specified amount of regulated substances, expressed in gallons and/or pounds, that is excluded from the provisions of the "WPO" Well Field Protection Overlay District regulations. Any use of regulated substances in excess of the deminimis quantities and not explicitly subject to exclusion is considered non-conforming or illegal.

DISTRICTS, ZONING: Areas, parcels, or tracts designating the uses to which the land can be legally utilized. Boundaries of the District are shown on the "Zoning District Map" which is part of this Resolution.

DORMITORIES (INCLUDING FRATERNITY AND SORORITY HOUSES): A structure used or designed as group living quarters (bedrooms and shared living space such as living rooms, dining room, etc.) for groups, such as students, religious orders, etc., where by compensation or other arrangement(s), living quarters are provided for two (2) or more persons, and associated with, but not limited to, a college, university, school, church, monastery, or similar institutional uses.

DRIVE-IN USES: Any use providing off-street access or parking and catering the primarily use to the occupants of vehicles while in the vehicle.

DWELLING: Any structure or portion thereof which is used primarily for human habitation, including mobile homes.

DWELLING, SINGLE FAMILY: A structure designed for or occupied exclusively by one (1) family.

DWELLING, TWO FAMILY: A structure designed for or occupied exclusively by two (2) families with living areas physically separated and having separate entrances and addresses.

## BATH TOWNSHIP ZONING RESOLUTION

**DWELLING, MULTIPLE-FAMILY:** A structure used or designed as a residence for three (3) or more families living independently of each other, with living areas physically separated and having separate entrances and addresses. This includes apartment houses, apartment hotels and flats.

**ENTERTAINMENT FACILITIES:** A facility or lot used for entertainment, such as motion picture theaters, carnivals, concerts halls and open air concerts and similar entertainment activities.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance of public utilities or municipal or other government agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, roadways, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing or adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety and general welfare, but not including structures.

**EXISTING GRADE:** The grade of the land around a sign or structure prior to any excavation in preparation for the actual start of construction.

**FAMILY:** One (1) or more person or persons having a common domestic bond who live together as a traditional family or its functional equivalent, headed by residents who have authority over the care, financial responsibility, functioning and management of their common household, as distinguished from a group of people occupying a boarding house, dormitory, hotel, or other residential type use.

**FARMSTEAD DWELLING:** A single-family dwelling incidental to agriculture in a Prime Agriculture District.

**FEDERAL USES:** Those structures/dwellings/facilities/properties operated by the Federal Government of the United States of America.

**FOOD PROCESSING:** The preparation or processing of food products not consumed on site. Examples but not limited to include bakeries and dairies.

**FOOT PRINT:** The base square footage of a structure, which sets upon the ground.

**FRONTAGE:** Any property line of a lot abutting on a street.

**GARAGE, PRIVATE:** A structure designed for the storage of motor vehicles and used by the occupants of the dwelling.

**GARAGE, PUBLIC:** A structure or portion thereof, other than a private or storage garage, used primarily for the parking and storage of vehicles and is available to the general public.

## BATH TOWNSHIP ZONING RESOLUTION

**GAS STATION, SERVICE STATION:** Any structure or land used for the retail dispensing or sales of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting, or storage of junk or inoperable vehicles.

**GREEN/OPEN SPACE:** An area that contains natural environmental features, water features, trees, fields (not farmed), etc., that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures, and the like shall not be included. Lots/parcels or portions thereof with dwellings shall not be included.

**HARDSHIPS:** A situation not self-created that inhibits adhering to the provisions of this Resolution.

**HIGHWAY, MAJOR:** A street or road and used primarily as a traffic artery for commuting between large populated areas.

**HOME OCCUPATIONS:** Certain occupations or activities carried on by a member or members of the immediate family residing on the premises (no employees not residing on the premises) and is incidental to the residential use. No external evidence of such occupation is visible to the general public. The home occupation does not impact the surrounding area significantly from other residential areas.

**HOTEL:** A structure in which lodging or board and lodging are provided and offered to the general public for compensation. Additional services such as meeting rooms, restaurants, banquet rooms are permitted incidental to the hotel use.

**ILLEGAL LOT OR USE:** A lot or use not permitted by this resolution and no Bath Township official action took place to permit such lot or use.

**INOPERABLE VEHICLE:** A vehicle on any property not enclosed in a permanent structure; and not capable of being driven under its own power in its current condition.

**INFRASTRUCTURE:** Facilities and services such as streets, electrical, water, waste collection, etc., needed to sustain land use activities.

**JUNK/TRASH:** Any waste or scrap materials, including but not limited to, junk vehicles, inoperable vehicles, vehicle parts, machinery, equipment not in operable condition or parts thereof, furniture, appliances, building materials, metals, paper, cardboard, rags, tubes, tires, electronics, glass, plastic, and bottles, or other debris, rubbish, etc., deposited or stored on property in a manner that is not enclosed in a permanent structure.

**JUNK MOBILE HOME:** A Mobile Home on any property where any two (2) or more of the following occur:

- a. Any mobile home on any property that is not hooked up to utilities;

## BATH TOWNSHIP ZONING RESOLUTION

- b. Any mobile home that is not level;
- c. Any mobile home that has broken or missing parts such as windows or doors;
- d. Any mobile home that has damaged or missing siding and/or roofing material;
- e. Any mobile home that has visible fire or water damage;
- f. Any mobile home that is located where residential uses are not permitted.

**JUNK MOTOR VEHICLE:** See ORC 505.173E.

**JUNK VEHICLE:** A vehicle on any property not enclosed in a permanent structure where any two (2) or more of the following occur:

- a. Any vehicle which is left on the property without the consent of the property owner;
- b. Any vehicle which presents an immediate danger to the health or safety of members of the public;
- c. Any vehicle which is discarded, ruined, wrecked, dismantled or damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- d. Any vehicle which is apparently inoperable.
- e. Any vehicle which has not moved or cannot be moved for a period in excess of six (6) months.

**JUNK YARD & SALVAGE YARD:** Any use primarily involved with buying, selling, exchanging, storing, bailing, picking, disassembling, or handling of waste or scrap materials, including but not limited to vehicles, machinery, or equipment not in operable or inoperable condition or parts thereof, furniture, building materials, metals, paper, cardboard, rags, tubes, tires, glass, plastic, electronics, and bottles, or other debris, rubbish, etc. Such operations conducted entirely within completely enclosed structures shall not be considered a Junk Yard but may be considered a salvage business. Two (2) or more junk vehicles and/or inoperable vehicles and/or junk mobile homes on a lot shall be considered a Junk Yard.

**KENNEL:** Any lot or facility for commercial gain on which four (4) or more domesticated animals more than six (6) months of age are housed, groomed, bred, boarded, trained or sold, including the sale of animal care products, which take up less than ten (10) percent of the facility floor space.

**LABORATORIES:** A place equipped for experimental study in a recognized science, or for testing and analysis.

**LAWN CARE/LANDSCAPING:** A business use for the design, development, construction and maintenance of lawns, gardens and parks, and only stores products incidental to lawn care and landscaping performed by the owners and staff.

**LIVING SPACE:** The finished area of a dwelling meeting Greene County occupancy requirements.

**LOADING SPACE:** An off-street space for the standing, loading, or unloading of vehicles.



## BATH TOWNSHIP ZONING RESOLUTION

**LOT:** A parcel of land of which the defined boundaries are recorded in the Office of the Recorder of Deeds of Greene County.

**LOT COVERAGE:** The maximum ratio of the sum of all structures' foot prints and impervious surface area to the horizontally projected area of the lot, expressed as a percentage.

**LOT OF RECORD:** Any lot which individually or as part of a subdivision has been recorded in the Office of the Recorder of Deeds of Greene County.

**LOT, MINIMUM AREA OF:** The smallest size a lot is allowed to be, as established by this Resolution by Zoning District.

**LOT WIDTH:** The width of a lot as recorded with the Recorder of Deeds of Greene County, measured at the frontage. The width of lots fronting on a cul-de-sac or curved street is the chord distance between the side lot lines for the curve coinciding with the required depth of the front yard, or the distance between the side lot lines tangent to the street, whichever is greater (see Figure 2-1).

**MANUFACTURING, GENERAL:** Any manufacturing or industrial production which by the nature of the materials, equipment, and process utilized are clean, quiet and free of any objectionable or hazardous elements.

**MANUFACTURING, RESTRICTED:** Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are objectionable due to odor, radiation, noise, vibration, cinder, gas fumes, dust, smoke, refuse matter, water carried waste or similar by-products.

**MANUFACTURE, SALE AND STORAGE OF BUILDING MATERIALS:** Any activity on private land used for the sale and/or storage of building materials for either the commercial or general public.

**MEETING HALL:** A private or public facility for the congregation of people for the purpose of exchange of information.

**MINE:** A cavity in the earth (on the surface or underground) in which minerals or ores are extracted.

**MINERAL EXTRACTION AND STORAGE:** Any mining, quarrying or storage of coal, limestone, sand, gravel, clay, top soil or other mineral resources except oil and gas.

**MINERAL PROCESSING:** The processing of coal, limestone, clay or other mineral resources except oil and gas provided no chemical change in the mineral is involved in the process which is harmful to the environment.

## BATH TOWNSHIP ZONING RESOLUTION

**MINI-WAREHOUSE:** A structure or group of structures in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for storage of customers' goods and wares.

**Mobile Home:** A structure unit or assembly, for any use, of closed construction that is fabricated in an off-site facility, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code. Removal of wheels and/or tires or similar action (as determined by the Bath Township Zoning Inspector) does not constitute a non-mobile home, and this definition still applies.

**MOBILE HOME PARKS:** A lot upon which two (2) or more mobile homes are located for residential use, and includes roadways, structures, or enclosures used or intended to be used as part of the operation of the mobile home park.

**MOTELS:** A structure or group of structures in which lodging is provided and offered to the public for compensation. Entrance and exit to rooms need not be through a lobby or office, and parking is usually adjacent to the unit.

**MULTIPLE-FAMILY RESIDENCE:** A structure consisting of three (3) or more dwelling units, which may be either attached, side-by-side, or one above the other, and each unit having a separate entrances and addresses.

**NEIGHBORHOOD BUSINESS:** See Business, Neighborhood.

**NONCOMMERCIAL RECREATIONAL FACILITIES:** See Recreational Facilities.

**NONCONFORMITIES:**

a. **NONCONFORMING LOT:** A lot existing at the time of enactment of this Zoning Resolution or any amendment thereto which does not conform to the lot area and dimensions requirements of the District in which it is located.

b. **NONCONFORMING USE:** A use of land or structure, lawfully existing at the time of enactment of this Zoning Resolution or any amendment thereto, but which does not conform to the use regulations of the District in which it is situated.

c. **NONCONFORMING STRUCTURE:** A structure lawfully existing at the time of enactment of this Zoning Resolution or any amendment thereto, which does not conform to the regulations of the District in which it is situated or other applicable provisions of the Zoning Resolution.

**NON-ROUTINE MAINTENANCE:** Activities necessary not more frequently than every twenty-four (24) months to keep structures and equipment in good repair.

## BATH TOWNSHIP ZONING RESOLUTION

**NUDITY:** The showing of either of the following: 1) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; 2) The female breast with less than fully opaque covering on any part of the nipple.

**NURSING HOME:** A place, residence, or home used for the boarding and care, for compensation, of not less than three (3) persons who are not members of the immediate family operating such facilities and who are by reason of age or infirmity dependent upon the services of others.

**OFFICES:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

**OFF-STREET PARKING SPACE:** Any parking space located outside of a dedicated right-of-way either in an enclosed structure or on an open lot.

**ORC:** Ohio Revised Code

**OUTDOOR ADVERTISING:** Any object, device, display, or structure, or part thereof, situated outdoors and is used to advertise, identify, display, direct or attract attention for commercial purposes.

**OUTSIDE VEHICLE STORAGE:** The use of storing in the open air, motor vehicles, trailers, campers, boats and recreational vehicles, etc., in a controlled-access and fenced.

**OVERBURDEN:** Material that lies above the area of economic interest, *e.g.*, the rock and soil that lies above the coal seam, also known as “waste”. Overburden is the material that remains after economically valuable components have been extracted from the generally finely milled ore. Overburden is removed during surface mining, but is typically not contaminated with toxic components and may be used to restore a mining site to a semblance of its appearance before mining began. Overburden may also be used as a term to describe all soil and ancillary material above the bedrock horizon in a given area.

**OVERLAY DISTRICT:** A Zoning District that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone(s).

**PARK:** A parcel or parcels of land used for recreation and leisure activities which when government owned and/or maintained is open to the public without compensation.

**PERSONAL SERVICES:** Any enterprise which primarily offers services to the general public involving the care of a person or his/her personal goods or apparel, such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.

**PORTABLE STRUCTURES AND DUMPSTERS:** Containers intended for storage and/or transport.

## BATH TOWNSHIP ZONING RESOLUTION

**PRINTING/PUBLISHING:** The printing and editing of papers & books.

**PROFESSIONAL ACTIVITIES:** The use of a structure for services provided by doctors, dentists, lawyers, architects engineers, and similar activities.

**PROSECUTOR, COUNTY:** The Prosecuting Attorney of Greene County or his/her staff.

**PUBLIC SERVICES FACILITY:** A utility or service structure, power plant or substation, water treatment plant, sewage disposal or pumping facility or similar public service structures used by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**PUBLIC USES:** Public parks, schools, administrative, cultural & service facilities and grounds.

**RECREATIONAL USE & FACILITIES:** A place designed and equipped for the conduct of sports, leisure, and social activities.

**RECREATIONAL VEHICLE:** Any motor vehicle, boat, trailer, camper, or any other vehicle designed or intended to be used for recreation or for short term dwelling or sleeping purposes away from any place of permanent residence.

**REGULATED SUBSTANCES:** Regulated Substances such as chemicals or volatile substances that are health hazards. Materials commercially packaged for personal or household use are not Regulated Substances.

**RESEARCH AND TESTING FACILITIES:** A structure or parcel where studious inquiry or examination, investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws, or the collecting of information about a particular subject.

**RIGHT-OF-WAY:** A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges. Where the right-of-way is not defined by the State, County or Township for any particular parcel, the right-of-way is assumed to be twenty-five (25) feet from the center of the street. (See Figure 2-2)

**ROOM AND BOARDING HOUSE:** A dwelling, or part thereof, other than a hotel, that involves the taking in of boarders for compensation or other arrangement(s) for an arranged amount of time, whereby meals, and/or lodging are provided for not more than six (6) persons.

**SCIENTIFIC RESEARCH ACTIVITIES:** Actions and experiments relating to or exhibiting the methods or principles of science requiring facilities more appropriate to office and laboratory environments, and not prone to creating excessive disturbances, noise, vibrations, odors, or other objectionable elements.

## BATH TOWNSHIP ZONING RESOLUTION

**SEMI-PUBLIC USES:** Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

**SIGN:** A temporary or permanent structure containing written or pictorial information, excluding building numbers such as street address and residential family names.

**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity or service or entertainment conducted, sold or offered on the premises.

**SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted on the premises.

**SINGLE-FAMILY RESIDENCE:** See Dwelling, Single Family.

**SLAUGHTERHOUSE:** See Abattoir.

### **SPECIFIED SEXUAL ACTIVITIES:**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts, real, or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or
- c. fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

### **SPECIFIED ANATOMICAL AREAS:**

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and/or
- b. Human genitals in a discernibly turgid state even if completely and opaquely covered.

**STREET:** Any public or private thoroughfare or road. Street and road shall be used interchangeably.

**STREET LINE, RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and adjoining thoroughfare.

**STRUCTURE:** Anything constructed or erected which requires permanent location on or in the ground, or attached to something having a permanent location on the ground, including buildings, mobile homes, walls, swimming pools, signs, billboards, and backstops for tennis courts, excluding mailboxes, typical family swing sets, and typical dog houses.

**STRUCTURAL ALTERATIONS:** Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

**SURROUNDING AREAS:** A term used in this Resolution to define an area around a use for the purposes of notification to the residences, if necessary. Such area shall be a minimum of five

## BATH TOWNSHIP ZONING RESOLUTION

hundred (500) feet from all sides of the parcel/lot containing the use, and shall be adjusted by the Zoning Inspector based on the nature, scale and intensity of the use.

**TEMPORARY STRUCTURE:** A transient, non-permanent structure permitted to exist for a designated period of time for storage or special events. A temporary structure shall not be permanently affixed to the ground.

**TENTS:** Tent, as opposed to an awning, is a collapsible structure used as a temporary shelter made of canvas or other material stretched and sustained by poles, and may or may not include side panels.

**TOPSOIL REMOVAL:** The excavation, separation cleaning, storage and marketing of topsoil. See Mineral Extraction.

**TRAILER:** Any non-motorized vehicle drawn by a motor vehicle used for transport of material or personal property.

**TRANSPORT AND TRUCKING TERMINALS:** Either end of a carrier line having facilities for the handling of freight and passengers or a freight or passenger station that is central to a considerable area or serves as a junction at any point with other lines.

**TRAVEL TRAILERS, MOBILE HOMES, MOTOR HOMES:** Any house car, house trailer, or similar mobile unit which may be used for dwelling or sleeping quarters.

**TWO-FAMILY RESIDENCE:** See Dwelling, Two-Family.

**UNIT:** A dwelling to include apartments, condominiums, and similar residential facilities.

**USE:** The specific purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**VARIANCE:** A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship.

**VEHICLE:** Equipment used for transportation, recreation, or transport that is required to be titled. Also see ORC 45.01A.

**VEHICLE SALES:** The sale, lease or rental of any titled vehicle and trailer.

**WAREHOUSE:** A structure for the storage of merchandise, commodities or personal belongings.

**WAREHOUSING:** To deposit, store, or stock in a warehouse or to confine or house in conditions suggestive of a warehouse.

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**WASTE DISPOSAL:** Disposition of garbage, combustible and non-combustible waste material.

**WELL FIELD:** A tract of land that contains a number of wells for supplying community water. This specifically excludes private wells.

**WHOLESALE BUSINESS:** A business for the sale of commodities in quantities usually for resale by a retail merchant.

**YARD:** An open space at grade between a structure and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**YARD SETBACK, FRONT:** The required minimum horizontal distance between the street right-of-way and the principal structure or any projection thereof, other than projection of the usual uncovered steps, as established by the applicable Zoning District within this Resolution. (See Figure 2-2.)

**YARD SETBACK, REAR:** The required minimum horizontal distance between the rear lot line and the rear of the structure or any projection thereof, other than the projections of uncovered steps. (See Figure 2-2.)

**YARD SETBACK, SIDE:** The minimum horizontal distance between a side lot line and the side of the structure or any projections thereof other than the projections of uncovered steps. (See Figure 2-2.)

**ZONING CERTIFICATE:** The document issued by the Zoning Inspector authorizing the use of the land or structure.

**ZONING COMMISSION:** The Zoning Commission of Bath Township, Greene County, Ohio

**ZONING INSPECTOR:** The Zoning Inspector or his authorized representative appointed by the Board of Township Trustees.

**ZONING DISTRICT MAP:** The Zoning District Map of the Township together with all amendments subsequently adopted.

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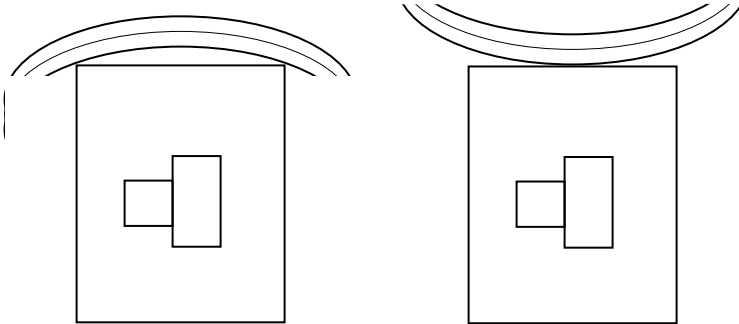


Figure2-1, Lot Width On Curved Streets



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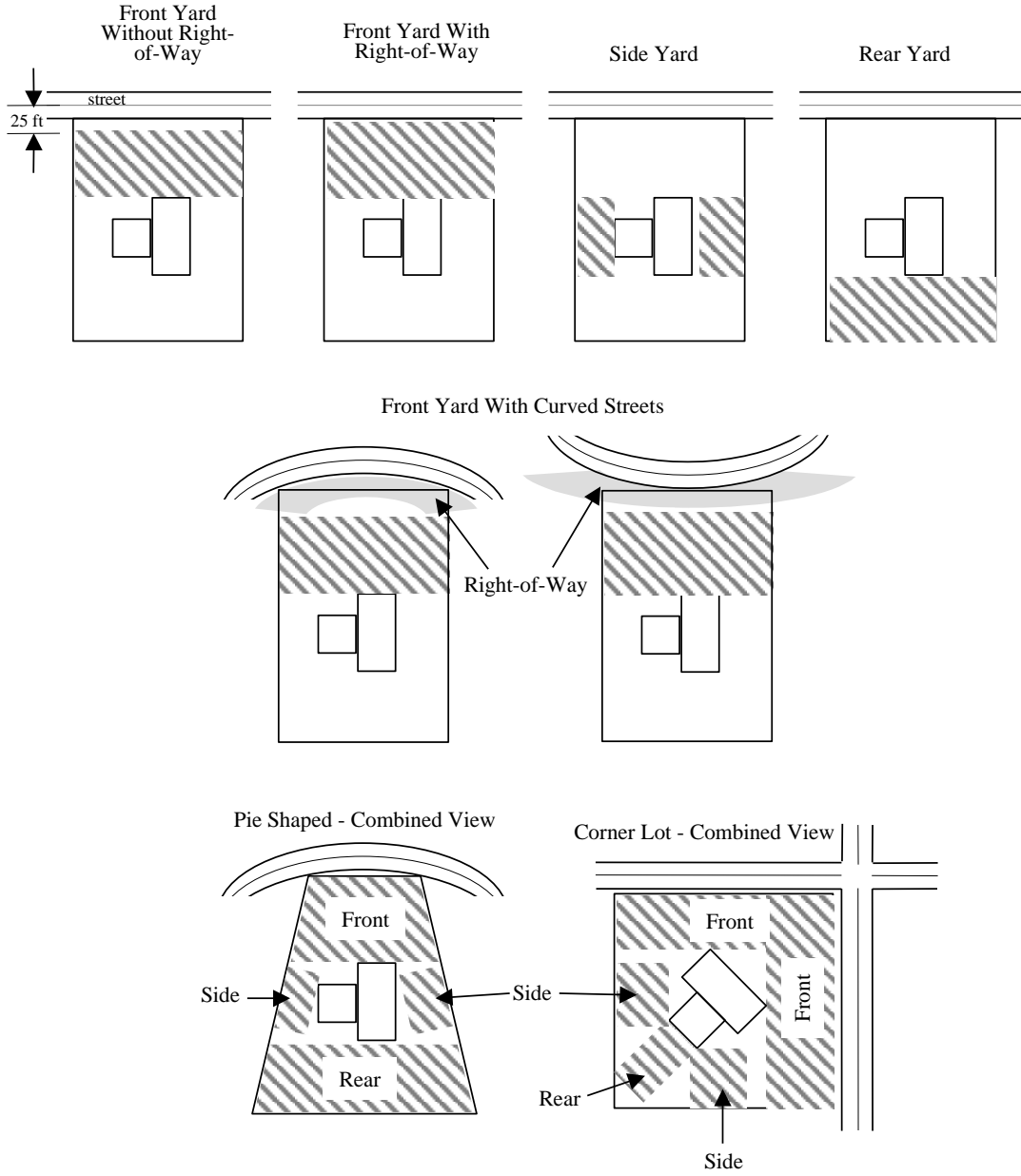


Figure 2.2, Yard Setbacks

BATH TOWNSHIP ZONING RESOLUTION

**ARTICLE 3 ESTABLISHMENT OF DISTRICT AND MAP**

**SECTION 301 ESTABLISHMENT OF DISTRICTS:**

In order to carry out the purposes and provisions of this Zoning Resolution, Bath Township is hereby divided into the following Zoning Districts:

Agriculture

- PA Prime Agriculture
- A-1 Agriculture

Residential

- R-1 Rural Residence
- R-1A Suburban Residence
- R-2 Low Density Residence
- R-3 Medium Density Residence
- R-4 Moderate Density Residence
- PUD Planned Unit Development
- UM University Mixed

Business

- B-1 Business
- B-2 Business

Industrial

- M-1 General Industrial
- M-2 Restricted Industrial

Other

- C-1 Conservation & Recreation
- IG-1 Institutional & Governmental
- Q Mineral Extraction and Storage
- Q-M Mineral Extraction, Storage, Processing – Manufacturing
- AWD Agriculture and Waste Disposal
- WPO Well Field Protection Overlay
- FPO Flood Plain Overlay

**SECTION 302 OFFICIAL ZONING DISTRICT MAP:**

- 302.1 The Zoning Districts and their boundaries are shown on the Official Zoning District Map of Bath Township. The Official Zoning District Map shall be identified by the signature of the Chairman of the Township Trustees, attested by the Fiscal Officer, and bearing the seal of the Regional Planning and Coordinating Commission of Greene County and the most current date. The map, together with all explanatory data and changes, is hereby

## BATH TOWNSHIP ZONING RESOLUTION

incorporated into and made part of this Resolution. The original and one copy of the official map are to be maintained and kept up-to-date by the Zoning Inspector. One up-to-date copy shall be the final authority as to the current zoning status of lands and structures within the Township.

- 302.2 No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this Resolution. The Map is to be kept up-to-date in an engineering manner. Changes are to be serially numbered and dated. In the event that the Official Zoning District Map becomes damaged, destroyed or lost, the Township Trustees may by resolution adopt a new Official Zoning District Map which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

### **SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES:**

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, and/or alleys shall be construed to follow such lines or their extensions;
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- 303.4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
- 303.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 303.6 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.5 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map;

## BATH TOWNSHIP ZONING RESOLUTION

- 303.7 Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning District Map, or in other circumstances not covered by the preceding subsections, the Board of Zoning Appeals shall interpret the District boundaries.
- 303.8 All zoning boundaries shall follow the parcel/lot boundaries as recorded in the Office of the Recorder of Deeds of Greene County, Ohio.

# BATH TOWNSHIP ZONING RESOLUTION

## ARTICLE 4 DISTRICT REGULATIONS

### SECTION 401 USES NOT SPECIFICALLY MENTIONED:

Any use of land or structure which is not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any District shall not be permitted by the Zoning Inspector until it is determined by the Board of Zoning Appeals that such use is similar and compatible to uses permitted within such District. In determining if such uses are similar and compatible, the process outlined under Article 10 shall be followed.

### SECTION 402 PA PRIME AGRICULTURAL DISTRICT

402.1 Intent and Purpose: The intent of the Prime Agricultural District is to recognize the long-range physical, social, and economic needs of the larger scale agricultural community within Bath Township. The purpose is to preserve prime agriculture lands in Bath Township for agriculture use, and to prevent or minimize conflicts between common farm practices and non-agricultural uses. Since agricultural pursuits provide an economic base for Bath Township, and many areas still exist which possess an existing agricultural character and prime agricultural soils, it is the intent of this District to maintain and protect such areas. Only those land uses that perform necessary agricultural functions within the agricultural community will be encouraged to locate within the Prime Agricultural District. Farmstead dwellings are permitted to locate within the Prime Agricultural District at a maximum density of one dwelling unit per eighty (80) acres. Unnecessary encroachment by non-agricultural land uses which limit agricultural effectiveness either through encroachment of land resources or through incompatibility of land uses will be discouraged.

Lands within the Prime Agricultural District are used for commercial agricultural production. Owners, residents and other users of the surrounding areas may be subject to inconvenience and discomfort arising from normal and accepted agricultural practices and operations: including, but not limited to, noise, odors, dust, and the operation of machinery of any kind associated with agriculture uses, the storage and disposal of manure, and the application of fertilizers, herbicides and pesticides. Owners, residents and other users of the surrounding areas should be prepared to accept these conditions and are hereby put on official notice that the “right to farm” provision within the ORC may bar them from obtaining a legal judgment against such normal agricultural operations.

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402.2 Permitted Uses:

- a. Agriculture
- b. Accessory Uses
- c. Farmstead Dwelling

402.3 Conditional Uses:

- a. Essential Services
- b. Agribusiness

402.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	250 feet
Minimum Lot Area	80 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	25 feet
Minimum Sum of Sides Setback	60 feet
Percentage of Lot Coverage	10 %
Maximum Height of dwelling	35 feet

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### SECTION 403 A-1 AGRICULTURAL DISTRICT

403.1 Intent and Purpose: The intent of the Agricultural District is to recognize the long-range physical, social, and economic needs of the agricultural community within Bath Township. Since agricultural pursuits provide an economic base for Bath Township, and many areas still exist which possess an existing agricultural character and prime agricultural soils, it is the intent of this District to maintain and protect such areas. Only those land uses which perform necessary functions within the agricultural community will be encouraged to locate within the Agricultural District. Rural home sites are permitted to locate within the Agricultural District at a maximum density of one dwelling unit per five (5) acres. Unnecessary encroachment by non-agricultural land uses which limit agricultural effectiveness either through encroachment of land resources or through incompatibility of land uses will be discouraged.

Lands within the Agricultural District are used for commercial agricultural production. Owners, residents and other users of the surrounding area may be subject to inconvenience and discomfort arising from normal and accepted agricultural practices and operations: including, but not limited to, noise, odors, dust, and the operation of machinery of any kind associated with agriculture uses, the storage and disposal of manure, and the application of fertilizers, herbicides and pesticides. Owners, residents and other users of the surrounding area should be prepared to accept these conditions and are hereby put on official notice that the “right to farm” provision within the ORC may bar them from obtaining a legal judgment against such normal agricultural operations.

403.2 Permitted Uses:

- a. Agriculture
- b. Single-Family Residence
- c. Accessory Uses

403.3 Conditional Uses:

- a. Recreational Uses and Facilities
- b. Cemetery
- c. Home Occupations
- d. Bed & Breakfast Residence
- e. Community Based Residential Facilities
- f. Public Uses
- g. Semipublic Uses

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- h. Public Service Facilities
- i. Essential Services
- j. Agribusiness

403.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	250 feet
Minimum Lot Area	5 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	25 feet
Minimum Sum of Sides Setback	60 feet
Percentage of Lot Coverage	10 %
Maximum Height of dwelling	35 feet



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**SECTION 404 R-1 RURAL RESIDENTIAL DISTRICT**

404.1 Intent and Purpose: The intent of the Rural Residential District is to recognize the existence of and the demand for residential lots of a relatively rural and spacious nature on which agricultural activities represent only a minor source of income for the occupants. This District is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future.

- 404.2 Permitted Uses:
- a. Single-Family Residence
  - b. Accessory Uses
  - c. Agriculture

- 404.3 Conditional Uses:
- a. Home Occupation
  - b. Public Uses
  - c. Semipublic Uses
  - d. Essential Services
  - e. Bed & Breakfast Residence
  - f. Wireless Telecommunications Tower & Facility
  - g. Professional Activities
  - h. Community Based Residential Facilities
  - i. Public Service Facilities

404.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	150 feet
Minimum Lot Area	3 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	25 feet
Minimum Sum of Sides Setback	60 feet
Percentage of Lot Coverage	10 %
Maximum Height of structures	35 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 405 R-1A SUBURBAN RESIDENTIAL DISTRICT**

405.1 Intent and Purpose: The intent of the Suburban Residential District is to recognize the existence of and the demand for residential lots of a relatively rural and spacious nature on which agricultural activities represent only a minor source of income for the occupants. This District is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future. Intended for land that can support low density residential development and can insure the following:

- a. On-going adequacy of the underground water supply.
- b. Sufficient lot area for the long term use of individual on-site leaching devices for wastewater disposal.

405.2 Permitted Uses:

- a. Single - Family Residence
- b. Accessory Uses
- c. Agriculture

405.3 Conditional Uses:

- a. Home Occupation
- b. Public Uses
- c. Semipublic Uses
- d. Essential Services
- e. Bed & Breakfast Residence
- f. Wireless Telecommunications Tower & Facility
- g. Professional Activities
- h. Community Based Residential Facilities
- i. Public Service Facilities

405.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	125 feet
Minimum Lot Area	1 1/2 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	20 feet
Minimum Sum of Sides Setback	45 feet
Percentage of Lot Coverage	15 %
Maximum Height of structures	35 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 406 R-2 LOW DENSITY RESIDENTIAL DISTRICT**

406.1 Intent and Purpose: The intent of the Low Density Residential District is to recognize the existence of and the demand for single-family residential lots at low density. Necessary services and accessory uses compatible with low density residential surroundings are required to locate within this District. Public water and waste disposal facilities shall be required for land placed in this District. It is the intent of this District to encourage the proper placement of Planned Unit Development within Bath Township and coordination with the Greene County Subdivision Regulations.

- 406.2 Permitted Uses:
- a. Single-Family Residence
  - b. Accessory Uses
  - c. Public Service Facilities
  - d. Agriculture

- 406.3 Conditional Uses:
- a. Home Occupation
  - b. Public Uses
  - c. Semipublic Uses
  - d. Essential Services
  - e. Bed & Breakfast Residence
  - f. Wireless Telecommunications Tower & Facility
  - g. Professional Activities
  - h. Community Based Residential Facilities
  - i. Child Care/Day Care
  - j. Nursing Homes
  - k. Room & Boarding Houses

406.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	100 feet
Minimum Lot Area	20,000 square feet
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	15 feet
Minimum Sum of Sides Setback	35 feet
Percentage of Lot Coverage	20 %
Maximum Height of structures	35 feet

406.5 Off-site public waste water collection and water required.

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 407 R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT**

407.1 Intent and Purpose: The intent of the Medium Density Residential District is to recognize the existence of and the demand for single and multiple family residential lots at medium density. Necessary services and accessory uses compatible with medium density residential surroundings are required to locate within this District. Public water and waste disposal facilities shall be required for land placed in this District. It is the intent of this District to encourage the proper placement of Planned Unit Development within Bath Township and coordination with the Greene County Subdivision Regulations.

407.2 Permitted Uses:

- a. Single - Family Residence
- b. Two-Family Residence
- c. Multiple-Family Residence
- d. Accessory Uses
- e. Public Service Facilities

407.3 Conditional Uses:

- a. Child Care /Day Care
- b. Professional Activities
- c. Home Occupations
- d. Nursing Homes
- e. Room & Boarding House
- f. Public Uses
- g. Semipublic Uses
- h. Essential Services
- i. Bed & Breakfast Residence
- j. Wireless Telecommunications Tower & Facility
- k. Community Based Residential Facilities
- l. Agriculture

407.4 Minimum Dimensional Requirements: Also see Section 423.

R-3 Single-Family

Minimum Lot Frontage	65 feet
Minimum Lot Area	12,000 square feet
Minimum Front Setback	30 feet
Minimum Rear Setback	30 feet
Minimum Side (Either) Setback	10 feet
Minimum Sum of Sides Setback	25 feet
Percentage of Lot Coverage	30 %

BATH TOWNSHIP ZONING RESOLUTION

Maximum Height of structures	40 feet
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R-3 Two-Family

Minimum Lot Frontage	85 feet
Minimum Lot Area	8,000 square feet per unit
Minimum Front Setback	30 feet
Minimum Rear Setback	30 feet
Minimum Side (Either) Setback	10 feet
Minimum Sum of Sides Setback	25 feet
Percentage of Lot Coverage	30 %
Maximum Height of structures	40 feet

R-3 Multi-Family

Minimum Lot Frontage	110 feet
Minimum Lot Area	5,500 square feet per unit
Minimum Front Setback	30 feet
Minimum Rear Setback	30 feet
Minimum Side (Either) Setback	10 feet
Minimum Sum of Sides Setback	25 feet
Percentage of Lot Coverage	35 %
Maximum Height of structures	40 feet

407.5 Off-site public waste water collection and water required.

407.6 Multi-Family units consisting of multiple dwelling structures shall meet the setback requirements of this resolution to each dwelling structure and the property lines, and the distance between each dwelling structure shall be twice (two times) the setback requirements.

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 408 R-4 MODERATE RESIDENTIAL DISTRICT**

408.1 Intent and Purpose: The intent of the Moderate Density Residential District is to recognize the existence of and the demand for single family residential mobile home parks. Necessary services and accessory uses compatible within moderate density residential surroundings are required to locate with this District. Public water and waste disposal facilities shall be required for land placed in this District.

- 408.2 Permitted Uses:
- a. Single-Family Residence
  - b. Accessory Uses
  - c. Public Service Facilities

- 408.3 Conditional Uses:
- a. Public Uses
  - b. Semi-public Uses
  - c. Wireless Telecommunications Tower & Facility
  - d. Essential Services
  - e. Mobile Home Parks

408.4 Minimum Dimensional Requirements: Also see Section 423 and Section 501.

Minimum Lot Frontage	250 feet
Minimum Lot Area	25 acres
Minimum Front Setback	60 feet
Minimum Rear Setback	60 feet
Minimum Side (Either) Setback	20 feet
Minimum Sum of Sides Setback	60 feet
Percentage of Lot Coverage	30 %
Maximum Height of structures	15 feet

408.5 Off-site public waste water collection and water required.

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**SECTION 409 PUD - PLANNED UNIT DEVELOPMENT**

409.1 INTENT: This Section is intended to permit the creation of Planned Development Districts as subdivisions or plats. This District is a zoning change within Article 10 and has been established for the purpose of conserving land through more efficient allocation of private lots, single and multi-family dwelling units, common grounds, greater efficiency in providing public utility services, and securing benefits from new techniques in community development. Such regulations need not be uniform, but may vary in order to promote the public health, safety, morals, welfare and environment for the promotion of public comfort and/or prosperity and/or convenience.

409.2 TYPES OF PLANNED DEVELOPMENT DISTRICTS

PUD for R-1 Zoning; PUD for R-2 Zoning; PUD for R-3 Zoning

409.3 CRITERIA FOR PLANNED DEVELOPMENT APPROVAL: The Township Trustees shall not approve an application for a Planned Development District unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

a. The development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

b. The site will be accessible from public roads that are adequate per Greene County Engineer to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. The Planned Development Applicant(s) shall perform an independent (not affiliated with the Developer/Owner of the property) assessment/study verifying the site plan provides safe ingress and egress with the surrounding area and roads. The results of the analysis and supporting data shall be provided with the initial application and maintained through approval of the final Development Plan. The results shall be reviewed by the Greene County Engineer, and approved by the Bath Township Zoning Commission.

c. The development will not impose an undue burden on public service and facilities such, as schools, fire and police protection, water and sewer services and transportation network.

## BATH TOWNSHIP ZONING RESOLUTION

d. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably required for the public health, safety, morals, welfare, and environment.

e. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities will be compatible with the surrounding land uses, and any part of a planned development not used for structures, access ways, parking and loading areas will be green space.

f. When a Planned Development “R” District abuts existing business or industrial structures, the Planned Development site plan shall provide screening in accordance with the Bath Township Zoning Resolution. In no event shall a PDR District structure be located nearer than one hundred (100) feet from a business or industrial structure.

g. Prior to approval of the final Development Plan, the Township, at its sole discretion, may require the Planned Development Developer to enter into a Planned Development agreement with the Township and to furnish a performance bond for the purposes of assuring satisfaction of completion requirements for improvements such as landscaping, drainage, roads, water, sewage, storm sewers, or any other required infrastructure item, conditions and safeguards as may be set by the Township in the adopted Resolution approving the specific PD development. The Bond will be held until satisfactory completion of such work at the discretion of the Township Trustees.

h. The PD Developer shall maintain configuration control of the Planned Development Plan. Each submitted version of the Planned Development Plan to the Township and County shall be identified by a version number and date, and all revisions from the previous submitted version shall be clearly identified. All new versions of the Planned Development Plan shall be submitted as a complete package. Under no circumstances will a Planned Development Plan be accepted in parts. All new versions shall be submitted at least 30 days prior to any requested/necessary action by the Township or County. The Planned Development Developer is responsible to ensure no more than a single version exists at any particular time during the review and approval process between the Township and County. Upon approval of a Pre-Development or Final-Development Plan, the Planned Development Developer shall submit a complete version, incorporating all previous



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approved revisions to the Township.

i. The Developer shall provide evidence that 'the Applicant/Developer has ownership or control of the Planned Development property. If the Applicant/Developer is not the owner, then a certified letter by the owner of Planned Development property shall be submitted with the initial application and such evidence shall be maintained throughout the review and approval process.

j. All Pre-Development Plans and applications shall be independent of other approved or pending Pre-Development Plan and applications.

k. If the total Planned Development Plan includes multiple phases/stages or units, and includes multiple R District types (PDR-1, PDR-2, etc.), each Planned Development Plan phase/stage or unit shall be for only a single "R" District type.

l. The Development Plan meets this and all Bath Township Zoning Resolution requirements.

409.4 PRE-APPLICATION CONSULTATION: A developer is encouraged to engage in informal consultation with the Bath Township Zoning Inspector and Zoning Commission, Greene County Regional Planning and Coordinating Commission (RPCC) staff, County Engineer and Sanitary Engineer prior to the filing of any application; however, no statement or representation by such persons shall be binding on either the Zoning Commission or the Township Trustees.

### 409.5 DEVELOPER'S OPTIONS

a. The developer shall have the following options:

(1) Submission of a Pre-Development Plan (approval to be legislative), processed in the manner hereinafter set forth, and the subsequent submission of a Final Development Plan (approval to be administrative) for any portion of the approved Pre-Development Plan the Developer desires to develop, or

(2) Submission of a Final Development Plan without a Pre Development Plan (legislative and administrative approved separately, legislative prior to administrative), and processed in the manner as hereinafter provided for.

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b. No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property whichever of the above options is elected by a Developer.

c. No use shall be established or changed and no structure shall be constructed in any portion of a Planned Development until the Final Planned Development for that portion has been approved by the Bath Township Trustees and recorded in compliance with the requirements of the Subdivision Regulations for Greene County. Such plat shall show or include the following:

(1) Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance which shall be consistent with the approved Final Development Plan.

409.6 SUBMISSION OF PRE-DEVELOPMENT PLAN: Fifteen (15) complete copies of a Pre-Development Plan shall be submitted with the application and shall include the following:

a. A survey of the tract that is to be developed showing existing features of the property represented by the application and all adjacent properties including streets, alleys, easements, utility lines, existing land use, general topography and physical features, structures, and storm drainage.

b. A preliminary site plan to-scale (no less than 100 feet = 1 inch) showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and Zoning Districts, proposed lots and amount of buildable area within each lot. Included on this site plan shall be: The location and arrangement of the proposed parks, playgrounds, school sites, recreational facilities and the points of ingress and egress of the Development including access to streets where required.

c. Evidence that the applicant has sufficient control over the tract to complete the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed "PD" District Development.

d. A statement identifying the density of the various residential uses in the development.

e. A statement describing the provision that is to be made for the

## BATH TOWNSHIP ZONING RESOLUTION

care and maintenance of open space or recreational facilities.

f. Evidence of availability of water (well, municipal, etc.), sanitary sewer (septic, municipal, etc.), and storm drainage.

g. Description and schedules for each Planned Development phase/stages, if applicable, and

h. Any other information required by the Zoning Commission or Trustees.

### 409.7 PROCEDURE FOR APPROVAL OF PRE- DEVELOPMENT PLAN

a. The Township Zoning Inspector or Zoning Clerk or designee shall study the material received and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted. At a minimum, Township staff will consult the RPCC, County Engineer, Sanitary Engineer, and County Soil and Water Conservation District.

b. The Zoning Commission, per this Resolution, shall follow the procedures as outlined in Article 10.

c. The recommendation of the Zoning Commission to the applicant shall be in writing and following any such Public Hearing. Agreements between the applicant and the Zoning Commission as to changes in the Pre-Development Plan or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at a Public hearing. For items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded, and the applicant may place in the record his reasons for any disagreement.

d. When the Pre-Development Plan and report have been approved in principle (as whole or with reservations duly noted), or when the applicant indicates in writing that no further negotiations with the Zoning Commission are desired before proceeding, the Commission shall, within thirty (30) days, make its recommendations to the Township Trustees. Such recommendations shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the Greene County Regional Planning and Coordinating Commission and the public, the latest draft of the Pre-Development Plan and report submitted by the applicant, a

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record of agreements reached and matters on which there were no specific agreements, including any reasons recorded by the applicant for any such disagreement,

- 409.8 **ACTION BY THE TOWNSHIP TRUSTEES:** The Township Trustees shall hold a Public Hearing on the Pre-Development Plan as provided for in this Resolution. If the application is granted, the area of land involved shall be redesignated as a “PDR-1, PDR-2, PDR-3” District by resolution and such resolution shall incorporate the Pre-Development Plan, including any condition or restriction that may be imposed by the Township Trustees.

This step shall be an amendment as provided in Article 10 of the Bath Township Resolution and the ORC.

- 409.9 **SUBMISSION OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH AN APPROVED PRE-DEVELOPMENT PLAN:** Final Development Plan may be filed for any or all phases/stages of an approved Pre-Development Plan the applicant wishes to develop and it shall conform to the approved Pre-Development Plan. The filling fee shall be the same as the required for a change in Zoning District. Fifteen (15) complete copies of the Final Development Plan shall be submitted and shall include text and map as follows:

a. A final legible site plan to-scale (no less than 100 feet = 1 inch) showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, landscaping the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and Zoning Districts (to include streets, alleys, easements, utility lines, existing land, use, general topography and physical features and structures), proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.

b. A statement of the lot sizes and densities (quantity of families/residences), the proposed total gross foot print and the percentage of the development which is to be occupied by structures and impervious surfaces.

c. Sketches and covenants of the proposed structures.

d. When a Planned Development is to be constructed in phases/stages or units, a schedule for the development of such

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phases/stages or units shall be submitted. The sizes of such phases/stages shall be approved by the Bath Township Trustees. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.

e. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

f. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

g. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

h. Evidence of availability of water (well, municipal, etc.), sanitary sewer (septic, municipal, etc.), and storm drainage.

i. Updated descriptions and schedules for each Planned Development phase/stage, if applicable, and

j. Any other information required by the Township Trustees.

### 409.10 PROCEDURE FOR APPROVAL OF FINAL DEVELOPMENT PLAN WITH APPROVED PRE-DEVELOPMENT PLAN

a. The Township staff or designee shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability and conformance to the Pre-Development Plan.

b. The Zoning Commission shall hold a public meeting on the proposed Final Development Plan. All residents within 500 feet of the project shall be notified.

c. The recommendations of the Zoning Commission to the

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applicant shall be in writing. Agreements between the applicant and the Zoning Commission as to changes in the Final Development and report or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at the public meeting.

d. Recommendations by the Zoning Commission shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall submit to the Township Trustees, and make available to the Greene County Regional Planning and Coordinating Commission and the public the latest draft of the Final Development Plan and report submitted by the applicant.

e. At a public meeting the Township Trustees shall evaluate the Zoning Commission's recommendation and Final Development Plan to consider all aspects thereof and determine whether or not it is in accordance with the approved Pre-Development Plan. The Township Trustees shall disapprove, approve or approve the Final Development Plan with amendments, conditions or restrictions. If the Plan is approved, the Plan shall be incorporated into the Zoning Resolution and that District for which the Plan is proposed, including any condition or restriction that may be imposed by the Township Trustees. Upon approval by the Township Trustees, the Final Development Plan will go into immediate effect.

f. Approval of a Final Development Plan as being in compliance with the standards of approval established under this section shall not be considered an amendment or supplement to the Township Zoning Resolution for the purpose of Section 519.12 of the ORC.

409.11 SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRE-DEVELOPMENT PLAN: The applicant need not file a Pre-Development Plan if a Final Development Plan for the entire site incorporating all requirements of both Pre and Final Development Plans as described in this Section is filed. The Final Development Plan shall be processed, noticed and heard in the manner prescribed herein. Fifteen (15) copies of the Final Development Plan shall be submitted and shall include in text and map:

a. A survey of the tract that is to be developed showing existing features of the property represented by tile application and all adjacent property, including street, alleys, easements, utility lines, existing land use, general topography and physical features, structures, and storm drainage.

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- b. A final legible site plan to-scale (no less than 100 feet = 1 inch) showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, landscaping, the area to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and Zoning Districts.
- c. A statement of the density of the various Residential uses within the development, when applicable, the proposed total gross foot print, and the percentage of the development which is to be occupied by structures and impervious surfaces.
- d. Sketches of the proposed structures and landscaping.
- e. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. The sizes of such phases/stages shall be approved by the Bath Township Trustees. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- f. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed Development.
- g. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- h. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
- i. Evidence of availability of water (well, municipal, etc.), sanitary sewer (septic, municipal, etc), and storm drainage.
- j. Descriptions and schedules for each phase/stage, if applicable, and

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k. Any other information required by the Zoning Commission or Trustees.

409.12 ACTION BY THE TOWNSHIP ZONING COMMISSION ON SINGLE STAGE DEVELOPMENT PLAN: The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by this Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. The Zoning Commission shall prepare and transmit to the Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in this Article and the District for which the change has been requested, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Zoning Commission may recommend disapproval, approval, approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

When at the option of the applicant, a single final development plan is submitted without an approved Pre-Development Plan, the action of the Board of Trustees shall be considered an amendment as provided for in Article 10.

409.13 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES: The Township Trustees shall hold a public hearing on the Final Development Plan as provided by this Resolution. If the application is granted, the area of land involved shall be redesignated as a "PDR" District by resolution and such resolution shall incorporate the Plan, including any condition or restriction that may be imposed by the Township Trustees.

409.14 EXTENSION OF TIME OR MODIFICATION OF THE DEVELOPMENT PLAN

a. Approval of any Final Development Plan shall expire if the actual start of construction has not commenced in the area of approval for the respective specific site plan within two (2) years from the effective date of the Township Trustees' approval of the Final Development Plan. A single two (2) year extension may be approved by the Township Trustees upon receipt of such request by the applicant in writing. This request for extension shall not include any modifications to the prior approved Final Development



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Plan. If construction has not started before the expiration of the approved extension, the approved Final Development Plan will be canceled. If the Developer/Applicant still maintains intentions to proceed with a development, the Developer/Applicant shall be required to re-apply as a new Final Development Plan and shall be in accordance with the Bath Township Zoning Resolution as of the date of the new application.

b. An approved Pre-Development or Final Development Plan may be amended by following the procedures described in this Article. However, minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Township Trustees. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow structures closer to perimeter property lines. The Trustees shall approve, disapprove or modify all minor adjustments.

c. All major modifications to an approved Pre-Development or Final Development Plan, which include changes in density or site plan shall require a new application to be filed to the Zoning Commission. Such new application shall be in accordance with the Bath Township Zoning Resolutions as of date of application.

### 409.15 "PDR" PLANNED RESIDENTIAL DISTRICT

#### a. PRINCIPAL PERMITTED USES

(1) Uses permitted in any Residential District in accordance with Article 4 of the Bath Township Zoning Resolution.

#### b. DEVELOPMENT STANDARDS

(1) Maximum densities and minimum lot sizes for the Planned Development shall be in accordance with the approved Development Plan.

(2) Accessory uses are permitted as in the R-1 through R-4 Districts.

(3) To ensure the planned development subdivisions or plats promote smooth density transition between Districts, the zoning

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density of the Planned Development shall be no more than a single step of the adjacent District(s).

### c. REQUIRED CONDITIONS

(1) The regulations of any "PD" District shall be uniform throughout any one "PDR" District and shall include but without limitation the following where applicable:

- (A) Uses
- (B) Public streets and sidewalks
- (C) District buffer strips
- (D) Parking and loading
- (E) Height and area standards
- (F) Lighting
- (G) Landscaping
- (H) Open space for neighborhood playgrounds or public parks and provision for maintenance of such
- (I) Street Signs
- (J) Signs

(2) The regulations of said "PDR" District shall be finalized by the Board of Township Trustees at the time the District is established and, except as otherwise permitted in this section, shall be equal to or exceed the following:

(A) Insofar as practical the regulations of the most restrictive District adjoining the proposed "PDR" District.

(B) Any other more restrictive regulations which in the opinion of the Board of Township Trustees should apply.

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**SECTION 410 UM UNIVERSITY MIXED DISTRICT**

410.1 Intent and Purpose: Areas of the township that are adjacent to or part of a local university. Permitted uses in these areas must be compatible with a university setting. The purpose of this District is to provide for the establishment of areas devoted to the university environment to promote the students' quality of life experiences as they pursue a higher education. It is the intent of this District to encourage clustering of uses provided the uses minimize vehicular traffic and encourage pedestrian access and that the commercial/business/service uses account for less than 10 percent of the structure foot print. Public water and wastewater collection are required.

410.2 Permitted Uses:

- a. Multiple-Family Residence
- b. Dormitories
- c. Essential Services

410.3 Conditional Uses:

- a. Semipublic Uses
- b. Public Service Facilities
- c. Neighborhood Business
- d. Personal Services

410.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	3 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	15 feet
Minimum Sum of Sides Setback	35 feet
Percentage of Lot Coverage	40 %
Maximum Height of structures	60 feet

410.5 Off-site public waste water collection and water required.

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### SECTION 411 B-1 BUSINESS DISTRICT

411.1 Intent and Purpose: Areas for businesses with goods and services such as are handled in retail and commercial stores and personal services. Uses in these areas must be compatible with surrounding uses and infrastructure. The purpose of this District is to provide for the establishment of areas devoted for the use of those goods and service businesses that operate as a response to the needs of the residents and businesses of Bath Township. Uses in this District are intended to be located on major streets at strategic access points to surrounding areas minimizing the potential adverse effects on surrounding residential and agriculture property. It is the intent of this District to encourage clustering of businesses in order to discourage “strip” development as well as massive retail establishments, provide for a minimum of traffic interference and encourage pedestrian and agriculture access.

411.2 Permitted Uses:

- a. Neighborhood Business
- b. Personal Services
- c. Professional Activities
- d. Public Uses
- e. Essential Services
- f. Accessory Uses
- g. Agriculture

411.3 Conditional Uses:

- a. Commercial Schools
- b. Entertainment Facilities
- c. Semipublic Uses
- d. Public Service Facilities
- e. Mini-Warehouses
- f. Laboratories
- g. Alcoholic Beverage Dispensing Facilities
- h. Animal Hospitals or Clinics
- i. Sale or Storage of Building Materials
- j. Printing and Publishing
- k. Recreational Uses and Facilities
- l. Outside Vehicle Storage
- m. General Manufacturing
- n. Warehousing
- o. Scientific Research Activities
- p. Business

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411.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	1 acre
Minimum Front Setback	60 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	
Minimum Sum of Sides Setback	
Percentage of Lot Coverage	50 %
Maximum Height of structures	35 feet

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**SECTION 412 B-2 BUSINESS DISTRICT**

412.1 Intent and Purpose: Areas for small businesses with goods and services such as are handled in retail and commercial stores, and personal services. Uses in these areas must be compatible with surrounding uses and infrastructure. The purpose of this District is to provide for the establishment of areas devoted for the use of those goods and service businesses that operate as a response to the needs of the residents and businesses of Bath Township. Uses in this District are intended to be located on major streets at strategic access points to surrounding areas minimizing the potential adverse effects on surrounding residential and agriculture property. It is the intent of this District to encourage clustering of businesses in order to discourage “strip” development as well as massive retail establishments, provide for a minimum of traffic interference and encourage pedestrian and agriculture access.

- 412.2 Permitted Uses:
- a. Neighborhood Business
  - b. Personal Services
  - c. Professional Activities
  - d. Public Uses
  - e. Essential Services
  - f. Accessory Uses
  - g. Agriculture

- 412.3 Conditional Uses:
- a. Adult Entertainment Facility

412.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	1 acre
Minimum Front Setback	60 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	
Minimum Sum of Sides Setback	
Percentage of Lot Coverage	50 %
Maximum Height of structures	35 feet

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**SECTION 413 M-1 GENERAL INDUSTRIAL DISTRICT**

413.1 Intent and Purpose: Areas which are adaptable for industries of a general nature and generally limited to operations conducted wholly within a structure and having no detrimental effects on the neighboring land uses.

413.2 Permitted Uses:

- a. General Manufacturing
- b. Offices
- c. Public Service Facility
- d. Essential Services
- e. Accessory Uses
- f. Agriculture
- g. Personal Services
- h. Scientific Research Activities

413.3 Conditional Uses:

- a. Wholesale Business
- b. Warehousing
- c. Printing and Publishing
- d. Food Processing
- e. Recreational Uses and Facilities
- f. Manufacture, Sale & Storage of Building Materials
- g. Research and Testing Facilities
- h. Outside Vehicle Storage
- i. Auction House

413.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	1 acre
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	30 feet
Minimum Sum of Sides Setback	65 feet
Percentage of Lot Coverage	55 %
Maximum Height of structures	45 feet

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**SECTION 414 M-2 RESTRICTED INDUSTRIAL DISTRICT**

414.1 Intent and Purpose: Areas which because of their access to transportation and community services and relative isolation provide good sites for restricted types of industry.

414.2 Permitted Uses:

- a. Restricted Manufacturing
- b. Research & Testing Facilities
- c. Printing and Publishing
- d. Transport & Trucking Terminals
- e. Manufacture, Sale & Storage of Building Materials
- f. Agriculture
- g. Public Service Facility
- h. Essential Services
- i. Accessory Uses
- j. Personal Services
- k. Abattoir
- l. Scientific Research Activities

414.3 Conditional Uses:

- a. Junk Yard and Salvage Yard
- b. Wholesale Business
- c. Warehousing
- d. Food Processing
- e. Recreational Uses and Facilities
- f. Outside Vehicle Storage

414.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	2 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	30 feet
Minimum Sum of Sides Setback	65 feet
Percentage of Lot Coverage	50 %
Maximum Height of structures	45 feet



BATH TOWNSHIP ZONING RESOLUTION

**SECTION 415 C-1 CONSERVATION & RECREATION DISTRICT**

415.1 Intent and Purpose: The purpose and intent of this District is to provide for the conservation of Bath Township environmental quality. Uses in this District shall be compatible with the natural features.

415.2 Permitted Uses:  
a. Agriculture  
b. Accessory Uses

415.3 Conditional Uses:  
a. Public Service Facilities  
b. Public Uses  
c. Essential Services  
d. Recreational Uses and Facilities

415.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	250 feet
Minimum Lot Area	5 acres
Minimum Front Setback	60 feet
Minimum Rear Setback	60 feet
Minimum Side (Either) Setback	30 feet
Minimum Sum of Sides Setback	60 feet
Percentage of Lot Coverage	10%
Maximum Height of structures	35 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 416 IG-1 INSTITUTIONAL & GOVERNMENTAL DISTRICT**

416.1 Intent and Purpose: Areas developed or reserved for educational institutions, hospitals, and other institutions of a religious, charitable or philanthropic nature; land owned by the United States Government and utilized for military operations and research.

416.2 Permitted Uses:

- a. Public Uses
- b. Semipublic Uses
- c. Public Service Facilities
- d. Essential Services
- e. Accessory Uses
- f. Federal Uses
- g. Agriculture

416.3 Conditional Uses:

- a. None

416.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	5 acres
Minimum Front Setback	60 feet
Minimum Rear Setback	60 feet
Minimum Side (Either) Setback	50 feet
Minimum Sum of Sides Setback	110 feet
Percentage of Lot Coverage	20 %
Maximum Height of structures	45 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 417 Q MINERAL EXTRACTION AND STORAGE DISTRICT**

417.1 Intent and Purpose: Areas because of their mineral deposits, lack of overburden, and relative isolation from residential uses, provide sites for mineral extraction, storage and processing.

417.2 Permitted Uses:

- a. Mineral Extraction and Storage
- b. Agriculture
- c. Essential Services

417.3 Conditional Uses:

- a. Recreational Uses and Facilities

417.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	20 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	50 feet
Minimum Side (Either) Setback	50 feet
Minimum Sum of Sides Setback	110 feet
Percentage of Lot Coverage	50 %
Maximum Height of structures	150 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 418 Q-M MINERAL EXTRACTION, STORAGE, PROCESSING –  
MANUFACTURING DISTRICT**

418.1 Intent and Purpose: Areas which are isolated from other residential uses and therefore can accommodate general Manufacturing uses which would have detrimental effects in other areas, and areas because of their mineral deposits, lack of overburden, and relative isolation from other urban uses, provide sites for mineral extraction, storage and processing-manufacturing.

418.2 Permitted Uses:

- a. Mineral Extraction, Storage, Processing
- b. Restricted Manufacturing
- c. Transport and Trucking Terminals
- d. Agriculture
- e. Essential Services
- f. Accessory Uses

418.3 Conditional Uses:

- a. Recreational Uses and Facilities

416.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	200 feet
Minimum Lot Area	20 acres
Minimum Front Setback	50 feet
Minimum Rear Setback	50 feet
Minimum Side (Either) Setback	50 feet
Minimum Sum of Sides Setback	110 feet
Percentage of Lot Coverage	50 %
Maximum Height of structures	150 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 419 AWD AGRICULTURE AND WASTE DISPOSAL DISTRICT**

419.1 Intent and Purpose: Land which is level or gently rolling, possesses productive soil characteristics and is best preserved for agricultural purposes, areas which are isolated from other residential uses and therefore can accommodate waste disposal uses, which would have detrimental effects in other areas, and areas because of their lack of mineral deposits, overburden, and relative isolation from other urban uses. Land reclamation is required for all waste disposal sites as identified in the approved Conditional Use Application, or as defined by the Bath Township Trustees.

419.2 Permitted Uses:

- a. Agriculture

419.3 Conditional Uses:

- a. Waste Disposal

419.4 Minimum Dimensional Requirements: Also see Section 423.

Minimum Lot Frontage	50 feet minimum 100 feet maximum
Minimum Lot Area	40 acres
Minimum Front Setback	870 feet
Minimum Rear Setback	200 feet
Minimum Side (Either) Setback	200 feet
Minimum Sum of Sides Setback	
Percentage of Lot Coverage	1 %
Maximum Height of structures	20 feet

BATH TOWNSHIP ZONING RESOLUTION

**SECTION 420 WPO WELL FIELD PROTECTION OVERLAY DISTRICT**

420.1 Intent and Purpose: The intent of the Well Field Protection Overlay District is to safeguard the public health, safety and general welfare by protecting the community water supplies within Bath Township through the regulation of potentially polluting land uses and Regulated Substances (Regulated Substances are chemicals and mixtures of chemicals which are health hazards in groundwater. Materials packaged for personal or household use are not Regulated Substances.)

a. The provisions of this Section shall be applicable to community water supply systems within the Township that have currently maintained and scientifically delineated protection areas endorsed by the Ohio EPA and those community water supply systems in which the purveyor has requested this Overlay District be applied for their system. The Well Field Protection Overlay District shall include all lands located within the community water supply system's "one-year capture area" as defined by the Ohio EPA. The provisions of the Well Field Protection Overlay District shall be supplemental to the regulations of the underlying Zoning District. Where the requirements of this Section are in conflict with the regulations of the underlying District, the more restrictive regulations shall apply.

b. The Well Field Protection Overlay District will be implemented in conjunction with the purveyors of the community water systems. The Township may require technical or financial assistance to fully implement portions of this Overlay District and the purveyors will be required to provide this assistance for their systems. The Township Trustees and/or the Township Enforcement Officer will in all cases be the deciding authority in decisions regarding the Well Field Protection Overlay District.

420.2 Implementation: Successful implementation of the Well Field Overlay District will require property owners and those persons responsible for the storage, use, handling, or production of Regulated Substances to provide inventory and use information on Regulated Substances and evidence and/or documentation of applicable best management practices (BMP's) being utilized to manage the substances to the Township.

a. Upon application for a Zoning Certificate, appeal of a Zoning Certificate, or conditional use for properties within this Overlay District, the Bath Township Trustees may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All reasonable costs, with prior notice to applicant, incurred in the compliance review process shall be passed through to

## BATH TOWNSHIP ZONING RESOLUTION

the applicant and shall be in addition to those fees normally charged to review the application for a Zoning Certificate.

b. An Application for a Use Compliance Permit will capture information necessary to comply with the intent of this Overlay District. Any change in use or re-zoning of an existing structure for commercial use, or construction of a new structure for commercial use shall require completion of an Application for a Use Compliance Permit.

420.3 Permitted Uses: Within the Well Field Protection Overlay District, the permitted uses are defined in Article 4 of the Bath Township Zoning Resolution and shall be those of the underlying Zoning District, unless prohibited within the Well Field Protection Overlay District

420.4 Conditional Uses: Within Well Field Protection Overlay District, the conditional uses shall be those of the underlying Zoning District in addition to the requirements contained in this Section.

a. Any request for a Zoning Permit or change of zoning on a parcel or parcels within the Well Field Protection Overlay District that will involve Regulated Substances meeting the criteria set forth in Section 420.7, shall be subject to obtaining conditional use approval.

b. In addition to the conditional use procedure requirements set forth in Section 1004 of this Resolution, if a proposed activity/use will involve Regulated Substances meeting the criteria set forth in Section 420.7, the applicant shall provide the Township Zoning Inspector with a written plan that describes the proposed activity, lists the specific regulated substances and quantities involved, analyzes any potential threats posed by the activity to groundwater resources, and provides information on the Best Management Practices that will be utilized to reduce and/or alleviate those threats. This plan shall be used by the Zoning Commission and Board of Zoning Appeals to render a decision on the proposed conditional use.

420.5 Prohibited Uses: Any land use not specifically designated as permitted or conditional uses as provided in Article 4 of this Zoning Resolution shall be prohibited.

420.6 Non-Conforming Uses: A use, property or business in operation at the time this Overlay District was adopted and having an amount of regulated substances exceeding the quantities set forth in Section 420.7a is a non-conforming use and is allowed to remain; however, no change of occupancy (ownership or tenants) or any expansion involving regulated substances, or any modification resulting in an

## BATH TOWNSHIP ZONING RESOLUTION

increased amount of regulated substances on the property is permitted without approval in accordance with this Zoning Resolution. A use, property or business must comply with all other sections of this District. If a non-conforming use of any land or structure is voluntarily discontinued for two (2) years or more, any further use shall be in conformity with this Well Field Protection Overlay District.

### 420.7 Groundwater Protection Standards (Quantity Limits)

a. Quantity Limitation. Use, storage, handling and/or production of Regulated Substances in conjunction with permitted, accessory, and conditional uses in this District shall be limited to aggregate of Regulated Substances. The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed fifty-five (55) gallons or four hundred forty (440) pounds, which ever is less at any time.

b. Limited Exclusions. A limited exclusion from the provisions of Section 420.7a is authorized for the following types of Regulated Substances and quantities for purposes of reporting as outlined in 420.11, however, they are still Regulated Substances and are still subject to spill reporting requirements at outlined in Section 420.9.

(1) Regulated Substances used for the non-routine maintenance and repair of property or equipment. The use, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:

(A) The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(B) The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds, whichever is less, in any twelve (12) month period.

(C) The application of U.S.E.P.A. approved agricultural chemicals by licensed personnel using U.S.E.P.A. best recommended practices. Below ground applications in excess of hundred (100) gallons or eight hundred (800) pounds in any twelve-(12) month period shall require seventy-two (72) hour prior notice to the Bath Township Zoning Inspector.

(2) Medical and research laboratory substances in containers not to exceed five (5) gallons or forty (40) pounds of each substance.



## BATH TOWNSHIP ZONING RESOLUTION

(3) Cleaning agents, sodium hypochlorite as used for swimming pools, medicines, and cosmetics packaged for personal or household use.

(4) On-site storage of agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the Well Field Protection Overlay District.

NOTE: This regulation does not restrict the use of agricultural chemicals applied in accordance with Best Management Practices and/or label directions.

(5) Transportation of regulated substances through the Well Field Protection Overlay District provided that the transporting vehicle is in compliance with applicable federal, state and local laws and regulations, and provided that the regulated substance is fueling the transporting vehicle or the transporting vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed twenty-four (24) hours.

(6) Regulated substances that are within containers such as gas tanks, radiators, transmissions, brake lines and other similar containers that are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. Except as provided for in Section 420.7 b(5) the tanker portion of a tractor trailer/vehicle shall not be included in this exclusion.

(7) Regulated substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained, provided such regulated substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or ground water.

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(8) Refrigerants contained in equipment used for on-site air cooling or contained in household appliances.

(9) Cosmetics as defined by Section 321(l) (1) of Title 21 of the United States Code provided these products are prepackaged for personal or household use by the general public. The manufacture, extraction, warehousing, or repackaging of these products shall not be excluded.

(10) Heating fuels used solely for building heat provided such heating fuel is stored in standard approved tanks.

(11) Animal maintenance and medicinal substances packaged for residential or agricultural purposes.

c. Underground Storage Tanks. All underground storage tanks shall be in accordance with the following provisions:

(1) Existing Tanks. Owners and operators of underground storage tank systems which are located within the Well Field Protection Overlay District shall comply with the latest rules adopted by State of Ohio Bureau of Underground Storage Tank Regulations (BUSTR).

(2) New Tanks. New underground storage tanks and/or replacement of existing underground tanks are not permitted.

d. Containment Systems. Drums and other types of containers holding Regulated Substances and wastes of such substances shall be stored within secondary containment. Secondary and tertiary containment systems, including the use of containment during chemical storage, transfer and use. The containment system shall be designed to capture one hundred and ten (110) percent of a release from a primary containment unit. Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as Regulated Substances are stored, transferred or used within the containment areas. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

e. Septic Systems. Greene County Combined Health District (GCCHD) governs residential septic systems. All residential septic systems shall be permitted by the GCCHD and maintained by the

## BATH TOWNSHIP ZONING RESOLUTION

owner in accordance with GCCHD regulations. Such systems shall be periodically pumped-out at the interval recommended by the GCCHD. Commercial septic systems are governed by the Ohio EPA. All commercial septic systems shall be permitted by Ohio EPA and be maintained in accordance with state law.

f. Disposal of Septic Waste. Disposal of septic waste is governed by the U.S. Code of Federal Regulations (40 CFR) Part 503. Disposal of such waste is prohibited.

g. Wastewater Treatment Facilities. Disposal of bio-solids from wastewater treatment facilities is prohibited.

h. Application of Agricultural Chemicals. Agricultural chemicals shall be applied in accordance with Best Management Practices and/or label directions.

### 420.8 Management of Regulated Substances

a. No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any regulated substance on public or private property within the Well field Protection Overlay District, except as provided by law, statute, ordinance, rule or regulation.

b. With the exception of single or two-family residences wherein the regulated substances are for the maintenance of the residence or vehicles under control of the occupant, the use of any land or structure in the Well Field Protection Overlay District in which any Regulated Substances are handled and for which an annual inspection has not been completed is hereby determined to be a dangerous public nuisance.

c. Any violation of Section 420.8a or 420.8b is hereby determined to be a nuisance and must be abated in accordance with the provisions in Title V ORC, 505.86 and 505.87.

### 420.9 Spills, Leaks or Discharges

a. Notification Required. Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Local Fire Department (911) and the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty

## BATH TOWNSHIP ZONING RESOLUTION

(30) minutes of the occurrence. The notification shall include at a minimum, the location of the incident, name and telephone number of person reporting the incident, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations as required by law. When it is impractical for a person to give such notice within the first thirty (30) minutes, notice shall be given as soon as it becomes practical to do so, but not to exceed two (2) hours.

b. **Application of Agricultural Chemicals.** The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this Section.

c. **Liability and Required Documentation.** Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any expense, loss or damages incurred by Bath Township or the public water supply operator in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and/or Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

420.10 Clean Closure Requirements. Except in the case of a seasonal discontinuation of operation, the owner or operator of any nonresidential property that becomes unoccupied or has discontinued operation for a period of ninety (90) consecutive days shall remove all regulated substances from the property, other than those used exclusively for heating, cooling, and providing electrical lighting for the premises, within ninety (90) days after the date upon which the property initially became unoccupied or the operation discontinued. Except as noted above, regulated substances, which are excluded from reporting requirements, shall be removed by the date specified above. The owner or operator shall secure the regulated substances on the property until they have been removed. The owner or operator shall notify the Bath Township Zoning Inspector in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the

## BATH TOWNSHIP ZONING RESOLUTION

property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address.

### 420.11 Regulated Substance Reporting

a. Owners and operators with applicable types and quantities of Regulated Substances shall, upon request of the Township Zoning Inspector, provide Material Safety Data Sheets and inventory information on those Regulated Substances and evidence and/or documentation of the applicable BMP's being used to manage them. Information including, but not limited to, types, quantities, containment, and location of Regulated Substances may be required either in writing or verbal form at the discretion of the Zoning Inspector. Forms and guidance for reporting may be obtained from the Zoning Inspector.

b. Falsifying of Information. No person shall make any false statement, representation or certification in any report or any other document filed or required to be maintained pursuant to this resolution.

c. Retention of Records. Any reports or records compiled or submitted pursuant to this section shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

d. Guidance. Forms and guidance for regulated substance reporting may be obtained from the Zoning Inspector.

420.12 Enforcement. The Bath Township Zoning Inspector or his/her designee, shall administer, implement, and enforce the provisions of this Section 420. When considering the exercise of any of the following authorities or actions, the Zoning Inspector shall consult with the appropriate administrative official of any potentially affected community water supply system. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future.

a. Exemption of Regulated Substances. The Zoning Inspector is authorized to exempt certain Regulated Substances that pose no threat to ground water, from the provisions of these regulations. The Zoning Inspector shall maintain and make available a list of all Regulated Substances that are exempted from these regulations. Decision of the Zoning Inspector is subject to appeal to the Bath Township Board of

## BATH TOWNSHIP ZONING RESOLUTION

Zoning Appeals, in accordance with Section 1002 of the Bath Township Zoning Resolution.

b. Notice of Violation. Any person found in violation of any provisions of this Section or any other requirement, rule or regulation issued under the authority of this Section will be served with a written notice stating the nature of the violation and providing reasonable time for compliance, provided however, written notice of violation may be waived under the conditions heretofore described in this Section and provided further, that if the Zoning Inspector has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Zoning Inspector may dispense with establishing another time period for compliance.

c. Public Water Supply Protection Authority. If any activity or use of Regulated Substance is deemed by the Bath Township Zoning Inspector to pose a real and present danger of contaminating surface and/or groundwater that would normally enter the public water supply, the Zoning Inspector is hereby authorized to:

(1) Notify the Public Water Purveyor.

(2) Cause cessation of said activity or use of the regulated substance; and

(3) Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or

(4) Cause the provision of pollution control and/or abatement activities; and

In recognition of the sensitive nature of the aquifer, additional and/or emergency enforcement may be necessary. Written notice may be waived in event an activity or use poses a real and present danger of contamination to the surface and/or groundwater. In addition, the Zoning Inspector will notify the appropriate administrative official of any action taken.

d. Liability. Any entity or person who spills, leaks or discharges contaminates shall be liable for any expense, loss or damages, including cleanup, incurred by Bath Township or any other affected party.

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e. Violation. Whoever violates and is found guilty of any provisions of this resolution are subject to the penalty provisions as outlined in Section 1001.8, Violations and Penalties, of this Resolution.

f. Inspections. Subject to applicable provisions of law, the Zoning Inspector or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Zoning Resolution to ensure that activities are in accordance with the provisions of this Section. If the owner or tenant does not consent to the entry of the Zoning Inspector for the above stated purposes, the Zoning Inspector may apply to a court of proper jurisdiction for an appropriate order or other appropriate authority (emergency situations) to enter said property.

420.13 Minimum Dimensional Requirements: As established for the underlying Zoning District

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### SECTION 421 FPO FLOOD PLAIN OVERLAY DISTRICT

This District encompasses underlying Zoning Districts and imposes additional requirements above that required by the underlying Zoning Districts.

- 421.1 Intent and Purpose: The purpose and intent of the Flood Plain Overlay District is to prevent the loss of property and life, to prevent the disruption of commerce and governmental services, to prevent the unnecessary and extraordinary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base, by:
- a. Restricting, regulating, or prohibiting certain uses, activities, and developments from locating within areas subject to flooding;
  - b. Regulating uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
  - c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and
  - d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- 421.2 Process and Conditions for Uses in the Flood Plain Overlay District:
- a. The applicant shall be required to meet the requirements specified in the Flood Damage Reduction Resolution, Greene County, Ohio (most current version), prior to applying for a Zoning Permit from the Bath Township Zoning Inspector.
  - b. The applicant shall provide to the Bath Township Zoning Inspector at the time of Zoning Application, proof that the requirements of the Flood Damage Reduction Resolution, Greene County, Ohio (most current version) have been met along with the appropriate approval/permits from the Greene County Flood Plain Administrator.
- 421.3 Basis for Establishing The Initial Areas of The Flood Plain Overlay District: The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is



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based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps is adopted by reference and declared to be a part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the Flood Insurance Study, the following sources of data may be used to determine the necessary District boundaries for the purposes of this Resolution:

- a. Corps of Engineers-Flood Plain Information Reports.
- b. U.S. Geological Survey-Flood Prone Quadrangles.
- c. U.S.D.A., Soil Conservation Service-Flood Hazard Analysis Studies and County Soil Surveys (Alluvial Soils).
- d. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.
- e. Known high-water marks from past floods.
- f. All sources acceptable to the appropriate Greene County Flood Plain Administrator.

This Resolution does not imply that areas outside of the Flood Plain Overlay District as designated on the Official Zoning District Map or land uses permitted within such District will be free from flooding damages. This Resolution shall not create liability on the part of Bath Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

### 421.4 Overlaying of Existing Districts:

- a. The Flood Plain Overlay District described above shall be an overlay to the existing underlying District(s) as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Overlay District shall serve as a supplement to the underlying District provisions.
- b. Where there happens to be any conflict between the provisions or requirements of the Flood Plain Overlay District and those of any underlying District(s) the more restrictive provisions and/or those pertaining to the Flood Plain Overlay Districts shall apply.

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c. In the event any provision concerning a Flood Plain Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying District provisions shall remain applicable.

- 421.5 Zoning Map: The boundaries of the Flood Plain Overlay District are established per the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio and as shown on the Official Zoning Map of Bath Township which is declared to be a part of this Resolution and which shall be kept on file at the Bath Township Zoning Inspectors Offices.
- 421.6 Uses within the Flood Plain Overlay: Permitted and conditional uses shall be that of the underlying District in accordance with the process and conditions specified in section 421.2
- 421.7 Minimum Dimensional Requirements: As established for the underlying Zoning District

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**SECTION 422 WRIGHT-PATTERSON AIR FORCE BASE ZONING REGULATION**

422.1 Intent and Purpose: Areas identified in the Wright-Patterson Air Force Base Zoning Regulation to ensure appropriate density and noise building techniques are implemented. The long term intent of the Wright-Patterson Air Force Base Zoning Regulation is to ensure that the growth in Bath Township in the area identified in the Wright-Patterson Air Force Base Zoning Regulation does not impact the operations of the Air Force Base, nor the operations of the Air Force Base impacting the approved uses in these areas. The Chief Building Inspector for Montgomery County Ohio is responsible for the enforcement and administration of the Wright-Patterson Air Force Base Zoning Regulation.

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**SECTION 423 MINIMUM DIMENSIONAL REQUIREMENTS**

The following schedule establishes minimum yard, area and height requirements for structures by District.

DISTRICT	MINIMUM LOT FRONTAGE (in feet)	MINIMUM LOT AREA	MINIMUM SETBACKS (in feet)				% OF LOT COVERAGE	MAXIMUM HEIGHT OF STRUCTURES (in feet)
			FRONT YARD	REAR YARD	EITHER SIDE	SUM OF SIDES		
PA	250	80 acres	50	40	25	60	10	35
A-1	250	5 acres	50	40	25	60	10	35
R-1	150	3 acres	50	40	25	60	10	35
R-1A	125	1 ½ acres	50	40	20	45	15	35
R-2	Off-site public waste water collection and water required.							
Single-Family	100	20,000 sq. ft.	50	40	15	35	20	35
R-3	Off-site public waste water collection and water required.							
Single-Family	65	12,000 sq. ft. per unit	30	30	10	25	30	40
R-3	Off-site public waste water collection and water required.							
Two-Family	85	8,000 sq. ft. per unit	30	30	10	25	30	40
R-3	Off-site public waste water collection and water required.							
Multi-Family	110	5,500 sq. ft. per unit	30	30	10	25	35	40
R-4	Off-site public waste water collection and water required.							
Single Family	250	25 acres	60	60	60	120	30	15
UM	Off-site public waste water collection and water required.							
	200	3 acres	50	40	15	35	40	60
B-1	200	1 acre	60	40	none		50	35
B-2	200	1 acre	60	40	none		50	35
M-1	200	1 acre	50	40	30	65	55	45
M-2	200	2 acres	50	40	30	65	50	45
C-1	250	5 acres	60	60	30	60	10	35
IG-1	250	5 acres	60	60	50	110	20	45
Q	200	20 acres	50	50	50	110	50	150
Q-M	200	20 acres	50	50	50	110	50	150
AWD	50 ft. minimum, 100 ft. maximum	40 acres	870	200	200		1	20
WPO	----- As established for the underlying Zoning District -----							
FPO	----- As established for the underlying Zoning District -----							

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Note: The area requirements specified in Article 4 shall not apply to structures to be erected on university or college campuses or within military reservations of the Federal Government except that the specified minimum yard requirements shall be observed along all public rights-of-way wherever the sites of structures abut any District other than an "IG-1" District.

Note: See "Yard Setback" in Article 2 for definition.

423.1 **MINIMUM YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING A RESIDENTIAL DISTRICT:** Non-residential structures or uses shall not be located nor conducted closer to any lot line of an "R" District than the distance specified in the following schedule, except as provided in Section 423.2.

MINIMUM SIDE OR REAR YARD ABUTTING AN "R" DISTRICT		USE
	30 feet	Off-street parking spaces and access drives for non-residential uses.
	50 feet	Public and Semi-Public uses.
	60 feet	Recreation facilities, entertainment facilities, motels, trailer and mobile home parks, and all commercial uses.
	100 feet	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below.
	500 feet	Junk yard and salvage yard, and mineral extraction,
	1000 feet	Adult entertainment facility, and waste disposal

423.2 **LANDSCAPING OR SCREENING PROVISIONS:** If approved by The Board of Zoning Appeals for non-residential uses abutting "R" District, the minimum yards as stated in Article 4 may be reduced by fifty (50) percent of the stated requirements with use of approved landscaping or screening. Such screening shall be a masonry or solid fence with a minimum height of six (6) feet maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width, densely planted with evergreens not less than six (6) feet in height at the time of planting. The Zoning Inspector will ensure the approved landscaping/screening plan is followed.

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423.3 HEIGHT REGULATIONS FOR INSTITUTIONAL, OFFICE, INDUSTRIAL AND APARTMENT STRUCTURES.

- a. Institutional, office, industrial, and apartment dwellings with a height in excess of the maximum height specified in Article 4 for such structures may be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional structure height above the maximum specified in Article 4, except that no structure shall exceed a maximum height of sixty (60) feet.
- b. Structures to be erected on university or college campuses may exceed the maximum height specified in Article 4, provided that the required side yard abutting an "R", "B", or "M" District or any lot occupied by a dwelling is increased by one foot for each foot of additional height above the maximum specified in Article 4.
- c. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors, structures used in the processing of minerals, and flagpoles, except where the height of such structure will constitute a hazard to the safe landing and takeoff at an established airport or U.S. military installation.

423.4 FOOT PRINT REQUIREMENTS FOR DWELLINGS: The foot print for residential dwellings erected on any lot shall not be less than that established below, excluding garages, carports, and unenclosed porches, decks, patios and other outdoor living spaces. These requirements shall be applicable to all Districts permitting dwellings.

- a. Single Family and Two Family Dwellings: 1,250 sq. ft. per family unit
- b. Multiple Family Dwellings: See table below.

Number of Bedrooms	Multiple Family Dwellings
Studio	600 sq. ft. per unit
1	750 sq. ft. per unit
2	900 sq. ft. per unit
3	1,050 sq. ft. per unit
4	1,200 sq. ft. per unit
5 and over	1,350 sq. ft. per unit plus 150 sq. ft. for each additional bedroom over 5

## BATH TOWNSHIP ZONING RESOLUTION

- 423.5     **STRUCTURES ACCESSORY TO DWELLING:** All accessory structures to dwellings in all Districts shall comply with the following requirements:
- a.   The dwelling, the primary use of a residential lot, shall be built and the certificate of occupancy issued by the County Building Inspectors prior to the start of construction of any accessory structures on said lot.
  - b.   Accessory structures shall not be built on any residential lot without a dwelling. Contiguous residential lots shall first be legally combined into a single lot if the owner desires the dwelling to be on one lot and the accessory structure on the other lot.
  - c.   All accessory structures shall be built either behind the dwelling or beside the dwelling, and shall be no less than 10 feet from the property line. The accessory structures shall not protrude in front of the dwelling into the front yard.
  - d.   Accessory structures shall comply with the following size requirements:
    - (1) For all residential lots less than or equal to one (1) acre, the total foot print of all accessory structures shall not exceed seventy five (75) percent of the total foot print of the dwelling.
    - (2) For all residential lots greater than one (1) acre, the total foot print of all accessory structures shall not exceed two (2) percent of the total square footage of the lot, or seventy five (75) percent of the total foot print of the dwelling, whichever is greater.
- 423.6     **EXISTING LOTS OF RECORD:** Any undeveloped lot of record that does not meet the minimum standards of this Resolution must receive a variance from the Bath Township Board of Zoning Appeals if the owner wishes to build on such lot. Where two or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Applicant may replat or recombine to fewer lots at his/her discretion to permit compliance with minimum requirements.
- 423.7     **ARCHITECTURAL PROJECTIONS**
- a.   Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or similar architectural projections may extend or

## BATH TOWNSHIP ZONING RESOLUTION

project into minimum required side, front, or rear yard not more than thirty (30) inches.

b. Open structures such as porches, balconies, decks, platforms and porte-cocheres, carports and covered patios or decks, shall be considered a part of the structure to which attached and shall not project into the required minimum front, side or rear yard.

423.8 SETBACK OF STRUCTURES: Along any state or federal highway, no structure or accessory structure shall be located within seventy (70) feet from the existing right-of-way of such highway or any proposed right-of-way line on any map adopted by the Ohio Department of Transportation. Where there is no officially established right-of-way for a road open to the public, all structures shall be set back in accordance with Article 4 plus twenty five (25) feet from the center line of the traveled roadway.

### 423.9 SPECIAL YARD REQUIREMENTS

a. Lots having frontage on more than one street shall provide the required front yard along every street.

b. No accessory uses or structures, material or equipment storage shall be located in any front yard.

c. Accessory structure on a corner lot shall comply with required setbacks.

### 423.10 TEMPORARY STRUCTURES

a. In any District the set back of a temporary structure shall be in accordance with Article 4.

b. Temporary structures shall be limited to 7 days in the front yard and 30 days in the side or rear yard. By request, the time limitation may be extended by the Zoning Inspector.

c. Temporary structures shall be incidental to the primary use of the lot.

d. Temporary structures shall require a permit from the Bath Township Zoning Inspector.



## BATH TOWNSHIP ZONING RESOLUTION

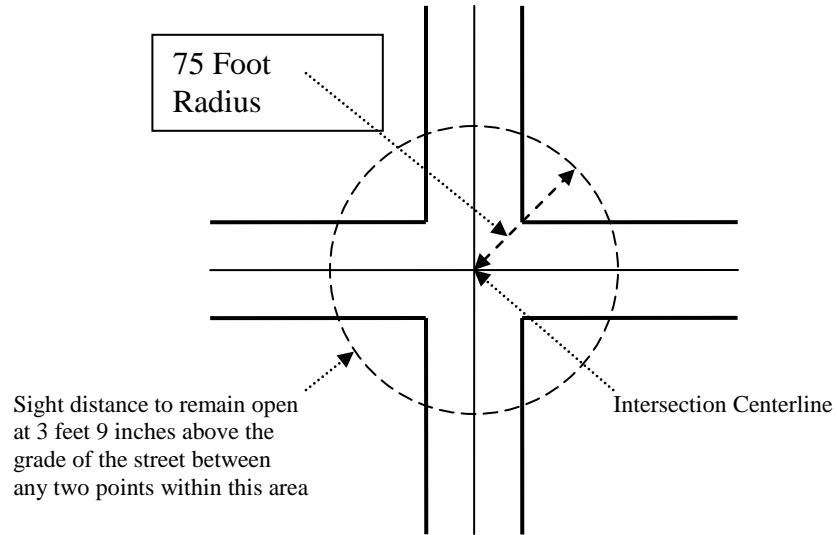
### 423.11 TENTS:

- a. Tents of any size erected for public use shall require a permit from the Bath Township Zoning Inspector. One permit is required for each lot that the tent(s) are erected upon.
- b. Tents for private use with a foot print of over one hundred (100) square feet (total foot print summed for multiple tents) erected for more than three (3) days shall require a permit from Bath Township.
- c. All tents shall comply with all applicable Greene County requirements for health, safety and general welfare and are subject to the time limitations of 423.10b.

### 423.12 FENCES, WALLS, AND VEGETATION: The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions:

- a. Agricultural partition fences and livestock fences shall be constructed and maintained in accordance with Chapter 971 of the ORC.
- b. Fences, Walls, and Vegetation in Front Yards: Fences, walls or hedges within any front yard shall be a minimum of fifteen (15) feet from the edge of pavement, shall not interfere with visibility from driveways or the drainage of roadside ditches, shall not be greater than five (5) feet in height above existing grade, and shall be decorative in nature.
- c. Visibility At Intersections: No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") maximum above the actual grades of the streets. (See Illustration)

## BATH TOWNSHIP ZONING RESOLUTION



d. Fences and Walls in Residential Yards: No fence or wall which exceeds six (6) feet in height measured from existing grade shall be permitted within any yard.

e. Security Fences: Security Fences for uses within non-residential Districts may exceed six (6) feet in height.

f. Barbed Wire and Electric Fences: Barbed wire and electric fences shall be prohibited within any Residential District. Residential properties used for maintaining livestock shall be exempt from this requirement.

### 423.13 Driveways

a. Driveways shall be a minimum of ten (10) feet from the property line.

b. Driveways shall not cause any traffic safety issues with ingress and egress.

c. Driveway locations shall be acceptable to the Greene County Engineer, Township Road Superintendent or Ohio Department of Transportation dependent upon road jurisdiction.

BATH TOWNSHIP ZONING RESOLUTION

**ARTICLE 5 SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 500 GENERAL PROVISIONS:**

The following supplementary regulations are applicable to all Zoning Districts within Bath Township unless otherwise identified to a specific Zoning District.

**SECTION 501 MOBILE HOME PARKS**

501.1 A mobile home, recreational vehicle, travel trailer or similar portable dwelling shall only be permitted to locate in the Township for habitation in a Mobile Home Park, in an “R-4” Residential District and as identified as below.

501.2 The Mobile Home Park shall conform to the following requirements:

- a. Shall contain a minimum of twenty-five (25) acres.
- b. Shall be on a public water system.
- c. Shall be connected to a public waste water collection and treatment system.
- d. Shall provide a clearly defined minimum space area of three thousand (3,000) square feet, per unit, including a minimum width of forty (40) feet along an internal road.
- e. Shall provide a minimum of twenty (20) foot clearance between individual mobile homes, motor homes, travel trailers, or trailers and a sixty (60) foot set back from any property line adjoining the mobile home park.
- f. Shall provide a setback for each mobile home on each space as follows:
  - (1) At least a ten (10) feet setback from each side
  - (2) At least a twenty (20) feet setback from the front, excluding roads
- g. All mobile home spaces shall abut an internal road of not less than twenty (20) feet in width, and said internal road shall have unobstructed access to a public street.

BATH TOWNSHIP ZONING RESOLUTION

- h. On street parking is prohibited to allow for emergency vehicle access. Off street parking shall be in accordance with Article 6.
- i. A safe, usable recreation area shall be located in each mobile home park, and shall be at least ten (10) percent of the gross area of the Mobile Home Park. Multiple recreation areas are permitted as long as they are at least one half (1/2) acre in area each.
- j. Shall comply with all Greene County and State Health Department requirements.
- k. Mobile home parks shall be effectively screened on all sides by means of walls, and/or fences in accordance with Article 4.
- l. All areas not used for access, parking, circulation, structures and services shall be landscaped and the entire site maintained in good condition.

**SECTION 502 PARKING OF TRAILERS. RECREATIONAL VEHICLES AND MOBILE HOMES**

Parking and storage of trailers, recreational vehicles and mobile homes shall be in accordance with the following:

- 502.1 Parking and storage of a utility trailer, travel trailer, camper, boat, boat trailer, motor home, recreational vehicle or similar type vehicle shall only be permitted in a side or rear yard, shall be at least fifteen (15) feet from the property line, and shall be maintained in operational condition. Residential Districts shall be limited to two (2) such vehicles stored on the property, unless stored in an enclosed garage or other accessory structure.
- 502.2 Mobile homes and similar vehicles shall only be permitted to be parked and used in R-4 Districts or parked and stored in Districts permitting outside vehicle storage uses in accordance with Article 4.
- 502.3 Temporary parking of a trailer incidental to the construction of a structure or dwelling is permitted no less than fifteen (15) feet from the property line and with a permit issued by the Zoning Inspector. Such permit shall be valid for not more than one (1) year or until the completion of the construction, whichever is shorter. Such use of the trailer shall be limited to construction office and tool storage. No living quarters shall be maintained or any other business conducted in connection therewith while such trailer is parked on the property.

## BATH TOWNSHIP ZONING RESOLUTION

- 502.4 Recreational vehicles, travel trailers, and campers are permitted as a temporary dwelling for recreational purposes only and shall be in accordance with Article 4 of this Resolution (i.e. only permitted in Districts approved for Recreational Uses and Facilities). Such uses shall comply with Greene County Health Department requirements, and obtain all applicable permits. All such vehicles shall be maintained in an operational state and not become a nuisance to the surrounding area (See Article 5, Section 507).

### **SECTION 503 PORTABLE STRUCTURES AND DUMPSTERS**

- 503.1 Portable structures intended for storage and construction dumpsters shall be in accordance with Article 4, Section 423.10, Temporary Structures, and shall require a permit from the Bath Township Zoning Inspector.
- 503.2 Dumpsters for other than construction debris, shall meet the setback requirements of accessory structures and shall be enclosed or screened from view from the general public.
- 503.3 Dumpsters for agricultural uses are exempt from Section 503 requirements.

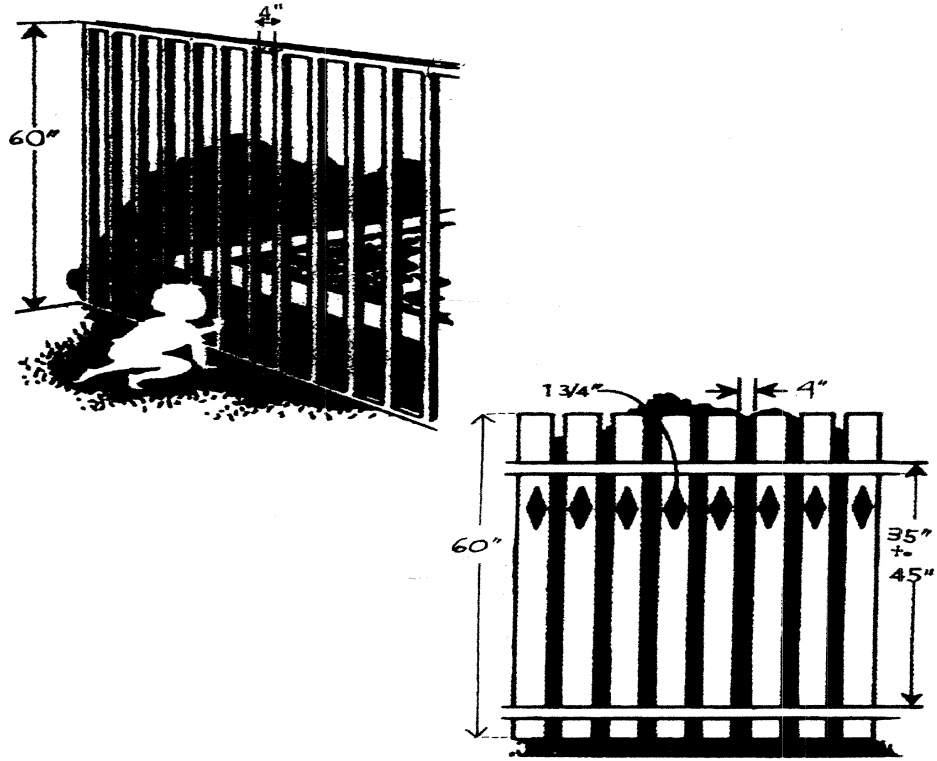
### **SECTION 504 SWIMMING POOLS**

- 504.1 **PRIVATE SWIMMING POOLS.** Swimming pools in all Districts shall comply with the following conditions and requirements:
- a. The swimming pool shall be used solely for the enjoyment of the occupants of the property and their guests.
  - b. The swimming pool, including any pool apron, shall not be located closer than ten (10) feet from any property line.
  - c. For swimming pools greater than two (2) feet deep or erected for more than 120 days per year, the swimming pool area or the entire property on which the pool is located, shall be fenced or walled to prevent uncontrolled access from the street and adjacent properties. The fence or wall around swimming pools shall be a minimum of five (5) feet in height with vertical pickets with no opening larger than four (4) inches and maintained in good condition with a self-closing and latching gate with the latch being at least 54 inches above the ground. Fence design and construction shall reasonably inhibit climbing from the exterior. Such five (5) foot fence or wall may be an extension of the sidewalls of a structure if controlled access is reasonably prohibitive. In addition

## BATH TOWNSHIP ZONING RESOLUTION

to a fence, it is strongly encouraged for the pool to also have an approved pool safety cover that meets ASTM F1346-91 standards.

- d. Swimming pools shall not be located in any front yard.
- e. All county regulations shall be met.
- f. All swimming pools shall be maintained, drained or covered to prevent the infestation and/or breeding of insects and bugs.



BATH TOWNSHIP ZONING RESOLUTION

504.2 **COMMUNITY OR CLUB SWIMMING POOLS:** A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members or the association or club and their families. Community and club swimming pools shall comply with the following conditions and requirements:

- a. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- b. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.
- c. The swimming pool and the areas used by the bathers shall be so walled or fenced as to prevent uncontrolled access from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height with no opening wider than four (4) inches and maintained in good condition.
- d. A suitable noise barrier shall be erected between the swimming pool and any adjacent Residential Districts. See Section 508.1c.

**SECTION 505 AGRICULTURAL USES:**

See ORC 519.21 current.

**SECTION 506 WIRELESS TELECOMMUNICATION TOWERS & FACILITIES**

506.1 **DEFINITIONS:**

- a. **Co-location:** The use of a wireless telecommunications tower facility by more than one wireless telecommunications provider.
- b. **Wireless telecommunication:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
- c. **Wireless telecommunications antenna:** The physical device through which electromagnetic wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded by this definition.

## BATH TOWNSHIP ZONING RESOLUTION

d. Wireless telecommunications facility equipment shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

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

f. Wireless telecommunication tower: A structure including but not limited to self-supporting lattice or monopole which elevate the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

506.2 INTENT: Wireless telecommunications facilities are conditional uses in Residential Districts (“R-1” to “R-4”) These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.

506.3 USE-REGULATIONS: Wireless telecommunications facilities are subject to approval as conditional uses. The wireless telecommunication facilities are regulated under varying conditions dependent upon their form and the Residential Zoning District (“R-1” to “R-4”).

506.4 GENERAL CONDITIONS: The following requirements apply to all wireless telecommunications facilities to be located in Residential Zoning Districts (“R-1” to “R-4”).

a. When the proposed wireless telecommunications facilities is to include a new tower, a plot plan at scale not less than one Inch Is equal to 100 feet shall be submitted. This plot plan shall indicate all structure uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

b. The location of the wireless telecommunication tower and wireless telecommunications facility equipment shelter shall comply with all natural resource protection standards established in the Zoning Resolution, Including but not limited to those for floodplain, wetlands and steep slopes



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c. Security fencing eight feet in height shall surround the wireless telecommunications tower, wireless telecommunication facility equipment shelter and any guide wires.

d. Buffer plantings shall be located around the exterior perimeter of the security fence.

(1) An evergreen screen shall be planted that consists of either a hedge planted three feet on center maximum or a row of evergreen trees planted five feet on center maximum, The minimum size at the time of planting shall be two (2) feet.

e. Desirable existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

f. Any applicant requesting permission to install a new wireless telecommunications facility shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed new wireless telecommunications facility. The applicant shall have inquired about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as responses shall be presented to the Township Zoning Inspector as a means of demonstrating the need for a new wireless telecommunication facility.

g. Any application to locate a wireless telecommunication facility on a structure that is listed on a historic registers or is in a historic District shall be subject to review by the Township Zoning Inspector and Board of Zoning Appeals for approval.

h. Any wireless telecommunication tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Wright-Patterson Air Force Base (WPAFB). The applicant shall specify the intended color.

i. No advertising is permitted anywhere on the wireless telecommunications facility, with the exception of identification signage, with the following information, Long./Lat., base elevation, owner, emergency phone number, and tower height

j. No wireless telecommunications tower under 150 feet shall be artificially lighted except to assure safety or as required by the

## BATH TOWNSHIP ZONING RESOLUTION

FAA and/or WPAFB. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA and/or WPAFB. Security lighting around the equipment shelter is permitted.

k. “No Trespassing” signs shall be posted around the wireless telecommunications facility with a telephone number of who to contact in the event of an emergency.

l. Applicants will provide evidence of land access to the wireless telecommunications site maintaining this access regardless of other developments that may take place on the site.

m. Underground wireless telecommunications equipment shelters are encouraged and may be requested by the Board of Zoning Appeals.

n. Co-location of wireless telecommunications antennas on a single wireless telecommunications tower or replacement towers to be constructed at the site of a current wireless telecommunications tower will not be subject to the Conditional Use permitting process.

o. Any decision to deny a request to place, construct or modify a wireless telecommunications tower facility or a wireless telecommunication antenna shall be in writing and supported by evidence contained In a written record of the proceedings of the Board of Zoning Appeals.

p. Minimum yard requirements-Wireless telecommunications tower: the minimum distance to any residential use or District line or township line shall be 1:1 ratio In height from lot line and structure. Wireless telecommunications facility equipment shelter: shall comply with minimum setbacks requirements for the primary lot.

q. Maximum height-Wireless telecommunications tower: 200 feet (including antenna). Anything over 200 feet (including antenna) requires approval of FCC, FAA, and WPAFB. Wireless telecommunications facility equipment shelter: includes the maximum structure height for the District.

r. Maximum size of wireless telecommunications facility equipment shelter- 300 square feet for single shelter, or if there is more than one, 750 total square feet.

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506.5 WHEN COMBINED ON A PROPERTY WITH AN EXISTING USE: A wireless telecommunications facility may be permitted on a property with an existing use subject to the following conditions:

a. The existing use on the property may be any permitted use in the District and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.

b. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only periodically and for necessary maintenance (except during construction or an emergency.)

c. Minimum yard requirements - Wireless telecommunications tower: the minimum distance to any residential use or District line or township line shall be 1:1 ratio in height from lot line and structure. Wireless telecommunication facility equipment shelter: shall comply with minimum setbacks requirements for the primary lot.

d. Access - The service access to the wireless telecommunications facility shall, whenever feasible, be provided along the circulation driveways of the existing use

e. Maximum height - Wireless telecommunication tower: 200 feet (includes antenna), anything over 200 feet (Includes antenna) requires approval of FCC, FAA, and WPAFB. Wireless telecommunication facility equipment shelter: includes the maximum structure height for the District.

f. Maximum size of wireless telecommunications facility equipment shelter - 300 square feet for single shelter, or if there is more than one, 750 total square feet.

506.6 WHEN ATTACHED TO AN EXISTING STRUCTURE: Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure subject to the following conditions:

a. Maximum height - 20 feet or 20% of the structure height above the existing structure, whichever is greater.

b. If the applicant proposes to locate the wireless telecommunications equipment in a separate shelter (not located

BATH TOWNSHIP ZONING RESOLUTION

on, or attached to, the structure), the shelter shall comply with the following

- (1) The minimum setback requirements for the subject Zoning District.
- (2) A buffer yard may be planted in accordance with Section 506.4d(1)
- (3) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
- (4) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.

506.7 WHEN USE IS DISCONTINUED OR ABANDONED: All providers utilizing wireless telecommunication facilities shall present a report to the Township Zoning Inspector notifying of any wireless telecommunications facility located in the township whose use will be discontinued and the date this use will cease. If at any time the use of the wireless telecommunications facility is discontinued for 180 days, the Township Zoning Inspector may declare the facility abandoned, (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Township Zoning Inspector and be instructed to reactivate the wireless telecommunications facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the township will remove or will contract to have removed the facility and assess the owner/operator the costs.

**SECTION 507 JUNK YARDS AND SALVAGE YARDS**

- 507.1 Junk Yards and Salvage Yards. Junk yards and salvage yards, as defined in Article 2, shall not be permitted in any Residential or Agricultural District.
- 507.2 The accumulation of junk and/or trash (as defined in Article 2) in any District shall be a nuisance per se and shall be prohibited outside of an approved junk yard & salvage yard. The purpose of this section is to promote the public health, safety and general welfare of the residences of Bath Township by eliminating environments for breeding of vermin, rodents, insects, and infestations.

## BATH TOWNSHIP ZONING RESOLUTION

- 507.3 Within Agricultural Districts (A-1), material and equipment needed and used for ongoing operation of the agriculture use may not be deemed junk.
- 507.4 Auto and metal salvage operation shall be permitted only in "M-1" and "M-2" Districts and after permission has been granted by the Board of Zoning Appeals.
- 507.5 Junk yards and salvage yards (defined in Article 2) shall comply with the following conditions:
- a. The operator of the junk yard shall possess the appropriate state and local license(s).
  - b. The junk yard operation shall possess a plan for the control of insects, rodents, and other disease vectors.
  - c. No junk yard operation shall be permitted closer than five hundred (500) feet from any Residential District.
  - d. The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means (mounding, screening, or natural or planted vegetation) adequate to obscure the view of junk from any public street and surrounding property as determined by the Board of Zoning Appeals, and to prevent any uncontrolled access by unauthorized persons.
  - e. Any fence required for screening purposes shall be in accordance with the following requirements:
    - (1) Neatly constructed of opaque material,
    - (2) Not be less than eight (8) feet in height.
    - (3) Maintained in a condition so as to insure it's opaqueness.
    - (4) Contain no advertising.
  - f. Storage of materials shall not exceed the height of the screening.
  - g. Anything stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which mice or other vermin may live.

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h. Authorization shall be given for the Zoning Inspector and/or a Health Department Employee to visit the site at any time if cause for a violation of the above conditions exist.

- 507.6 Business in accordance with Article 4 dealing with auto repair, towing, outdoor storage of inoperable vehicles, or related business shall apply to the Bath Township Board of Zoning Appeals for compliance with Article 4 Section 423.12 screening requirements, if more than 10 vehicles are stored or proposed to be stored outside at one time.

### **SECTION 508 PERFORMANCE REQUIREMENTS**

- 508.1 **REQUIREMENTS:** No land or structure not otherwise exempt in any District shall be used or occupied in any manner so as to create any dangerous, unhealthy, unsafe, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established under the applicable state, federal, city, township or county enforcement agency. The Zoning Inspector may refer any issue to the appropriate authorities.

508.2 **ENFORCEMENT REQUIREMENTS:**

The Zoning Inspector prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements are to be eliminated or reduced to acceptable limits and tolerances.

### **SECTION 509 MINERAL EXTRACTION, STORAGE AND PROCESSING**

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of this section.

- 509.1 Extraction, storage and processing of minerals of all types shall be permitted in Districts as specified in the Use Regulations of Article 4 of this Resolution.
- 509.2 All additions to existing mineral processing plants and new mineral processing plants shall employ recognized equipment of the industry in question to minimize objectionable elements or

## BATH TOWNSHIP ZONING RESOLUTION

conditions adversely affecting surrounding properties. Operations of the equipment shall comply with the standards promulgated by the industry.

### 509.3 GENERAL

a. Mineral extraction involving the removal of clay or overburden to depth not exceeding six (6) feet may be conducted up to one hundred (100) feet of a Residential District, provided the operation is conducted over a temporary period not to exceed twelve (12) months and operation of equipment is limited to the extraction process. Temporary operational roads shall not be closer than two hundred (200) feet to an "R" District.

b. All activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.

c. Mineral extraction in "Q or Q-M" District shall not be located closer than five Hundred (500) feet from any property line.

d. Whenever the floor of a quarry is greater than five (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to discourage persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than fifty (50) feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.

e. The underwater banks of all excavations, which are not backfilled, shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical and a minimum of six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.

f. No new structure may be located closer than two hundred (200) feet from any property line to the Q or Q-M District.

## BATH TOWNSHIP ZONING RESOLUTION

- 509.4 Structures designed and constructed exclusively for mineral extraction for which no future use is contemplated and no other use is practical or feasible shall be demolished and removed within one (1) year after all temporary mining is completed.
- 509.5 At the time of the request for rezoning for mineral extraction purposes, the operator shall file with the Zoning Inspector a detailed map of at least two hundred (200) feet to the inch scale, which clearly shows areas to be mined and the location adjacent properties, roads and natural features. The owner or operator shall submit information on the anticipated depth of excavations and on the depth and probable effect on the existing water table.
- 509.6 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust; visibility of the areas of mineral extraction and processing shall be indigenously or artificially screened from residences and public road. The operator shall maintain complete records as required by the State of Ohio.
- 509.7 The owner of any land in any of the “Q” Districts or “Q-M” Districts on which, during the preceding twenty four (24) month period, there has been any active quarrying; shall comply with all state regulations on land reclamation.
- 509.8 All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources.
- 509.9 The type and number per acres of trees, shrubs, ground cover or legume to plant shall be determined in consultation with the County Agricultural Extension Agent.
- 509.10 The location of future roads, drives, drainage courses or other improvements or changes contemplated shall be acceptable to the Greene County Engineer.
- 509.11 Excavation for commercial purposes of topsoil to a depth of not more than three (3) feet shall be permitted in the “Q” and “Q-M” Districts provided the operator submits a plan showing the area in which extraction is to take place and the manner in which the areas are to be restored upon completion of the excavation operation. Excavation of topsoil shall not be conducted closer than thirty (30) feet to a Residential District and excavation completed within one (1) year after commencement of operations. All excavated areas upon completion of operations shall be adequately drained,



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restored suitably, planted with ground cover or legume in manner determined by the County Agriculture Extension Plan.

509.12 The extraction of sand and gravel shall be conducted in accordance with the requirements of this Section.

a. No extraction of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line.

b. In the event that the site of the extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as provided by Section 4153.11 of the Revised Code of Ohio.

c. Fencing shall be erected and maintained around the entire site or portion thereof, in addition to other suitable barriers including earth mounding and trees in accordance with Article 4.

d. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration in accordance with Article 5, Section 508. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Zoning Inspector.

509.13 An application for a Zoning Certificate for such sand and gravel operation shall set forth the following. In the event the requirements of this Resolution conflict with that of the State of Ohio, the more restrictive shall apply.

a. Name of the person or corporation conducting the actual removal operation.

b. Type of resources or materials to be removed.

c. Proposed method of removal and whether or not blasting or other use of explosives will be required.

d. General description of the equipment to be used.

e. Method of rehabilitation and reclamation of the extracted-out area.

f. Proof of receipt of all appropriate State of Ohio permits.

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g. The nature, scale and intensity of the operations or use involved in or conducted in connection with the mining operations shall be provided with adequate infrastructure to ensure health and safety of the operations and the health, safety and general welfare to the surrounding areas (as defined in Article 2 of this Resolution). The applicant shall provide at the time of application sufficient evidence that the above requirements as well as the requirements in this resolution will be met.

509.14 All extracted-out areas shall, within two (2) year length of time, be reclaimed and rehabilitated unless such time is annually extended by the Board of Trustees.

a. All excavation shall be made either to a water producing depth (such depth to be not less than five feet below the water mark ) or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids, to secure:

(1) That the excavated area shall not collect and permit to remain therein, stagnant water; or,

(2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to reduce the peaks and depressions to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

b. The banks of all excavations not backfilled shall be sloped to six (6) feet below the water line at a slope which shall not be less than three (3) foot horizontal to one (1) foot vertical and said bank shall be restored with vegetation in a manner set forth in paragraph (c) hereunder.

c. Vegetation shall be restored by appropriate seeding of grasses or planting of shrubs or trees in all parts of said extracted area where such area is not to be submerged under water as hereinabove provided. Noxious weeds shall not be permitted to prevail.

### **SECTION 510 STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT**

510.1 The open storage and display of material and equipment incident to permitted or conditional uses in "B", "M", "Q", or "Q-M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining "R" District

## BATH TOWNSHIP ZONING RESOLUTION

properties by means of walls, fences or plantings. Wall or fences shall be in accordance with Article 4 Section 423.12.

- 510.2 The temporary open storage of contractor's equipment and material shall be permitted on the site upon which structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.

### **SECTION 511 REGULATION OF ADULT ENTERTAINMENT FACILITY**

An adult entertainment facility is a conditional use within the B-2 Business District. A conditional use permit shall not be authorized unless the following conditions are met, and comply with any other requirement reasonably thought necessary by the board:

- a. Minimum setback from Residential District: No adult entertainment facility shall be established within one thousand (1000) feet of any Residential District
- b. Minimum setback from Library and Schools: No adult entertainment facility shall be established within a radius of two thousand (2000) feet from any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under eighteen (18) years of age.
- c. Minimum setback from Park or Recreation Facility: No adult entertainment facility shall be established within a radius of two thousand (2000) feet from any park or recreational facility attended by persons under eighteen (18) years of age.
- d. Minimum setback from Churches: No adult entertainment facility shall be established within a radius of two thousand (2000) feet from any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- e. Minimum setback from other adult entertainment facility: No adult entertainment facility shall be established within a radius of two thousand (2000) feet of any other adult entertainment facility.
- f. Prohibited public display: No advertisements, displays or other promotional materials shall be shown or exhibited so as to be

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visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

g. Public view to be prevented: All structure openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the structure shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

h. External audio and visual impact: No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

i. Prohibited sale or consumption of alcohol: No sale or consumption of alcoholic beverages shall be permitted on property with an adult entertainment facility.

**SECTION 512 HOME OCCUPATIONS**

512.1 Home occupations shall be incidental to the residential use.

512.2 Home occupations shall not exhibit any external evidence of such occupation except for a single work vehicle, and a small sign in accordance with Section 702.1b.

512.3 The home occupation shall not impact the surrounding area (as defined in Article 2) significantly different from other residential uses.

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**ARTICLE 6 OFF-STREET PARKING AND LOADING REGULATIONS**

**SECTION 600 GENERAL REQUIREMENTS:**

In Districts, in connection with every industrial, business, institutional, recreational, or other non-single family residential uses, there shall be provided, at any time a structure is erected or is enlarged or increased in capacity, or any change in use of an existing structure, off-street parking spaces for vehicles shall be provided in accordance with the following requirements:

- 600.1 A parking plan shall be submitted with any application involving the construction, expansion, or any change in use of an existing structure that requires off street parking. All parking plans shall be subject to review by the Bath Township Zoning Inspector prior to approval of the application. Parking plans shall show, as necessary the following:
- a. Boundaries of the property
  - b. Parking, loading, and driving aisles
  - c. Access driveways, circulation pattern, and fire lanes
  - d. All existing or proposed structures on the premises
  - e. Drainage in accordance with the Runoff – Control, Sediment – Abatement Resolution for Greene County, Ohio
  - f. Screening and/or landscaping per Article 4 Section 423.12
  - g. Existing and proposed utility easements
  - h. On-site water supply and wastewater disposal systems, if any
  - i. Any other information necessary to determine compliance with this Resolution.
- 600.2 Each off-street parking space shall have the minimum dimensions of ten (10) feet wide by twenty (20) feet long exclusive of access drives or aisles, and handicapped parking spaces shall not be less than twelve (12) feet wide by twenty (20) feet long exclusive of access drives or aisles. All parking spaces shall be of useable shape and condition.

## BATH TOWNSHIP ZONING RESOLUTION

- 600.3 There shall be adequate provision for ingress and egress to all parking spaces. There shall be provided an access drive not less than twenty four (24) feet in width leading to the parking or storage areas or loading or unloading spaces required hereunder.
- 600.4 Any area designated as requiring off-street parking in accordance with this Resolution shall not be changed unless approved by the Bath Township Zoning Inspector. Spaces shall be provided in connection with the expansion of any structure or use in accordance with the expanded foot print, increased number of employees, beds or seats, or the increased number of residential units.
- 600.5 Screening shall be installed and permanently maintained along all boundaries of parking areas abutting all "R" District lots. Screening shall be a fence installed in accordance with Article 4 Section 423.12 as a permanent structure or dense vegetation, which shall be a minimum of six (6) feet in height unless specified higher elsewhere in this Resolution, and shall be maintained in good condition per Article 4 Section 423.12.
- 600.6 Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with asphalt or concrete and painted with all-weather pavement markings, or compacted crushed stone. A plan that shows compliance with this Article shall be provided with application for Zoning Certificate.
- 600.7 Lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining properties.
- 600.8 Handicapped parking shall be in accordance with the American Disabilities Act.
- 600.9 The use of parking spaces shall be used for vehicle parking only. Storage or display of products or services shall be prohibited.
- 600.10 Parking on the front yard or side yard lawns in Districts zoned for residential uses shall be prohibited.

### **SECTION 601 NUMBER OF SPACES REQUIRED:**

The number of off-street parking spaces to be provided shall not be less than the following (for mixed use facilities, each use shall account for its parking):

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USE

Two (2) family dwellings, summer cottages, and mobile homes

Multiple family dwellings, three (3) or more families

Room or boarding house, bed & breakfast, group home

Dormitories

Hotel or motel

Private club, lodge, meeting hall, community center, nightclub, recreation or amusement establishment, dance hall, assembly or exhibition hall, theater or auditorium, sports arena, stadium or gymnasium, etc.

Church or temple

School/private school (except high school or college)

College, High School, or vocational/technical/business type school

PARKING SPACES REQUIRED

Two (2) spaces for each dwelling unit

Two (2) spaces for each unit, plus one (1) space for each four (4) units.

Two (2) spaces for the dwelling, plus one (1) space for each rental room.

One (1) space for every one hundred (100) sq. ft. of living space.

One (1) space for each rental room, and one (1) space for each employee on the largest shift. Adequate space for parking busses and recreational vehicles must be provided to the satisfaction of the Bath Township Zoning Inspector.

One (1) space for every twenty-five (25) sq. ft. of the structure foot print, all floors, and shall include outdoor assembly areas, plus one (1) for each employee on the largest shift.

One (1) space for every three (3) seats in main/largest assembly area, plus one (1) for each vehicle owned/leased by the establishment.

One (1) space for every eight (8) seats in auditorium or main assembly room, or one (1) for each employee, whichever is greater.

One (1) space for every eight (8) seats in main auditorium, or one (1) for every three (3) students plus one for each teacher and employee, whichever is greater.

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### USE

### PARKING SPACES REQUIRED

Library, museum, or art gallery

Ten (10) spaces plus one (1) additional for every three hundred (300) square feet of the structure foot print, all floors, in excess of two thousand (2000) square feet, plus one (1) for each employee.

Hospital, sanitarium, convalescent home, home for the aged, or similar institution

Two (2) spaces for every three (3) beds, plus one (1) for each employee on the largest shift.

Daycare or Nursery

One (1) space for every four (4) children and one (1) space for each employee, plus one (1) space for each owned/leased vehicle by the establishment.

Wholesale establishments

One (1) space for every two hundred (200) square feet of the structure foot print, all floors,, or one (1) space for each employee, whichever is greater, plus one (1) space for each vehicle used in the business and kept on the premises during normal working hours..

Professional and/or administrative offices

One (1) space for every two hundred (200) square feet of the structure foot print, all floors,, or one (1) space for each employee, whichever is greater, plus one (1) space for each vehicle used in the businesses and kept on the premises during normal working hours.

Medical offices, clinics, or similar type establishments

Two (2) spaces for each examination or treatment room plus one (1) for each employee.

Retail store, personal service establishment, or similar type business to include automobile gas stations and services

One (1) space for every one hundred (100) square feet of the structure foot print, all floors, and one (1) for each employee on the largest working shift, plus one (1) space for each vehicle used in the business and kept on the premises during normal working hours.

Warehouse store, building material store, or similar store for large items

One (1) space for every eight hundred (800) square feet of floor display area, plus one space for each employee.



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USE

PARKING SPACES REQUIRED

Bowling Alley

Five (5) spaces for each alley, plus one (1) for each employee based on the largest shift.

Sports facility (racket ball courts, driving ranges, etc.)

Two (2) spaces for each court or similar area plus one (1) for each employee on the largest shift.

Health club or similar establishment

One (1) space for every fifty (50) sq. ft. of the structure foot print, all floors,, plus one (1) for each employee based on the largest shift.

Mortuary or funeral home

One (1) space for every fifty (50) square feet of the structure foot print, all floors,, plus one (1) space for each vehicle used in the business and kept on the premises, plus one (1) for each employee based on the largest shift.

Restaurants, or cafes

One (1) space for every fifty (50) sq. ft. of the structure foot print, all floors,, plus one (1) for each employee based on the largest shift, plus one (1) space for each vehicle used in the business and kept on the premises during normal working hours.

Manufacturing, industrial or mining establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment

One (1) space for each employee on the largest working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

Note: It shall be at the discretion of the Bath Township Zoning Inspector to determine the appropriate type use if not specifically listed.

**SECTION 602 SPECIAL PARKING PROVISIONS**

602.1 Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not overlap. Such provision shall be filed with the application for a Zoning Certificate and approved by the Zoning Inspector.

**SECTION 603 OFF-STREET LOADING REQUIREMENTS**

603.1 In any District, in connection with every structure or part thereof hereafter erected and having a gross foot print of ten thousand (10,000) square feet or less, which is to be occupied by

## BATH TOWNSHIP ZONING RESOLUTION

manufacturing, storage, warehouse, goods, display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such structure, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross foot print so used in excess of ten thousand (10,000) square feet.

- 603.2 Each loading space shall be not less than twelve (12) feet in width, sixty (60) feet in length, and fourteen (14) feet in height.
- 603.3 Subject to the limitations in Article 4, such space may occupy all or any part of any required lot space.
- 603.4 No loading space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless entirely within a completely enclosed structure or unless screened on all sides which adjoin or face the "R" District by a wall or fence or uniformly planted vegetation buffer, not less than six (6) feet in height and shall be maintained in good condition.

### **SECTION 604 DRIVEWAYS**

- 604.1 Driveways shall be a minimum of ten (10) feet from the property line.
- 604.2 Driveways shall not cause any traffic safety issues with ingress and egress.
- 604.3 Driveway locations shall be acceptable to the Greene County Engineer, Township Road Superintendent or Ohio Department of Transportation dependent upon road jurisdiction.

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**ARTICLE 7 SIGNS**

**SECTION 700 SIGNS AND OUTDOOR ADVERTISING STRUCTURES**

In addition to the requirements of this Resolution, all outdoor advertising, business signs, billboard signs, advertising signs, billboard or signboard signs, are herein referred to as "signs", shall meet any applicable state requirements such as set forth in Chapter 5516 of the ORC. Signs are permitted in all Districts for advertising purposes of goods and/or services conducted on the property for which the sign is placed (on-premises).

**SECTION 701 PROHIBITED PERMANENT AND TEMPORARY SIGNS AND SIGN STRUCTURES**

- 701.1 Abandoned signs (left in disrepair or unsafe as determined by the Township for more than ninety (90) days from official Township notice) unless otherwise specified in this resolution.
- 701.2 Billboards
- 701.3 Beacons and searchlights except for emergency, health, safety and general welfare purposes
- 701.4 Blinking, flashing and intermittent lighting
- 701.5 Moving, animated or rotating signs and spinning devices or strings of spinning devices
- 701.6 Pennants, banners, streamers, and similar devices
- 701.7 All helium, gas and air balloons located on or anchored to structures, vehicles, the ground, or to anything connected to or on the ground
- 701.8 Portable signs except as authorized under temporary signs
- 701.9 Projecting signs (a sign that is wholly or partly dependent upon a structure for support and which projects more than two (2) feet from the face of the structure)
- 701.10 Roof signs
- 701.11 Signs attached to any tree, utility pole, fence, bench, trash receptacle, or vending machine (advertisement of said vending product is permitted)

## BATH TOWNSHIP ZONING RESOLUTION

- 701.12 Signs for which a permit has not been issued by the Township
- 701.13 Signs attached to or painted on accessory structures except those attached to automatic teller machines or similar structures, (advertisement of said vending product is permitted)
- 701.14 Any signs which by reason of its size, shape, location, coloring or manner of illumination
  - a. Constitute a traffic hazard or detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads
  - b. May be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle
- 701.15 Signs that make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic
- 701.16 Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way
- 701.17 Signs or parts thereof, which are erected within or above a public right-of-way
- 701.18 Signs that convey text and/or visual information that may be prohibited under the obscenity statutes of Ohio
- 701.19 Window signs in Business Districts that cover more than fifty (50) percent of total window area
- 701.20 Dangerous or defective signs - signs that are deemed by the Township to be unsafe or are a hazard due to poor construction or damage.

### **SECTION 702 GENERAL SIGN PROVISIONS**

- 702.1 Signs advertising a sale, rental or lease of the premises on which the sign is located shall be permitted on any property and shall not exceed the following size limitation:
  - a. Agriculture: Twelve (12) square feet in area of sign face each side and six (6) feet in height from existing grade to top of sign

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- b. Residential Districts: Four (4) square feet each side in area of sign face and four (4) feet in height from existing grade to top of sign
  - c. Business and Industrial: In accordance with Section 703 of this Resolution
- 702.2 Bulletin boards and signs for a church, schools, community or other public or semi-public institutional structure uses shall be permitted provided the area of such bulletin board or sign shall not exceed thirty (30) square feet in area of sign face and eight (8) feet in height from existing grade to the top of the sign.
- 702.3 No structure wall shall be used for the display of advertising, except that pertaining to the use carried on within such structure or on premises.
- 702.4 Temporary signs announcing the construction of a structure, the architect, the builders, contractors, etc., shall not exceed fifty (50) square feet in area of sign face and less than twelve (12) feet in height and may be erected for the period of sixty (60) days, plus the construction period not to exceed one (1) year after date of issuance of permit after which the sign shall be removed from the premises. Applications for a single one (1) year extension are permitted.
- 702.5 All signs shall include a legible name, address, and phone number of the party or parties responsible for the sign.

### **SECTION 703 BUSINESS OR INDUSTRIAL DISTRICT SIGNS**

- 703.1 In a Business or Industrial District, each business shall be permitted one (1) flat or wall sign and one freestanding sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the structure.
- 703.2 The area of all advertising signs for any single business enterprise shall be limited according to the widths of the structure or part of the structure occupied by such enterprise. For the purpose of this section, widths shall be measured along the structure face nearest parallel to the street line. In the case of a corner lot, either frontage may be used (but not both) in determining maximum area for the sign. All advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of width of a structure, or part of a structure occupied by such enterprise. The height of all

## BATH TOWNSHIP ZONING RESOLUTION

freestanding signs, unless specified otherwise in this Resolution, shall not exceed the height of the structure in which the primary business is conducted or thirty (30) feet, whichever is less.

- 703.3 A single freestanding sign may be erected to serve a group of business establishments. There shall be only one freestanding sign for each structure, regardless of the number of businesses conducted in said structure. These freestanding signs shall not exceed thirty (30) feet in height, and shall have a maximum total sign area of one hundred (100) square feet per side for single or double sided and located not closer than ten (10) feet to any street right-of-way line and not closer than fifty (50) feet to any adjoining lot line. Pole signs of symbolic design shall be permitted for business establishments provided no part of such sign shall project into the right-of-way of any street or highway.
- 703.4 No portion of any sign shall be less than one hundred (100) feet from any "R" or "A" District lot line.

### **SECTION 704 SETBACK REQUIREMENTS**

Except as provided elsewhere in this Resolution, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line (where a right-of-way line has not been established, it shall be twenty-five (25) feet from and parallel to the centerline of the roadway) of any street or highway at least ten (10) feet to front or leading edge of sign, except for the following modifications:

- 704.1 For every square foot by which sign or outdoor advertising structure exceeds eighty (80) square feet, such setback from the established right-of-way line shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- 704.2 At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one hundred (100) feet from the established right-of-way of each highway or street.
- 704.3 All signs shall be set back at least fifteen (15) feet from any adjoining property line.

### **SECTION 705 SPECIAL PROVISIONS**

The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:

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### 705.1 Political Signs

- a. Political signs are permitted within the deeded property lines with the permission of the property owner, and
- b. Shall be a maximum thirty-two (32) square feet each side in area of sign face and a maximum four (4) feet in height from existing grade to top of sign and
- c. Shall meet the setback requirements of Section 704 of this Resolution.

## **SECTION 706 ILLUMINATION**

### 706.1 The following provisions shall be observed in the illumination of signs and advertising structures:

- a. All signs and advertising structures in Business and Industrial Districts, except as hereinafter modified, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and shall project downward onto the sign to minimize skyward light scatter. Illumination shall not be so placed as to cause confusion or a hazard to traffic, or conflict with traffic control signs or lights.
- b. Sign illumination is prohibited in Residential and Agriculture Districts except for signs and bulletin boards for a church, school or any other public or semi-public, religious or educational institution.

## **SECTION 707 SUBDIVISION SIGNS**

### 707.1 Upon application to the Zoning Inspector, a permit may be issued as a special exception to the terms of this resolution allowing a land-sales sign, provided that:

- a. The sign shall not be illuminated.
- b. The sign shall not exceed forty (40) square feet each side in area for the sign face and twelve (12) feet in height from existing grade to the top of the sign.
- c. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership,

## BATH TOWNSHIP ZONING RESOLUTION

provided that not more than two (2) such signs may be permitted in any single development.

d. A certificate for the erection, construction, or maintenance of said sign shall expire within one year.

e. An application in accordance with Section 707 of this Resolution for that development has been submitted to the Township for approval.

### **SECTION 708 EXISTING NON-CONFORMING SIGNS**

708.1 Any sign lawfully existing on the effective date of this Resolution which does not conform to all standards and regulations of this Resolution and Section 5516 of the ORC shall be deemed to be non-conforming.

708.2 Rules for Non-Conforming Signs:

a. A non-conforming sign shall not be replaced by another non-conforming sign except with the substitution or interchange of poster panels, painted boards or de-mountable material.

b. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and light bulb replacement shall be permitted. No structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with this Resolution.

c. If a non-conforming sign is damaged by more than one-half (1/2) of its replacement value, it shall be removed and shall not be repaired or replaced except in conformance with this Resolution.

d. Any non-conforming sign, which is altered, relocated or replaced, shall comply with all provisions of this Resolution as if it were a new sign.

### **SECTION 709 CERTIFICATE**

709.1 A separate certificate shall be required for the erection of signs regulated in this Resolution, except that no certificate shall be required for:

a. Temporary real estate signs with an area of (12) square feet or less for the sale or lease of property for which the sign is erected.



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b. Small announcement signs with an area of less than two (2) square feet announcing a temporary condition or event (e.g. garage sales). Such signs shall be posted no longer than thirty (30) days and removed by the person or persons responsible for posting the sign within one (1) day after the event.

c. Political signs meeting Section 705.1 of this Resolution.

709.2 Each application for a sign certificate shall be accompanied by a drawing showing the design proposed, the size, character and color or letters, lines and symbols, method of illumination; the exact location of the sign in relation to the structure and property, and details and specifications for construction. A fee as established by the Bath Township Board of Trustees shall accompany each application for a sign certificate.

### **SECTION 710 EXEMPTIONS**

Public offices, traffic control signs and other official signs and notices are exempt from the provisions of this Section.

### **SECTION 711 VIOLATIONS**

711.1 Any sign that is contrary to the requirements of this Resolution shall be deemed an illegal sign.

711.2 The Township Zoning Inspector or representative shall cause to be removed any illegal temporary or permanent sign or signs constituting a public nuisance in that it endangers the public safety, such as a sign which has been abandoned, dangerous, materially, electrically, or structurally defective. The Township Zoning Inspector or representative shall also cause to be removed any sign (except a valid non-conforming sign) for which no permit has been issued or a sign which is not in compliance with the permit issued. Before removing any such sign, the Township Zoning Inspector or representative shall first prepare and serve upon the property owner or occupant notice which describes the sign and specifics of the violations involved. This notice shall require that the sign in violation be removed or violations corrected within the next twenty-four (24) hours. If no emergency exists and the notice is not complied with, the Township Zoning Inspector or representative will institute legal proceedings for removal of the sign.

711.3 All notices issued by the Township Zoning Inspector or representative maybe served by certified mail or delivery to the

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property owner, current occupant, to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

- 711.4 The property owner and current occupant shall be jointly and severally obligated to reimburse the Township immediately for all expenses incurred in removing any sign including, but not limited to expenses incurred by the Township. If the violations are corrected and removal obligations paid, the property owner, the occupant or owner of the sign may reclaim the sign from the Township. The sign shall become the property of the Township after thirty (30) days if removal costs are not paid or if violations are not corrected. Thereafter, the sign shall be disposed of in any manner deemed appropriate by the Township.
- 711.5 Signs placed on public right-of-ways warrant an immediate removal by the Township. Such removal authority shall be exercised in a nondiscriminatory manner.

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**ARTICLE 8 NON-CONFORMITIES**

**SECTION 800 SECTION INTENT & DEFINITIONS:**

Where there exists within the Districts established by the current Resolution or amendments that may later be adopted, lots, structures, or uses of land and structures which were lawful before the original Resolution was passed or subsequently amended, but which would currently be prohibited or more restricted under the terms of the Resolution or amendment thereto: It is the intent of the Resolution to permit these nonconformities to continue until they are removed, but not to encourage their continuance. It is further the intent of the Resolution that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

- 800.1 Nonconforming Lot - Dimension/frontage/area: A lot existing at the time of enactment of the Zoning Resolution or any amendment which does not conform to the lot area and frontage requirements of the District in which it is located.
- 800.2 Nonconforming Use of Land: A use of land lawfully existing at the time of enactment of the Zoning Resolution or any amendment thereto but which does not conform to the use regulations of the District in which it is situated.
- 800.3 Nonconforming Structure: A structure lawfully existing at the time of enactment of the Zoning Resolution or any amendment, which does not conform to the regulations of the District in which it is situated or other applicable provisions of the Zoning Resolution.
- 800.4 Illegal lots: Lots created not in conformance with the Bath Township Zoning Resolution shall be prohibited.
- 800.5 Illegal Use: Uses created any time before or after this Resolution that do not comply with this Resolution shall be prohibited.

**SECTION 801 NONCONFORMING LOTS OF RECORD**

- 801.1 Dimension/Frontage/Area: All nonconforming lots of record shall be in accordance with the following provisions:
  - a. Single Nonconforming Lots of Record: In any District in which single-family dwellings are permitted, a single-family

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dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of the Zoning Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the District in which such lot is located, or a variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

### **SECTION 802 NONCONFORMING USES OF LAND**

- 802.1 Where, at the time of adoption or amendment of the Zoning Resolution, lawful uses of land exist which would not be permitted by the current or any previous regulations imposed by the Zoning Resolution, the uses may be continued so long as they remain otherwise lawful, provided.
- 802.2 No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Resolution.
- 802.3 Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption of any amendments of the Zoning Resolution, but no such use shall be extended to occupy any land outside such structure.
- 802.4 No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of the Zoning Resolution unless it increases conformity with these regulations.
- 802.5 If any such nonconforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by the Zoning Resolution for the District in which such land is located.
- 802.6 Additional structures not conforming to the requirements of the Zoning Resolution shall not be erected in connection with such nonconforming use of land.

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**SECTION 803 NONCONFORMING STRUCTURES**

- 803.1 Where a lawful structure exists at the effective date of adoption of the Zoning Resolution that could not be built under the terms of the Zoning Resolution by reason of restrictions on area, heights, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations.
- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - b. Should such nonconforming structure be destroyed by any means (including demolition), for one hundred percent (100%) or more of its most current assessed value as recorded in the Office of the Greene County Auditor, it shall not be reconstructed except by granting of a variance by the Zoning Board of Appeals.
  - c. Should such nonconforming structure be damaged by any cause (including demolition), with damages determined to be less than one hundred percent (100%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the bulk, height, and area requirements shall not be in excess of those which existed prior to said damage.
  - d. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
  - e. To avoid undue hardship, nothing in the Zoning Resolution shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Resolution and upon which actual structure construction has been carried on diligently.
  - f. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became nonconforming shall not be increased. Upon the order of any official charged with protecting the public safety, nothing in this Section shall be deemed to prevent the strengthening or

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restoring to a safe condition any structure or part thereof declared to be unsafe by such official.

- 803.2 When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located and all other applicable provisions of the Zoning Resolution.

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**ARTICLE 9 ADMINISTRATIVE BODIES AND THEIR DUTIES**

**SECTION 900 TOWNSHIP ORGANIZATION**

The Bath Township Administrative bodies as described below shall be established and governed in accordance with the Township Laws of Ohio Section 519.

**SECTION 901 BOARD OF TRUSTEES**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent if this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 10.

- 901.1 Duties: The Township Trustees shall be responsible for the following duties, relative to zoning in Bath Township:
  - a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
  - b. To establish a schedule of fees for issuing Zoning Permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications;
  - c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provide in Article 10.

**SECTION 902 ZONING COMMISSION**

- 902.1 CREATION, MEMBERSHIP, APPOINTMENT
  - a. The Board of Township Trustees of Bath Township proceeding under sections 519.01 to 519.99 inclusive, of the Revised Code, shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members and two (2) alternates (optional) who reside in the unincorporated area of the

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township, to be appointed by the Board of Township Trustees, and the terms of the members and alternates shall be of such length and so arranged that the term of one member will expire each year. The Trustees may remove Zoning Commission members in accordance with 519.04 upon their discretion based on performance of duties.

### 902.2 ORGANIZATION

a. The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. None of the members of the Zoning Commission shall concurrently serve as a member of the Board of Zoning Appeals.

b. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

c. A majority of the Zoning Commission shall constitute a quorum for conducting business.

d. An alternate Zoning Commission member may be assigned at the Zoning Commission Chair's discretion, to substitute for any absent Zoning Commission member. Alternate members may only vote when substituting for an absent member.

### 902.3 OFFICIAL ACTION

a. The Zoning Commission shall act by resolution or motion on which a majority of the members present at the meeting must concur in any action before the Commission. The results of such resolution or motion shall be forwarded to the Board of Trustees for its action, except as may otherwise be provided herein.

b. If an issue cannot gain a simple majority vote at a meeting, the vote fails, and then said issue may be continued until the next meeting if such a motion is made. A motion or resolution can only be voted upon by members who are present at the meeting. The Zoning Commission Chairperson or acting Chairperson shall not vote unless there is a tie vote.



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### 902.4 LAND USE

a. The Zoning Commission may request from the Greene County Regional Planning and Coordinating Commission planning information, or to make available to the Zoning Commission a Zoning Plan, including text and maps, for the unincorporated area of the township or any portion of the same.

b. The Zoning Commission shall review the Greene County Land Use Plan every two (2) years, and recommend appropriate modifications to the Zoning Resolution. Recommendations shall be presented to the Trustees.

### 902.5 COMPENSATION

a. The Zoning Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board may approve and provide. No Township Trustee shall be employed by the Zoning Commission.

## **SECTION 903 BOARD OF ZONING APPEALS**

### 903.1 CREATION, MEMBERSHIP, APPOINTMENT

a. The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members and two (2) alternates (optional) who shall reside in the unincorporated area of the township. The term of each member shall be five (5) years, beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board shall organize annually and elect a president and vice president at the regularly scheduled January meeting. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

b. Three or more of the five (5) Board of Appeals members shall constitute a quorum for conducting business. All board actions shall be in the form of a resolution. The Board shall adopt from

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time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution. The Trustees may remove Board of Zoning Appeals members in accordance with Section 519.13 on the ORC upon their discretion based on performance of duties.

c. An alternate Board of Zoning Appeals member may be assigned at the Board of Zoning Appeals Chair's discretion, to substitute for any absent Board of Zoning Appeals member. Alternate members may only vote when substituting for an absent member.

903.2 HEARINGS, RULES, ETC.: The hearings of the Board of Zoning Appeals shall be public. The Board of Zoning Appeals shall fix a reasonable time for the public hearing, allow at least ten (10) days notice to the owners of record of property within a minimum of five hundred (500) feet of the property line in question before the day of such hearing (owners notified by the Zoning Inspector) and, and decide the Appeal within a reasonable time after it is submitted. Upon the hearing, the applicant or appointed representative, with written authorization from the property owner, shall appear in person. The Board may go into executive session for discussion but not for vote on any case before it, as provided by law. The Board shall hear testimony from any other parties in interest upon their being sworn in.

a. Based on the nature, scale, and intensity of the operations or use for which is being applied, the Zoning Inspector shall determine if the surrounding area shall be expanded for the purposes of notification to the surrounding property owners.

b. If an issue cannot gain a simple majority vote at a hearing, the vote fails, and then said issue may be continued until the next meeting if such a motion is made. A motion or resolution can only be voted upon by members who are present at the meeting. The Board of Zoning Appeals Chairperson or acting Chairperson shall not vote unless there is a tie vote.

903.3 MINUTES AND RECORDS: The Board of Zoning Appeals shall keep minutes of its proceeding showing the vote of each member on each question; or if absent or failing to vote, indicating such fact; and keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and shall be a public record.

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- 903.4 WITNESSES, OATHS, ETC.; The Board of Zoning Appeals shall have the power to subpoena witnesses, administer oaths, and may require the production of documents as required.
- 903.5 DEPARTMENTAL ASSISTANCE: The Board may call upon departments of the county and local governments for assistance in the performance of its duties.

### **SECTION 904 ZONING INSPECTOR**

- 904.1 It shall be the duty of the Zoning Inspector, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him/her upon seeing new construction, reconstruction, or land uses or upon seeing violations. The Zoning Inspector shall be responsible for the following duties:
- a. Review of all applications for Zoning Certificates within the township to insure they conform to all applicable provisions of this Resolution, then a Zoning Certificate shall be issued, and a record of all such Zoning Certificates maintained.
  - b. Attend Bath Township Board of Zoning Appeals and Zoning Commission meetings.
  - c. Act as staff for the Board of Zoning Appeals and Zoning Commission.
  - d. Conduct on-site inspections to insure the actual construction will conform to the Zoning Certificate.
  - e. Upon finding that any of the provision of this Resolution are being violated, take the necessary action necessary to correct such violation.
  - f. May order discontinuance of illegal uses of land or structures.
  - g. May order removal of illegal structures or illegal additions or structural alterations.
  - h. Review all subdivision plats in order to determine if the plat conforms to all applicable provisions of this Resolution.
  - i. Perform other particular duties as designated by the Township Trustees, Board of Zoning Appeals and Zoning Commission.

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- j. Provide a monthly report that includes new issued Zoning Certificates, complaints, and other issues pertaining to the Township and Resolution to the Township Trustees, Board of Zoning Appeals and Zoning Commission.
  - k. Report emergency situations to the proper authorities.
- 904.2 Appeal for the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 10.
- 904.3 **RECORDS AND REPORTS**
- a. The Bath Township Zoning Inspector shall keep suitable records on file in the Bath Township Office. The records shall contain the location and character of every structure or other work for which a certificate is issued. A log will be maintained by the Township Zoning Inspector recording all zoning complaints and corrective actions taken. All original notes or records made by the Township Zoning Inspector or by those identified in Section 1000.1 shall be signed and properly filed for permanent record.
  - b. At the beginning of each calendar month, the Township Zoning Inspector shall prepare and file with the Township Trustees, a report covering all the activities of his office during the preceding calendar month. This report shall include for the period covered: the number, type and kind of structure or other works for which certificates have been issued; the basis therefore and the fees collected therefore. When requested by the Township Trustees, an interim report for the partial month and conveying the same information shall be furnished.
  - c. At the beginning of each calendar year, the Township Zoning Inspector shall prepare and file with the Township Trustees an annual report summarizing the activities of his office during the preceding calendar year and containing his comments, recommendations and other pertinent matters in connection therewith.

### **SECTION 905 ZONING CLERK**

- 905.1 The Zoning Clerk shall be hired by the Board of Trustees, and shall perform the following duties:
- a. Prepares legal advertisements for the Board of Zoning Appeals and the Zoning Commission public hearings and public meetings,

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and notifies surrounding property owners (as prescribed in the Zoning Resolution) for zoning cases.

- b. Prepares the agenda and records the minutes of Board of Zoning Appeals and Zoning Commission meetings.
- c. Attends Board of Zoning Appeals and Zoning Commission meetings, records proceedings, and reads notices of public hearings.
- d. Prepares, submits and records Resolution in zoning cases before the Board of Zoning Appeals and Zoning Commission.
- e. Assists in preparation for Board of Zoning Appeals and Zoning Commission meetings.
- f. Responds to public information requests from the public concerning information about upcoming meetings, and minutes of past meetings, and handles miscellaneous public inquiries.
- g. Disseminates information and meeting agendas in both print and electronic formats, as appropriate, to the Board of Zoning Appeals, Zoning Commission and the Zoning Inspector.
- h. Performs other duties as required.

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**ARTICLE 10 PROCEDURES**

**SECTION 1001 ZONING CERTIFICATES**

1001.1 It shall be unlawful for an owner to use or to permit the use of any structure or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a Certificate, provided he/she is satisfied that the structure(s) or land and the proposed use thereof conform with all the requirements of this Resolution. No Certificate for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless plans, specifications and the intended use conform to the provisions of this Resolution. Applicants for agriculture exempt structures shall apply to the Township Zoning Inspector, who shall provide a no-cost Zoning Certificate.

1001.2 Upon written request from the owner, the Zoning Inspector shall issue a Zoning Certificate for any lawful uses of structure(s) or land existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the structure or premises and whether such use conforms to the provisions of this Resolution. A charge shall be made for issuing a Zoning Certificate in accordance with this section.

1001.3 **CERTIFICATE LIMITATIONS**

a. Any certificate issued by the Township Zoning Inspector under provisions of this Resolution, shall expire by limitation when no construction is started within six (6) months from the date of issuance. All construction shall be completed within one (1) year or within an approved extension by the Zoning Inspector.

1001.4 **REVOCAION OF CERTIFICATES**

a. The Township Zoning Inspector may revoke any certificate of approval issued under the provisions of this Resolution or may stop the work for any of the following reasons:

(1) Whenever there is a violation of any of the provisions of this Resolution.

(2) Whenever the continuance of any work becomes dangerous to life or property.

(3) Whenever there is a violation of any condition on which the issuance of the certificate or approval was based.

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(4) Whenever, in the opinion of the Township Zoning Inspector with the concurrence of the Township Trustees, the person having charge of the work is incompetent.

(5) Whenever any false statement or misrepresentation has been made in the application, plans or specifications on which the issuance of the certificate or approval was based.

b. The notice of revocation of the certificate shall, in every instance, be in writing and shall be served upon the owner. A revocation notice shall also be posted on the premises in question by the Township Zoning Inspector. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation until such operations are brought into conformance with the Zoning Certificate and approved by the Zoning Inspector. No part of the fees for such certificate shall be returned.

### 1001.5 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

a. No structure shall be erected, moved, added to, or structurally altered without a Zoning Certificate issued by the Zoning Inspector. No Zoning Certificate shall be issued except in conformity with the provisions of this Resolution. No Certificate is required for any structure to be used for bona fide agricultural, public or parochial school purposes.

### 1001.6 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES

a. Written applications shall be made for a Zoning Certificate for the construction of a new structure or the alteration of an existing structure. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of the Resolution.

b. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or structure as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate therefore shall be issued within fifteen (15) days after the application for the same has been made.

c. Every application for a Zoning Certificate shall be accompanied by:

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(1) One complete set of construction drawings to scale, dimensioned, with square footage, with all elevations, floor plans, wall sections, and a foundation plan.

(2) Plot plan or site plan, to scale, with property dimensions, north arrow, with dimensions for the proposed structure or addition to all property lines at the closest point of the structure to the closest property line. Ensure all fireplaces, bay windows, decks (with stairs shown), parking areas, and driveways are on both the construction drawing and site plan.

(3) If the site does not have public wastewater collection, a Greene County Combined Health District on-site wastewater collections permit with layout is needed.

(4) Name, address and phone number of owner of the property.

(5) Name, address and phone number of contractor.

(6) Identify who is to be contacted if additional information is needed or to pick up the Certificate.

(7) Pool Certificates – Need to show apron or deck on site plan, with setbacks from deck/apron to property lines and fence location on the site plan (with description or specification of fence, to include heights, type of material, spacing, etc.) and location of gates and locks.

(8) Non-residential sites – Require a parking plan with parking dimensions, landscaping plan, drainage calculations, etc.

(9) Agricultural exemption – Require a letter identifying the use of the structure, items to be stored in the structure, what the agricultural use of the property is (such as – what crops are planted, what animals are being raised, etc.) A site plan and construction drawing if possible is required.

(10) Use compliance – Require a letter describing the nature of the business in detail, a parking plan, number of employees, number of business vehicles, square footage, etc.

(11) Front yard setbacks must be from the right-of-way.

1001.7 FEE FOR ZONING CERTIFICATES



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- a. Each application shall be accompanied by a fee as established by the Board of Township Trustees.
- b. Application fees shall not be refunded in any case.
- c. The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer who shall apply such fees to the credit of the General Revenue Fund of the Township.

1001.8 VIOLATION AND PENALTIES

- a. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any owner of the property where the violation of this Resolution occurs shall be brought to the attention to the County Prosecutor for appropriate action, and the maximum fine shall not be more than five hundred (\$500) for each offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or uses continues may be deemed a separate offense.

1001.9 VIOLATION - REMEDIES

- a. In case any structure 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 this Resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by laws, may institute injunction, mandates, abatement, or any other appropriate action, actions, proceedings or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

**SECTION 1002 APPEALS**

- 1002.1 Appeals shall be made to and before the Board of Zoning Appeals. Such Appeals shall be taken within twenty (20) days after the decision of the Zoning Inspector. The Zoning Inspector shall transmit to the Board all the papers constituting the record.

- 1002.2 The Board of Zoning Appeals shall hear and decide appeals and issues of interpretation where it is alleged there is an error in the

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interpretation of the Bath Township Zoning Resolution in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.

- 1002.3 The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, or decision, and shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Greene County.
- 1002.4 Each application for appeal shall be accompanied by a fee as established by the Board of Township Trustees.

### **SECTION 1003 VARIANCES**

The Board of Zoning Appeals shall have the following powers and duties:

- 1003.1 The board shall have the power to hear and decide on variances where there is unnecessary hardships (as described below), and authorize such variances from the provisions or requirements of this Resolution, provided that:
- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or physical conditions generally created by the provisions of this Resolution in the neighborhood or District in which the property is located;
  - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - c. That such unnecessary hardship has not been created by the applicant;
  - d. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare; and
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue

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- 1003.2 Any Variance for a land use not specifically provided by this Resolution shall be denied by the Township Zoning Inspector. A petition for a change in zoning classification to permit such a use may be made to the Zoning Commission. The Board shall determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a District. A public hearing is not required for Similar Use Determination.
- 1003.3 A Land Use Variance shall not be granted. A Zoning Resolution Change (Map or Text) is a proper remedy.
- 1003.4 Each application for a Variance shall be accompanied by a fee as established by the Board of Township Trustees.

### **SECTION 1004 CONDITIONAL USES**

- 1004.1 Under the authorization granted in Chapter 519 of the ORC, Bath Township Board of Zoning Appeals shall hear and authorize conditional uses according to the terms of this Resolution. The Board shall have the power to decide applications for conditional uses in those cases specified in Article 4 of this Resolution. In considering such applications, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and may impose additional requirements and conditions as the Board may deem necessary for the protection of adjacent properties and the public health, safety and general welfare including specific limitations as to future expansion. Any requirement and/or conditions imposed by the Board shall not be less restrictive than those contained herein for the specific District involved. Such uses will comply with all conditions and standards for the location or operations of the use as specified by this Zoning Resolution, and all specific conditions dictated by the Board of Zoning Appeals.
- 1004.2 For conditional uses in all Districts except “B” and “M”:
- a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such (based on County or State recommendations) that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes or pedestrian traffic, particularly of

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children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity development of the area.

b. The location and height of structures, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and structures.

c. The nature, scale and intensity of the operations or use involved in or conducted in connection with the conditional use shall be provided with adequate infrastructure to ensure health and safety of the operations or use and the health, safety and general welfare of the surrounding areas (as defined in Article 2 of this Resolution ). The nature, scale, and intensity of the operations or use shall be consistent with the surrounding areas. The nature, scale, and intensity of the operations or use shall meet all applicable State, County, and local government requirements applicable to such operation or use. The applicant shall provide at the time of application sufficient evidence that the above requirements as well as the requirements in this resolution will be met.

1004.3 For conditional uses in “B” and “M” Districts:

a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such (based on County State, or Federal recommendations) that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the District, both at the time and as the same may be expected to increase with increasing development of the Township area, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

b. The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the Business or Industrial District in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in the Commercial or Industrial District.

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c. The nature, scale, and intensity of the operations or use involved in or conducted in connection with the conditional use shall be provided with adequate infrastructure to ensure health and safety of the operations or use and the health, safety and general welfare of the surrounding areas. The nature, scale, and intensity of the operations or use shall be consistent with the surrounding areas (as defined in Article 2 of this Resolution). The nature, scale, and intensity of the operations or use shall meet all applicable State, County, and local government requirements applicable to such operation or use. The applicant shall provide at the time of application sufficient evidence that the above requirements as well as the requirements in this resolution will be met.

1004.4 Each application shall be accompanied by a fee as established by the Board of Township Trustees.

### **SECTION 1005 PROCEDURE FOR CHANGING THE ZONING RESOLUTION**

The Bath Township Trustees may from time to time amend, supplement, change or repeal this Resolution to the manner prescribed by Section 519.12 of the ORC and in accord with the following:

1005.1 A proposed amendment may be initiated by the Bath Township Zoning Commission, the Bath Township Trustees, or by filing an application to the Bath Township Zoning Inspector. Applications for any change to this Zoning Resolution shall be submitted to the Zoning Inspector, at the Bath Township office, upon such forms, and shall be accompanied by such data, information, and fees (as may be prescribed by this Resolution) for that purpose so as to assure the fullest practical presentation of facts for the permanent record. Each such application shall be signed the owners or authorized agent (as documented in writing by the owners and notarized) of owner of property within the area proposed to be reclassified, verifying to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Zoning Commission shall be accompanied by its motion pertaining to such proposed amendment.

1005.2 **INTERPRETATION OF DISTRICT MAP:** Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Commission, after notice to the owners of the property and after public hearing, may institute proceedings in accordance with this Resolution to change the map to conform therewith.

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- 1005.3 AMENDMENT LIMITATIONS: Petitions for Zoning Amendment concerning any parcel of property, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.
- 1005.4 REFERRAL OF PROPOSED CHANGE TO COUNTY OR REGIONAL PLANNING COMMISSION: Within five (5) days after the application for change in the Resolution or Districts, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the County or Regional Planning Commission. The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
- 1005.5 PUBLIC HEARING BY COMMISSION: Before submitting its recommendation of a proposed amendment to the Board of Township Trustees, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in newspaper of general circulation in the Township at least ten (10) days before the date of the hearing. The notices shall state the place or places and times at which the proposed amendment to the Resolution, including the text and maps, may be examined, during the ten (10) day period prior to hearing.
- 1005.6 NOTICE TO PROPERTY OWNERS: Pursuant to Section 519.12 of the ORC and pursuant to the Zoning Resolutions of Bath Township, Greene County, Ohio. In addition to the published notice as hereinbefore specified, if the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, the Commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendment or supplements by mailing a certified letter not less than twenty (20) days nor more than forty (40) days prior to the date of the hearing, to the owners of all properties lying within and contiguous to and directly across the street from such areas proposed to be rezoned or redistricted, within five hundred (500) feet (whichever is greater), or an expanded area based on the extent of the proposed change, at the discretion of the Zoning Inspector, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure to notify, as provided in this Section, shall not invalidate any recommendations adopted hereunder; it being the intention of

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this Section to provide, as far as may be possible, due notice to the persons substantially interested in the proposed change that an application is pending before the Commission proposing to make a change in the Zoning District map or the regulations set forth in the Resolution. Interested persons may appear and voice their opinion with respect to this proposed change. After conclusion of such hearing the matter will be referred for further determination to the Board of the Township Trustees, pursuant to law.

- 1005.7 **ACTION OF COMMISSION:** The Commission may recommend that the application be granted as requested, or it may recommend a modification to the application, or it may recommend that the application not be granted. The recommendation(s) shall then be certified to the Board of Township Trustees within thirty (30) days after the hearing.
- 1005.8 **PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES:** Not more than thirty (30) days after receiving from the commission the certification of said recommendations of the proposed amendment, and before adoption of such amendment, the Board of Township Trustees shall hold a public hearing thereon, at least ten (10) days notice of the time and place of which shall be given the Board by one (1) publication in one or more newspapers of general circulation in the Township.
- 1005.9 **ACTION OF THE BOARD OF TOWNSHIP TRUSTEES:** Within twenty (20) days after holding the public hearing, the Board of Township Trustees shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Resolution or Zoning District Map. The Board of Township Trustees may overrule the recommendations of the Commission by unanimous vote of the Board of Township Trustees. The Board of Township Trustees may approve the recommendations of the Commission with modifications by unanimous vote of the Board of Township Trustees.
- 1005.10 **FEES FOR ZONING CHANGES:** Each application shall be accompanied by a fee as established by the Board of Township Trustees.