

**Section 600.00**  
**REGULATIONS APPLICABLE TO ALL DISTRICTS**

**Section 601.00 Purpose**

The purpose of this Section is to provide regulations that address health, safety, general welfare concerns, and problems that are the same for all zoning districts or for more than one district.

**Section 602.00 Uses Exempt from Regulations**

A. Agricultural Uses

1. Nothing contained in this Resolution shall prohibit the use of land, buildings or structures and/or the location or construction of buildings and structures for agricultural purposes, except as specified in Section 650.00.
2. A Zoning Certificate shall not be required for any agricultural use as specified in Section 602.00.A.1. However, a signed affidavit stating that the purpose of the building is for agricultural use only is required prior to construction. The affidavit must be signed by the Zoning Inspector.
3. Farm dwellings and other accessory buildings and structures shall conform to the requirements of the applicable zoning district.

B. Public Utilities and Railroads

Public utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. Wireless Telecommunications Service Facilities classified as a public utility located in any residential zoning district are subject to the provisions of Section 500.10.B.59, if applicable.

**Section 603.00 Agricultural Tourism**

**Section 603.01 Purpose**

To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms in Mantua Township.

The goals of these provisions are:

- A. To maintain and promote agriculture and its related activities, such as agricultural tourism
- B. To preserve open space and farmland
- C. To maintain both an agricultural heritage and a rural character
- D. To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education.

**Section 603.02 Uses Permitted by Right**

- A. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees, and other farm animals, products, and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing and for the incidental sale of crops, products, and foodstuffs raised or grown on said parcel, or in said building(s) or structure(s).
- B. Storage, retail or wholesale marketing, or processing of agricultural products into a value added agricultural product is a permitted use in a farming operation if more than 50% of the stored, processed, or merchandised products are produced by the farm operator for at least three (3) of the immediately preceding five (5) years.
- C. Cider mills or wineries selling product in a tasting room, derived from crops grown primarily on site for at least three (3) of the previous five (5) years.
- D. Direct marketing of produce in a: farm market, on-farm market, roadside stand, multi-farmer's market, on-farm nursery, or farm stays and farm visits.
- E. Seasonal U-pick fruits and vegetable operations, rent-a-tree operations, and community supported agriculture.
- F. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- G. Food sales and processing, processing of any fruits or produce.
- H. Sections 603.02.A through 603.02.G, listed above, may include any or all of the following ancillary agriculturally related uses so long as the general character of the farm is maintained, and the income from these activities represents less than fifty percent (50%) of the gross receipts from the farm operation.
  - 1. Value-added agricultural products or activities such as educational tours of processing facilities, etc.
  - 2. Bakeries selling baked goods containing produce grown primarily on site, with the limitations listed in Section 603.02.B
  - 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., but not to include carnival-style motorized rides
  - 4. Petting farms, animal displays, and pony rides
  - 5. Wagon, sleigh, and hayrides and seasonal celebrations
  - 6. Nature trails
  - 7. Open air or covered picnic area with restrooms
  - 8. Educational classes, lectures, seminars

9. Historical agricultural exhibits, farm museums
10. Kitchen facilities, processing/cooking items for sale
11. Gift shops for the sale of agricultural products and agriculturally related products
12. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25% of gross sales

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**Section 605.00            Dangerous/Objectionable/Prohibited Uses**

A. No use shall be permitted or authorized to be established that may become hazardous, noxious, offensive, injurious, harmful, objectionable or which may otherwise adversely affect surrounding areas or adjoining premises. At a minimum, the occupation or use of any land or building in any district shall be in violation of the resolution if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials not adequately protected by fire fighting and fire protection equipment or by such safety devices as are normally required for such activities
2. Activities involving the use and storage of flammable and explosive materials not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
3. Radioactivity or air pollution at levels in violation of the regulations of the Ohio Environmental Protection Agency.
4. Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency.
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat.
6. Vibration discernible by the Zoning Inspector without instruments on an adjoining lot or property.
7. Direct or reflected glare visible from any street or from any property.
8. Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property.
9. Water pollution or contaminants at levels in violation of the regulations of the Ohio Environmental Protection Agency.

B. Assurance Requirements and Plans

Prior to the issuance of a Zoning Certificate, the applicant may be required to provide written assurances and plans indicating the manner in which dangerous and/or objectionable aspects of the proposed use shall comply with the requirements of this section.

### C. Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall be subject to the enforcement procedures contained in Section 305.05 of this Resolution.

### D. Prohibited Uses

The following specific uses are prohibited in any area:

1. Storage, sale, or manufacture of fireworks or any other explosive
2. Dumping, storing, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubbish or dead animals (except household pets in own yard), except as specifically permitted in Section 400.00. Composting yard wastes and kitchen scraps (no meat, dairy or fat wastes) is permitted, if properly maintained. The guidelines of the Portage County Solid Waste District must be followed.
3. Use of any vehicle for dwelling unit purposes
4. Junk motor vehicles, junk yards, auto graveyards or places for the collection of scrap metal, paper, rags, glass, or junk for sale, salvage, or storage purposes or for dismantling used vehicles, except as otherwise specifically permitted in Section 400.00.
5. Slaughter houses and fertilizer manufacturers
6. Unless exempt as an agricultural use in compliance with all applicable state and federal regulations, the keeping, or maintaining of a wild and dangerous animal by any person shall be deemed a public nuisance due to the health and safety risk to the public and domesticated animals, and such use shall not be considered an accessory use within any zoning district.

## **Section 606.00 Environmental Protection Requirements**

### **Section 606.01 Purpose**

The purpose of these requirements is to ensure that the development of any parcel of land and/or structure within the township is compatible with the environment and to protect the quality of the environment in any location where the characteristics of the environment are of significant public value and are vulnerable to damage. The environmental protection requirements are designed to protect the public and property owners from:

- A. Unsafe buildings on unstable land which would be caused by uncontrolled development
- B. Significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof
- C. Significant damage to the economic value and efficiency of operations on existing properties and/or new developments
- D. Soil erosion and stream siltation

- E. Destruction of mature and/or valuable trees and other vegetation
- F. Damage/destruction of nontidal wetlands which involve the following nuisance/hazardous activities:
  - 1. Blocking flood flows, destroying flood storage areas, or destroying storm barriers, thereby raising flood heights or velocities on other land and increasing flood damages.
  - 2. Causing water pollution through any means, including location of wastewater disposal systems in wet soils; unauthorized application of pesticides, herbicides and algaecides; disposal of solid wastes or storm water runoff at inappropriate sites; or the creation of areas that are not stabilized
  - 3. Increasing erosion
  - 4. Increasing runoff sediment and storm water.
  - 5. In addition, activities in or affecting nontidal wetlands shall not destroy natural wetland functions important to the general welfare by:
    - a. Decreasing breeding, spawning, nesting, wintering, feeding or other critical habitat for fish and wildlife including rare, threatened and endangered plant and animal species and commercially and recreationally important wildlife.
    - b. Interfering with the exchange of nutrients needed by fish and other forms of wildlife
    - c. Decreasing groundwater recharge
    - d. Destroying sites needed for education and scientific research as outdoor biophysical laboratories, living classrooms and training areas
    - e. Interfering with public rights in waters and the recreation opportunities for hunting, fishing, boating, hiking, bird watching, photography, camping and other activities in nontidal wetlands

### **Section 606.02      Applicability**

Where applicable, requirements imposed herein shall be in addition to those of the zoning district. Areas of applicability shall include the following at a minimum:

- A. Areas with soils with hydric inclusions (see, U.S. Soil Conservation Service, Soils Survey of Portage County,) may require an on-site inspection.
- B. Special flood hazard areas: from Federal Emergency Management Agency, Community Flood Hazard Maps, 2008, or the most current available special flood hazard area maps.
- C. Wetlands: National Wetlands Inventory, U.S. Department of Interior, 1977, or the most recent wetlands maps or on-site delineations approved by the U.S. Army Corps of Engineers.
- D. Areas of steep slopes: U.S. Soil Conservation Service, Soils Survey of Portage County; U.S.G.S. Topographic Quadrangle Maps, or the most recent contour data.

- E. Forested/Wooded areas: 1999 Mantua Township Comprehensive Land Use Plan or current available aerial photos of Mantua Township.
- F. Ponds, lakes, streams, ditches: U.S. Soil Conservation Service, Soils Survey of Portage County; Portage County Highway Map, Portage County Engineer or the most current available Aerial Photos.

### **Section 606.03            General Standards**

Prior to the commencement of any development, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. All plans for development shall account for such features and shall fully comply with the environmental protection standards applicable to each feature of Section 606.05. Site alterations, regrading, filling, and clearing of vegetation prior to the submission and approval of such plans shall be a violation.

### **Section 606.04            Development Regulated by Environmental Protection**

- A. Any use/activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein is regulated by the provisions of this Resolution and subject to the review process set out below.
- B. If any of the above uses/activities or construction involve a site plan review as indicated under Section 300.00, then an environmental review shall occur in conjunction with the site plan review in addition to the underlying district regulations and other sections of this Resolution.
- C. All other activities/uses not subject to site plan review of land or structures detrimental to environmental resources and in violation of this Resolution shall require review by the Zoning Inspector to determine the extent of potential environmental impacts.
- D. The Zoning Inspector may utilize other governmental agency resources to assist in this determination such as the Soil & Water Conservation District office, County Engineer, or Regional Planning Commission. If negative, detrimental impacts are proposed or occurring, the Zoning Inspector may order corrective actions be taken to assure impacts are mitigated.
- E. Drainage systems and special flood hazard areas which exist or are indicated on any land use or thoroughfare plan are essential for the maintenance of the health and general welfare of the people. Any encroachment upon, filling, or destruction of these drainage systems and/or special flood hazard areas is a violation of this Resolution, unless approved by the Floodplain Administrator (in Portage County the Chief Building Official of the Building Department is the appointed Floodplain Administrator) or other agency having jurisdiction. In order to provide for the development of property for its best use, such as new subdivisions, the Portage County Engineer or other appropriate agency shall determine what facilities are adequate to maintain efficient functioning of the drainage systems or special flood hazard areas.

1. Special flood hazard areas collect and accumulate water from associated drainage systems during periods of heavy rains, from snow melt, or from an individually heavy rainfall. Blocking, filling, obstructing, or impeding drainage into or out of any special flood hazard area by any means shall be a violation of this Resolution and the Special Purpose Flood Damage Prevention Regulations for Portage County.

Owing to topography, a special flood hazard area, as described above, may exist within the bounds of any subdivision of any zoned district, or within the boundaries of any individual lot in any zoned district. The above conditions, regulations, and restrictions apply to any and all special flood hazard areas, regardless of size or location.

2. General Regulations Concerning Drainage Systems and Special Flood Hazard Areas
  - a. Drainage systems
    1. No building, accessory building, landscaping, septic/sewage system, roof drain, or any associated construction, in whole, or in part, in any zoning district may impinge or encroach upon any drainage system as described in this Resolution. .
    2. No individual lot in any zoning district shall be located, situated, sized, or shaped in any way, which will force any building or other permanent construction to interfere in any manner with any drainage system of any kind.
    3. The alteration, filling, dredging, or damming of any drainage system shall require the submission and review of such plan by: the Township Zoning Inspector, Township Trustees, County Engineer, Portage County Soil and Water Conservation District, and/or the U.S. Army Corps of Engineers. The applicant shall provide proof of all approvals granted by the appropriate governmental department or agencies having authority, and shall also include a list of all known negative impacts that may occur due to this approval.
    4. It shall be the responsibility of the owner(s) of the lot(s) to properly maintain and repair any damage to any drainage system located within the boundaries of his/her lot(s) caused by construction or any kind of natural occurrences. It will be the responsibility of the lot owner(s) to properly maintain any and all drainage systems within the boundaries of his/her lot(s).
  - b. Special Flood Hazard Areas /Floodways
    1. All special flood hazard areas and floodways shall be permanent open space and may be used for non-intensive recreational uses as permitted by the administrator of the Portage County Flood Damage Prevention Program and/or the U.S. Army Corps of Engineers.
    2. Unless approved by the administrator of the Portage County Flood Damage Prevention Program indicating the project's compliance with the Portage County Flood Damage Prevention Regulations, no one shall be permitted to:
      - a. Construct any buildings or structures within a special flood hazard area or floodway.

- b. Alter or impede the storage capacity and/or the flow characteristics of any special flood hazard area or floodway.

## **Section 606.05 Environmental Protection Standards**

### **A. Special Flood Hazard Areas**

All Special Flood Hazard Areas shall be permanent open space and may be used for non-intensive recreational uses as permitted by the administrator of the Portage County Flood Damage Prevention Program and/or the U.S. Army Corps of Engineers. No buildings or structures are permitted within a floodway. The types of uses permitted in the floodway are listed below:

1. Agriculture
2. Public or private parks and outdoor recreational facilities, which should be limited to playfields, ball fields, trails, and other similar unimproved amenities
3. Fencing that allows the passage of water
4. Off-street parking areas accessory to the above uses, provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete, combinations of geotextiles with sand, gravel, or sod

### **B. Steep Slopes**

1. Slopes 18% to 25%

At least 70% of such areas shall remain as permanent open space. No more than 30% of such areas shall be developed and/or re-graded or stripped of vegetation.

2. Slopes greater than 25%

At least 85% of such areas shall remain as permanent open space. No more than 15% of such areas shall be improved, stripped of vegetation or have the gradient changed. Erosion control plans shall be approved by the Portage Soil & Water Conservation District Office and must then be followed if affecting those slopes.

### **C. Wetlands**

1. Definition

The U.S. Fish and Wildlife Service, a Bureau in the Department of Interior, has developed a wetland definition and classification system for the primary purpose of inventorying the nation's wetlands. This definition emphasizes three key attributes of wetlands: wetland vegetation (hydrophytes); hydrology (the degree of flooding or soil saturation); and hydric soils (periodically flooded and/or saturated soils). The Service has developed a list of plants occurring in the nation's wetlands, and the U.S.D.A. Soil Conservation Service has prepared a list of hydric soils to help further define wetlands. The current National Wetlands Inventory or onsite delineations prepared by a certified agency or individual can be used to identify wetland areas.



## 2. Activities Regulated

Dredging, filling, grading, draining, unnatural flooding, excavation or construction in a wetlands area or on lands immediately abutting, adjoining or affecting said area if such activity upon these adjacent areas is incompatible with the preservation of those wetlands in their natural state is prohibited. Wetlands are regulated by the U.S. Army Corps of Engineers and the U.S. EPA through Section 404 of the Clean Water Act. Prior to conducting any of the above activities affecting a wetland, a review by the Army Corps of Engineers or the Ohio EPA shall be submitted to the Zoning Inspector. Such reviews will determine if the action will be allowed. Violation of this regulation could be considered a violation of federal law as well as township law and subject to both federal and township penalties.

## 3. Wetlands Protection

Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be preserved shall be protected by the following measures or by the specific requirements of either agency:

- a. A buffer area having a width not less than twenty five (25) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
- b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated wetland.
- c. Wetlands should not be filled to create an acceptable buffer.

## 4. Uses Permitted in Non-tidal Wetlands

Any fill in a water of the United States requires authorization under Section 404 of the Clean Water Act by the Army Corps of Engineers. The Army Corps of Engineers or Ohio EPA should be contacted regarding any proposed use in a regulated wetland.

The following uses shall be allowed, as a right, within a nontidal wetland, to the extent that they are not prohibited by any other Resolution or law, and provided they do not require structures, grading, fill, draining or dredging except as provided herein, or authorized by special permit:

- a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.
- b. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.
- c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and seeds in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of the nontidal wetland by changing existing nontidal wetland water conditions or sources, tilling of soil or planting of crops.

- d. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices approved by the State Forester or Soil & Water Conservation Office pursuant to regulations or guidelines.
- e. The continued cultivation of agricultural crops, provided no nontidal wetlands are subject to cultivation where no such use existed five years prior to the effective date of application.
- f. The occasional pasturing of livestock provided manure does not degrade the wetland.
- g. Commercial fishing and trapping.
- h. Education, scientific research and nature trails.
- i. Uses by right that do not require a special permit that may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:
  - 1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the zoning office. The work is to be conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
  - 2. Limited ditching, tiling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided the maintenance, or repair activity does not result in the impairment, alteration, or loss of nontidal wetlands not previously used for agricultural purposes.
  - 3. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, duck blinds, wildlife management shelters, boat houses, and other similar water related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the nontidal wetland, except as authorized by special permit.

#### D. Unstable Soils

Soils which are indicated as unstable and/or subject to slippage shall not be built upon in order to protect personal property and real estate. On site test borings may be utilized to verify the exact extent of such soil units.

#### E. Forested/Wooded Areas

##### 1. Purpose of Regulation/Protection

To provide for the protection, preservation, proper maintenance and use of woodlands

located in this township in order to minimize disturbance to them and to prevent damage from erosion and siltation, loss of wildlife, destruction of vegetation and natural habitat, and to help protect air quality.

## 2. Regulated Activities

- a. Clearcutting of woodlands is prohibited unless the woodlands are tree farms with monocultures (single species, same age) or the owner/lessee has a logging plan approved by the State Forester or the Soil Conservation District Office. Such plan shall follow the Best Management Practices for Forest Management.
- b. Cutting of forest/woodlands in other areas shall also be done according to best management practices which include selective, rotational cutting, and utilizing sustained yield management.

The owner/lessee shall have a conservation plan approved by the Soil Conservation Service or State Forester.

- c. No more than 50% of any individual lot shall be cleared of trees for development purposes unless it can be demonstrated such additional clearance is the minimum clearance necessary to achieve a buildable lot due to other environmental constraints (i.e., wetlands, steep slopes) or due to other building, zoning or health code requirements.

## F. Rivers, Lakes, Ponds and Drainage Ways Regulations

### 1. Purpose of regulating

To provide for the protection of water quality through proper maintenance and use of rivers, perennial streams, ponds, ditches and other drainage ways; to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, unnatural flooding, a loss of fish or other beneficial aquatic organisms or a loss of wildlife and vegetation.

### 2. Regulations

#### a. Rivers and Perennial Stream Channels

A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than twenty five (25) feet, measured from the high water mark on each side of the river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. The required buffer may be increased based upon the type of stream, slope of the stream banks, surrounding soils, vegetation, land uses, and the function of the stream, but in general shall not exceed three hundred (300) feet. In making a determination on the appropriate buffer width, the Zoning Commission may consult with technical experts such as the Portage County Soil and Water Conservation District, the Portage County Park District, the Portage County Engineer, the Portage County Regional Planning Commission or others qualified to provide a recommendation to the Zoning Commission.

## b. Lakes and Ponds

All such areas shall be permanent open space. No development or diversion of these bodies of water shall be permitted except to provide required roads. Filling shall be permitted only in conjunction with the deepening of a lake or pond and shall be permitted only if surface area and flood retention capabilities are not reduced, provided that such activity within the lake or pond is not considered subject to provisions and federal law under jurisdiction of the U.S. Army Corps of Engineers, Ohio EPA or any other authorized state or federal entity.

## c. Lake Shorelines

The area within one hundred (100) feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

## d. Pond Shorelines

The area within fifty (50) feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

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**Section 610.00**      **General Regulations**

**Section 610.01**      **Lots, Yards, and Open Space Areas**

## A. Required Lots, Yards, and Open Space

No area of land that has been counted or calculated as part of a side yard, rear yard, front yard or other open space that is required may be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

## B. Usable Open Space

Whenever required, usable open space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking and loading areas

## C. Sub-standard lots.

Any lot which was plotted prior to the enactment of this Resolution that does not meet the requirements for yards or other open space may be utilized for single residence purposes provided that:

1. The responsible Health Authority must assure that the necessary requirements for sanitary sewage facilities and water can safely be accommodated.

2. The proposed use will not encroach upon or into the required side yard, rear yard, front yard or other open space of the applicable zoning district.

#### D. Reduction of Area or Space

1. No lot, yard, parking area or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area or other space less than the required minimum.
2. Any lot, yard, parking area or other space which is already less than the required minimum shall not be reduced further.

#### E. Construction in Easements

1. Easements for installation, operation and maintenance of utilities and drainage facilities are to be reserved as shown on each plat when recorded or otherwise established.
2. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage systems within the easement.
3. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

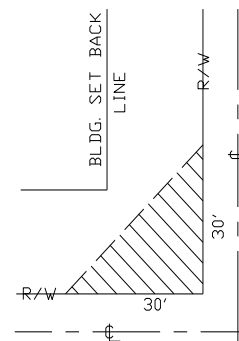
#### F. Corner Lots or Lots with Any Number of Yards Fronting on a Street

##### 1. Required Yards Facing Streets

On a corner lot or a lot with any number of yards fronting on a street, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required in the front yard for the zoning district in which such structures are located.

##### 2. Visibility at Corner Lots

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



G. Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Unless otherwise specified, any nonresidential building or use that is located or conducted on a commercially or industrially zoned parcel of land shall be no closer than one hundred (100) feet to any lot line of a residential district.

H. Lot Width to Depth Ratio for Lots Located Within a Residential Zoning District

Except as otherwise specified, any lot created within the RRNOSO, R-1, R-2 or R-3 Zoning Districts after the effective date of this Resolution that is less than five (5) acres shall have a depth which is no greater than four and one-half (4-1/2) times the lot's width measured at the minimum building set back line.

I. Maximum Lot Coverage

Except as otherwise specified, the maximum lot coverage on any lot shall not exceed 20% of the total lot area.

**Section 610.02 Principal Buildings**

No more than one principal building shall be permitted on any lot unless specifically allowed. In addition, every principal building regardless of use shall be located on a lot having the required frontage on a public or private street built to Portage County Subdivision Regulation standards and that meets the requirements of this Resolution.

A. Minimum distance for buildings intended for human habitation from oil and gas facilities

All buildings intended for human habitation shall be located at least two hundred (200) feet from any well head, separator units, storage tank and tank battery.

B. Manufactured Homes and Modular Homes

1. All manufactured and modular homes shall be located on a permanent foundation in compliance with 1992 CABO 1 and 2 Family Dwelling Code and all Portage County Building Department Resolutions.
2. Manufactured homes and modular homes not used as dwellings shall not be permitted to remain on the lot.
3. A manufactured home or a modular home may be permitted for use as a temporary dwelling unit subject to Section 630.02.

**Section 610.03 Regulation of Accessory Buildings and Structures**

Except as otherwise specified in this Resolution, a maximum of only two (2) accessory buildings or structures shall be permitted:

- A. The total combined gross floor area of the accessory buildings or structures shall not exceed 25% of the rear yard area of the principal building.

- B. Shall not exceed thirty-five (35) feet in height.
- C. Shall not be located in the front yard area of a lot.
- D. Shall meet all yard requirements of the zoning district.
- E. Shall not contain or be used as a dwelling unit.
- F. A building, not to exceed a total of one hundred ninety-two (192) square feet of floor area, may be permitted on a lot without a principal building, providing it is in compliance with Subsection 610.03.B, C, D, E and F.
- G. Accessory buildings and structures with an area greater than one hundred ninety-two (192) square feet shall comply with the following requirements:
  - 1. A Zoning Certificate is required.
  - 2. The building or structure shall be placed on a permanent frost-free foundation.
- H. Accessory buildings and structures with an area equal to or less than one hundred ninety-two (192) square feet shall comply with the following requirements:
  - 1. No Zoning Certificate is required.
  - 2. Shall not exceed twenty-five (25) feet in height.
  - 3. Shall be located in the rear yard area of a lot and may be placed as close as fifteen (15) feet from the property lines comprising the rear yard area.

#### **Section 610.04      Exception to Height Regulations for Structures**

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances. Such structures may exceed the height limit of the district provided:

- A. Such structures shall not exceed the permitted height by more than fifteen (15) feet.
- B. Such structures shall not have an area greater than 25% of the roof area of the building.
- C. Such structures shall be incidental to the principal use.
- D. Radio and TV antennas may be erected to any height provided they do not become hazardous.

#### **Section 610.05      Fences, Walls, and Hedges**

Fences, walls and hedges are permitted in any required yard or edge of any yard provided:

- A. All fences, walls, hedges, and berms, in any combination, must be located on and able to be maintained on the owner's property.
- B. No Zoning Certificate is required.

- C. All fences and walls shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences and walls shall be maintained in good condition at all times. All hedges and/or other vegetative plants shall be maintained in good condition at all times. All dead or diseased plants must be replaced or removed. Failure to replace or remove dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.
- D. All fences and walls shall have the finished side facing out, with no structural supports visible from adjoining properties or public street rights-of-way unless the fence or wall is designed so that such supports are visible from both sides.
- E. Any fence, wall, hedge, and berm, in any combination, along any side or rear property lines of any property in any zoning district may be permitted according to the following standards:
  - 1. Any fence, wall, hedge, and berm, or any combination shall not exceed six (6) feet in height above the finished grade in all zoning districts, except districts designated for industrial uses.
  - 2. In districts designated for industrial uses, any fence, wall, hedge, and berm, or any combination shall not exceed twelve (12) feet in height above the finished grade.
- F. Fences, walls, hedges and berms, in any combination, shall be permitted within the front yard of any property within any zoning district in accordance with the following standards:
  - 1. No fence, wall hedge and berm or any combination shall exceed four (4) feet in height above the finished grade.
  - 2. Fences shall be of a decorative design to include wrought iron, wood and chain link, but to exclude barbed wire, chicken wire and similar type fences, and shall be designed to an opacity of 50% percent or more. Decorative posts shall not exceed a height of five (5) feet in height.
- G. No fence can be located within a public right-of-way, nor can it be located in an area that will obstruct the line of sight for any motorist or pedestrian.
- H. All fences, walls, hedges and informal plantings shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections.
- I. Informal plantings (e.g. deciduous or evergreen trees) may be higher than six (6) feet in height.

#### **Section 610.06      Driveways**

- A. Shall be constructed at least two (2) feet from the property line, unless otherwise specified in this Resolution.
- B. Shall have a minimum usable apron width of twenty-four (24) feet across the culvert and a minimum width of ten (10) feet for the entire length of the driveway, in order to accommodate fire apparatus and safety/emergency vehicles.



- C. If a concrete driveway is to be installed, the concrete portion of the driveway shall begin at least three (3) feet from the backside (opposite the road right-of-way) of the culvert, in order to accommodate maintenance of the culvert pipe when required.

### **Section 610.07 Private Roadways**

- A. All condominium private roadways not required to be built to Portage County Subdivision Regulation standards shall have a minimum improved surface of twenty (20) feet in width for the safe passage of emergency vehicles and fire apparatus.
- B. All condominium private roadways not required to be built to Portage County Subdivision Regulation standards that are dead-end must have adequate space for fire equipment to turn around at the end.

### **Section 610.08 Parking and Storage of Vehicles and Trailers**

#### General Requirements

- A. One travel trailer/recreational vehicle owned by the resident/ property owner may be stored on a lot.
- B. No parked vehicle, trailer or cargo container shall be used as a dwelling, office or other structure or for the storage of any material and shall have no connections to any electric, telephone, water, sewer, gas or fuel source.
- C. Not more than one unlicensed, inoperable or dismantled automobile, truck or trailer may be parked in any residential lot longer than a total of forty-five (45) days.  

An inoperable motor vehicle is a motor vehicle that is unlicensed, apparently inoperable, or extensively damaged including, but not limited to any of the following: missing wheels, tires, engine, or transmission.
- D. Except as otherwise specified in this Resolution, only one commercial vehicle may be parked or stored outside on any residential lot, providing the location of the vehicle is not situated within a required yard setback.

### **Section 610.09 Swimming Pools**

#### Private Family Swimming Pools

A private swimming pool shall be permitted in any residential district or commercial district as an accessory use in accordance with the following requirements:

- A. The pool is intended for the sole enjoyment of the occupants of the property on which it is located and their guests.
- B. The pool may be located anywhere on the property except in the front yard and no closer than fifteen (15) feet to any property line or easement.
- C. The swimming pool or the entire property upon which it is located shall be secured by an

enclosure (wall, fence or similar types of structure) in such a manner as to prevent uncontrolled access by children. The structure used to secure the pool shall not be less than six (6) feet in height and it shall be maintained in good condition with a gate and a self-latching lock.

- D. Portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet and not more than one and one-half (1-1/2) feet deep are exempt from the requirements of this section.

### **Section 610.10 Storage, Utility and Trash Collection Areas**

Any outdoor storage areas, utility and mechanical equipment, and trash collection or compacting areas of any commercial, industrial, institutional or multi-family residential use shall be completely screened from the view of any public street right-of-way and from view of any adjoining property.

- A. The required screening may be accomplished by a continuous solid fence, masonry wall, earthen berm, hedging, evergreen plant materials or combination, which is high enough to effectively screen the above mentioned items from view.
- B. The design must allow convenient access for trash collection vehicles.
- C. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- D. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects shall be stored only in closed containers constructed of impervious materials.

### **Section 610.11 Home Day Care for Children and Adults**

- A. Any residence in any zoning district may be used for the purposes of providing child day care services meeting the definition requirements of a Type B family day-care home or for providing day care services in an adult family home with up to five (5) adults who are eighteen (18) years of age or older and who are not related to the owner or operator by blood or marriage.
- B. Home day care facilities are not intended to provide overnight accommodations.
- C. No Zoning Certificate is required for this use.

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**Section 615.00 Home Based Businesses Permitted by Certificate**

Home based businesses that are inconspicuous and incidental to the residential use of property are permitted in any residential dwelling subject to the following requirements:

A. A Zoning Certificate is required. (See Section 500 and 500.10.B.49)

B. Permitted Types of Home Based Businesses

The following is a list of the types of home based businesses permitted under these regulations provided they have minimal customer or client visits and no on-premise employees. It is recognized that this list is not totally inclusive:

1. Home offices including but not limited to: architect, broker, clergy, draftsman and cartographer, engineer, insurance agent, accountant, editor, publisher, journalist, contract management, graphic design, construction contractor, landscape design, surveyor, cleaning services, manufacturers representative, sales person and travel agent
2. Telecommuting
3. Single client instructional services, including music, and tutoring
4. Studios for artist, sculptor, musician, photographer and author
5. Tailor, dressmaker, milliner, and craft person, including weaving, lapidary, jewelry making, cabinetry and woodworking
6. Repair services, including but not limited to: watches and clocks, small appliances, computers and electronic devices
7. Assembly, packaging of goods for sale or distribution
8. Retail sales of goods and services (i.e. web based businesses)
9. Other home based businesses which have no customer or client visits

C. Prohibited Types of Home Based Businesses

The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area:

1. Adult Uses
2. Restaurants, clubs, drinking establishments
3. Motor vehicle repair shops
4. Undertaking and funeral parlors
5. Veterinary clinics, animal hospitals
6. Uses stipulated in Section 605.00 Dangerous/Objectionable/Prohibited Uses

D. Operating Standards

1. The use shall be secondary in importance to the use of dwelling for residential purposes.

2. There shall be no evidence of the home based business that is detectable from any road or adjacent property, except that one (1) unlighted sign as regulated by Section 1000.06.H is permitted.
3. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space shall be permitted. The storage of all materials related to the home based business shall be stored in an enclosed building(s).
4. The basis of calculation for total area that may be used for the home occupation is 25% of the gross floor area of the residential dwelling unit and up to an area that is equivalent to 25% of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.
5. The total customer visits shall be limited to no more than 1 vehicle at any one time.
6. Any number of home occupations per dwelling unit and the associated accessory buildings are permitted provided that all of the requirements stipulated herein shall be complied with collectively, as if determined for a single use on the site.

**Section 616.00          Ponds or Lakes**

Public or private ponds and lakes containing over one and one-half (1-1/2) feet of water depth shall conform to all required yard and setback requirements. A Zoning Certificate shall be required before construction is started. In no case shall a pond or lake be located closer than ten (10) feet from a building. Ponds or lakes shall meet the standards and specifications of the Natural Resource Conservation Service.

The applicant shall submit two copies of the proposed pond and/or lake plan to the Portage County Soil and Water Conservation District for the department's review and approval. When applying for a Zoning Certificate, the applicant must include one copy of the approved plan and review comments from the Portage County Soil and Water Conservation District.

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**Section 620.00          Nonconforming Uses and Structures**

**Section 620.01          Purpose**

The purpose of this Section is to provide for the continuing use of land, buildings and structures that do not conform to this Resolution, but which were in existence before the adoption of this Resolution and any subsequent amendments. Any use or structure that was established in noncompliance with the zoning requirements in effect at the time shall not become a legal nonconforming use.

**Section 620.02 Buildings Under Construction**

On the effective date of this Zoning Resolution or any amendment thereto, no changes are required in the plans, construction or designated uses of a building that does not comply with the requirements of the district in which it is located provided that:

- A. Construction is commenced within ninety (90) days after the issuance of such Certificate.
- B. The entire building shall be completed within two (2) years after the issuance of the Zoning Certificate.
- C. For the purposes of this Zoning Resolution such construction shall be deemed an existing nonconforming use.
- D. Where demolition or removal of an existing building has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction provided that such work shall be completed within two (2) years of issuance of the Zoning Certificate.

**Section 620.03 Nonconforming Lots of Record**

On the effective date of this Zoning Resolution or any amendment thereto, a lot of record that does not comply with the lot area or width requirements in the District in which the lot is located may be used as follows:

**A. Single Nonconforming Lots of Record**

Any lot, which was platted prior to the enactment of this Resolution that does not meet the requirements for yards or other open space may be developed for a permitted use, building or structure of the applicable zoning district provided that:

1. The responsible Health Department can assure that the necessary requirements for sanitary sewage facilities and water can safely be accommodated.
2. The proposed use will not encroach upon or into the required side yard, rear yard, front yard or other open space of the applicable zoning district.

**B. Nonconforming Lots of Record in Combination**

If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution or amendment thereto, such lots shall be combined to a conforming lot or more conforming lot as a prerequisite to development.

**C. Occupied Lots**

If already occupied by a building, such building shall be maintained and may be repaired, modernized, altered or enlarged provided that the building complies with the front, side and rear yard setbacks, and all other requirements of the district, except those that pertain to the lot area and lot width requirements.

#### D. Increasing Nonconformity of Lots

The nonconformity of lots shall not be increased in any manner, nor shall any division of any parcel be made which results in the creation of a lot not in compliance with the requirements of this Resolution.

### **Section 620.04 Nonconforming Buildings or Structures**

Where a lawful structure or building exists at the effective date of adoption of this Resolution or amendments thereto, that could not otherwise be built under the terms of this Resolution, such building or structure may continue to be used or occupied by a use permitted in the district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

#### A. Maintenance and Repair

A nonconforming building or structure may be maintained and repaired provided that the interior volume existing when it became nonconforming is not increased. Nothing in these Regulations shall prevent an official charged with protecting the public safety from ordering the restoration or strengthening of any or all parts of the non conforming structure.

#### B. Additions, Alterations and Reconstruction

A nonconforming building or structure may be altered, improved, reconstructed, substituted, enlarged or extended one time only, provided that:

1. Any such alteration, improvement, reconstruction, enlargement, or extension may not exceed 20% of the square footage of the gross floor area of the building or structure as it existed at the effective date of this Resolution.
2. The alteration, improvement, reconstruction, substitution, or extension does not exceed a total cost of 50% of the value of the building or structure. Evidence of the cost of the proposed alteration, improvement, reconstruction, substitution or extension shall be by construction estimate submitted by affidavit to the Zoning Inspector.
3. Where the land contains more than one building or structure, the combined square footage shall be considered.
4. No nonconforming building or structure may be enlarged or extended such that the building or structure will further encroach into or upon a minimum setback yard area or distance requirement of the applicable zoning district.

#### C. Change in Principal Use of Building

The principal use in a nonconforming building may be changed to any other use permitted in the district so long as the new use complies with all of the requirements of the zoning district, except for those that were out of compliance prior to the new use.

#### D. Moving of Structures

If any nonconforming building/structure is moved, it shall thereafter conform to the requirements for the district in which it is located.

#### **Section 620.05          Continuance of a Nonconforming Use of Buildings and Land**

A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance.

#### **Section 620.06          Change of a Nonconforming Use of Buildings and Land to Another Nonconforming Use**

A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.

#### **Section 620.07          Change from Nonconforming Use**

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no previous nonconforming use shall be made, resumed or reinstated.

#### **Section 620.08          Abandonment of a Nonconforming Use of Buildings and Land**

A nonconforming use that has been discontinued for a period of one (1) year shall be deemed abandoned, except when government action impedes access to the premises, and shall thereafter be used in conformity with the regulations of the district in which it is located.

#### **Section 620.09          Certificate of a Nonconforming Use**

If a use of property/structures was legally created or established and has since become nonconforming because of the establishment of, or amendment to this Zoning Resolution, the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners.

- A. No use of land, buildings or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless the use shall be in compliance with the requirements of the zoning district in which the property is located.
- B. A copy of each "Certificate of Nonconforming Use" shall be retained by the Zoning Inspector who shall maintain a record of all such certificates.
- C. The certificate shall specify the reason why the use is nonconforming, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, the extent that dimensional requirements are

nonconforming, or other facts that substantiate the nonconformity. The purpose is to protect owners of lands/structures that are or become nonconforming.

**Section 621.00 Conversion of Dwelling Units to More Dwelling Units**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The proposed use meets the minimum required yard dimensions in that district.
- B. The lot area per family equals the lot area requirements for new structures in that district.
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D. The conversion is in compliance with all other relevant requirements of this Resolution.

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**Section 630.00 General Regulations of Temporary Buildings, Structures and Uses**

**Section 630.01 Temporary Buildings**

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

**Section 630.02 Temporary and Replacement Housing**

The following requirements apply to temporary and replacement housing:

A. New Construction, Repair or Reconstruction

A Zoning Certificate for residential construction may be issued for a second dwelling on approved lots, only upon the condition that the new dwelling will ultimately replace the existing dwelling upon completion of construction of the new dwelling provided



requirements in Section 630.02A. 2, 3, 4, 5, 6, and 7 below are met.

Where a structure, used for residential purposes is destroyed or rendered unfit for human habitation due to fire, windstorm, flood, lightning, explosion or other acts of nature or due to an unintentional catastrophe, temporary housing shall be permitted for a period not to exceed one (1) year while repairing, rebuilding, or replacing the damaged dwelling providing the following requirements are met:

1. The Zoning Inspector shall take into consideration County Board of Health and/or Building Department recommendations in determining whether a dwelling is unfit for habitation due to catastrophic causes.
2. The applicant shall submit in writing the method to be used to remove the waste water from the temporary dwelling. If on-site sewage disposal is to be used then the applicant will need to submit evidence in writing that permission has been obtained from the Portage County Health Department.
3. A Zoning Certificate for temporary/replacement housing shall be issued for an initial term of one (1) year. Applicant must submit a work schedule for permanent replacement dwelling construction and existing principle dwelling removal within ninety (90) days of being issued a Zoning Certificate. Upon satisfactory proof of work in progress, the Certificate may be renewed by the Zoning Inspector for an additional period of one (1) year. In no case shall the permitted use for temporary/replacement housing exceed a period of two (2) years.
4. A Zoning Certificate for temporary/replacement housing shall be separate from and have no bearing on any other Zoning Certificates or structures.
5. All temporary housing shall be removed within thirty (30) days after the principal dwelling is fit for habitation or within thirty (30) days of the expiration of the Zoning Certificate for temporary housing, whichever shall come first.
6. The location of the temporary housing must meet all side yard requirements, but may encroach into the front or rear yard setback area by not more than 50% of that area.
7. Temporary housing shall be exempt from minimum square footage requirements.

### **Section 630.03            Other Temporary Buildings and Uses**

A. Temporary buildings, construction trailers, equipment, and material used in conjunction with construction work only are permitted in any district during the period construction work is in progress. However, such temporary facilities, equipment, and materials shall be removed upon completion of the construction work.

#### **B. Recreational Camping on Unimproved Lots**

Except as otherwise specified, recreational camping on an unimproved lot does not require a Zoning Certificate for its use provided the following requirements are met:

1. The lot shall not be used to store or keep unoccupied recreational vehicles.
2. Recreational camping shall be limited to periods not to exceed eighteen (18) continuous

days throughout the year, with at least a one (1) day period of no camping between each eighteen (18) day camping period where all camping trailers, motor homes and tents are removed from the lot.

3. The campers shall comply with all applicable state and local health regulations that pertain to recreational camping, particularly that no more than three (3) camping units shall be permitted on the lot at any one time.
  4. Sewage disposal shall be by a method in compliance with the State of Ohio Health Code, the Ohio EPA and the code set forth by the Portage County Board of Health.
- C. A temporary seasonal tent is permitted on any property in association with the principal residential building and does not require a Zoning Certificate for its use provided the following requirements are met:
1. A temporary seasonal tent shall be required to conform to all accessory structure setback requirements of the zoning district.
  2. The temporary seasonal tent shall be used for recreational activities only and shall not be used as a storage facility.

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**Section 645.00 Business Displays and Outdoor Storage**

All business services and merchandise displays shall be conducted within an enclosed building except as otherwise provided. There shall be no outdoor storage of materials, stock, merchandise, etc., related to any business or industrial use unless otherwise permitted in these regulations.

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- A. See Section 1100.01, Definition of Agriculture
- B. Farm markets/roadside stands may be located on a lot for the purpose of selling primarily agricultural products, providing the following requirements are met:
  - 1. There shall only be one (1) farm market structure permitted on a single lot.
  - 2. The structure complies with side yard setback requirements of the district.
  - 3. The structure shall be located at least thirty (30) feet from the road right-of-way.
  - 4. The height of the structure shall not exceed fifteen (15) feet.
  - 5. The floor area of a farm market sales structure shall not exceed 50% of the principal building floor area if on the same lot or one thousand (1,000) square feet, whichever is less.
  - 6. Adequate ingress, egress and parking facilities are provided to allow cars to get off the street and turn around without creating a safety hazard or blocking oncoming traffic.
  - 7. Construction materials of the farm market shall be of materials that blend with the principal buildings and/or surrounding neighborhood.
  - 8. At least 50% of the gross income of the market is derived from produce raised on the farm owned or operated by the market operator.
  - 9. Signs are permitted in accordance with the provisions of Section 1000.00.
- C. In a platted subdivision approved under Ohio Revised Code Sections 711.05, 711.09, or 711.10, or in any area of the Township consisting of at least fifteen (15) lots approved under Ohio Revised Code Section 711.131 in which lots are lineally contiguous to one another or are on the opposite side of the same dedicated public road, agriculture can be regulated as follows:

On lots comprised of five (5) acres or less, agricultural uses shall comply with the following requirements:

1. Accessory buildings used for agriculture

Accessory buildings used for agricultural purposes shall comply with the requirements as set forth in Section 610.03, except as specified in Section 650.00.B.3.

2. Animals

- a. Dairying and animal and poultry husbandry, except for household pets, shall not be permitted on lots with less than two (2) acres in area.
- b. Goat, small animal and poultry husbandry shall be permitted on lots with a minimum of two (2) acres, and up to five (5) acres, providing an approved manure management plan (obtained from the Natural Resource Conservation Service (NRCS) or from a Certified Crop Advisor) is submitted to the Zoning Inspector.

3. Shelter for Animals

The following regulations are established for the keeping of animals in accordance with Section 650.00.C.2.b.

- a. Whenever one (1) or more animals are kept on a lot, a shelter shall be constructed on the lot.
- b. The area of the shelter shall not exceed 3% percent of the lot area.
- c. Animal shelters and enclosures must be maintained and drainage established to prevent ponding of water, insect breeding areas, and health hazards for animals and humans. The premises and shelters shall conform to the Sanitary Code of the Portage County Health District.
- d. Animal shelters shall be located no closer than:
  1. Sixty (60) feet to street right-of-way.
  2. Fifty (50) feet to a side or rear lot line.
  3. One hundred (100) feet down hill from any water well

4. Fencing of Animals

Whenever one or more animals are kept outdoors on a lot, the following regulations are established for the keeping of animals in accordance with Section 650.00.C.2.b.

- a. A fence shall be required for animals such as, but not limited to horses, mules, donkeys, swine, cattle, buffalo, alpacas, llamas, goats and sheep.
- b. The fence shall be located a minimum of two (2) feet from any front, side or rear lot line.
- c. Livestock fences, in accordance with the State of Ohio's preferred partition fence specifications, as currently described in O.R.C. Section 971.01(E) which may be one of the following:

1. Woven wire of standard or high tensile with one or two strands of barbed wire at least 48 inches from the ground;
2. Non-electric high tensile with at least seven strands constructed in accordance with NRCS standards; or
3. Barbed wire, electric or live fence agreeable to both landowners.

Other types of fences may be permitted if the owners of adjoining properties enter into a written agreement that states that no fence is needed between the properties, a fence other than a preferred partition fence may be built and maintained pursuant to Division (C) (1) of Section 971.02 of the Ohio Revised Code, or the rights and obligations of the owners are different from what is established in this chapter. The agreement shall be filed with the county recorder and placed in the partition fence record established under Section 971.15 of the Ohio Revised Code. In addition, the agreement runs with the properties that are subject to the agreement as recorded in the partition fence record book.

- d. If a fenced area is provided for small animals such as, but not limited to, poultry, goats, sheep and mini breeds of horses, cattle and swine, but not including dogs, cats and other common household pets, the fenced area shall be located in a side or rear yard a minimum of 3 feet from any side or rear lot line.

5. Bee-keeping (Apiculture):

All bee-keeping activities shall be a minimum of two hundred (250) feet from any residence on surrounding parcels.

**Section 651.00 Small Solar and Wind Energy Systems**

The purpose of this section is to encourage and also regulate the use of small solar and wind energy systems in Mantua Township. Use of these energy systems is permitted in all zoning districts in accordance with this Section.

**Section 651.01 Allowable Number of Towers, Wind Turbines and Solar Panels**

- A. No more than one (1) wind energy tower may be located on any single site less than 25 acres in accordance with this Section, unless otherwise stipulated in this Resolution.
- B. Any number of wind energy system turbines may be in operation on a single site in accordance with this Section.
- C. Any number of solar panels may be in operation on a single site in accordance with this Section.

**Section 651.02 Height of Towers, Wind Turbines and Solar Panels**

The total height of small wind energy or solar energy systems is measured as the vertical distance from the ground level to the tip of a generator blade when the tip is at its highest point and shall

not exceed the following maximum height requirements:

A. Wind towers

1. Properties from two (2) to five (5) acres – maximum height: forty-five (45) feet.
2. Properties from five (5) to ten (10) acres – maximum height: eighty (80) feet.
3. Properties greater than ten (10) acres – maximum height: one hundred twenty (120) feet.
4. Properties within ten thousand (10,000) feet of an airport must comply with FAA height standards and regulations.

B. Solar panels shall comply with the maximum permitted height of the zoning district within which they are located

C. Attachment to existing buildings and towers

1. Buildings.

- a. Wind turbines may be affixed to the building or the roof providing that the total height of the turbine is less than twenty (20) feet above the highest point of the building.
- b. The base of the wind turbine cannot be seen from the road right-of-way.
- c. Solar panels shall comply with the maximum permitted height of the zoning district within which it is located.

2. Towers

A wind turbine may be attached to an existing tower providing that:

- a. The tower is designed to accommodate the wind turbine.
- b. The tower is in compliance with Sections of this Resolution.

**Section 651.03 Location of Towers, Wind Turbines and Solar Panels**

A. A wind or solar panel system shall only be located in the rear yard portion of any lot. An exception is when a wind or solar system is attached to a building and the base cannot be viewed from any road right-of-way. Another exception would be for dual purpose solar collectors. See definition of Solar Energy, Dual Purpose, in Section 1100.00.

B. Tower set backs

1. Towers shall be located at least one hundred fifty percent (150%) of its height from any public road right-of-way.
2. Towers shall be located at least one hundred fifty percent (150%) of its height from any overhead utility lines, except those lines directly serving the subject property.
3. Towers shall be located at least one hundred fifty percent (150%) of its height from all property boundaries.

4. If guy wires are utilized as part of the tower design, then the guy wire anchors shall be placed at least fifty (50) feet from any abutting property boundaries.

#### **Section 651.04 Incentives for New Development**

- A. Residentially zoned properties as permitted in Section 401.00 that have access to both water and sewer service may have a residential density bonus of up to ten percent (10%) additional lots/units, with the exception of Rural Residential Neighborhood Open Space Overlay developments where bonus densities are otherwise calculated. Each lot or unit is required to have a small energy system, as described above, with a minimum of 5kW per day capacity at the time of certification of occupancy.
- B. Commercial and industrial zoned properties may have a building coverage bonus of up to ten percent (10%). Each building is required to have a small energy system, as described above, with a 10kW per day capability or the project site has a minimum of 20kW per day capability at the time of certification of occupancy.
- C. All other zoning and building requirements must be demonstrated and/or provided for before any incentives can be applied.

#### **Section 651.05 Variances**

A variance may be sought from the Mantua Township Board of Zoning Appeals (BZA) for the following non-conforming uses:

- A. Solar and wind energy systems may be located in the front or side yard of the primary structure if, because of pre-existing topography, vegetation or existing structures it would preclude the use of said systems to the rear of the primary structure.
- B. To erect more than one wind or solar system or tower on a single site.

#### **Section 651.06 Fencing**

- A. If the base of the tower is designed so it is not climbable for a distance of eight (8) feet as measured from the ground, then fencing is not required.
- B. All access doors to wind turbines and electrical equipment shall be locked to prevent entry by non-authorized persons.

#### **Section 651.07 Electrical Interference**

A wind energy system shall not cause any radio, television, microwave or navigation interference. If a signal disturbance problem is identified, the applicant shall correct the problem within ninety (90) days of being notified of the problem.

#### **Section 651.08 Noise**

The wind energy system shall not exceed the sound level, as measured in decibels, specified in this Section, as measured at the property line.

**Table 651.08**  
**Maximum Permitted Sound Levels (decibels) for Small Wind Energy Systems**

Octave band, cycles/second	Sound level, in decibels, measured at the property lines cannot exceed the following.
0-75	72
75-150	67
150-300	59
300-600	52
600-1200	40
1200-2400	46
2400-4800	34
Over 4800	32

**Section 651.09 Compliance with FAA Regulations**

All towers shall be painted a non-contrasting gray, blue, white, green, or similar color, minimizing its visibility unless otherwise required by the Federal Aviation Administration. The applicant has the responsibility of determining the applicable FAA regulations and securing the necessary approvals. Copies of those approvals, and any other pertinent documents, must be included as part of the application process.

**Section 651.10 Lighting**

Except as required by law, a tower shall not be illuminated, and lighting fixtures or signs shall not be attached to the tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night, unless the FAA permits no other alternatives. No lighting shall be constructed, placed, or maintained in a manner that will constitute a nuisance to any surrounding property, and shall in no way impair safe movement of traffic on any public street or highway.

**Section 651.11 Advertising**

No advertising is permitted anywhere on the wind or solar energy system, except signage being utilized for product identification and/or warnings.



**Section 651.12 Warnings**

- A. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- B. Visible reflective and colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires to a height of ten (10) feet, as measured from the ground.

**Section 651.13 Maintenance**

- A. The design and location of the wind or solar energy system shall ensure that all maintenance shall be conducted from and on the installation site.
- B. A small wind or solar energy system that is not functional shall be repaired by the owner or removed.
- C. When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for the removal of the system, including all costs, financial or otherwise, of system removal.

**Section 651.14 Safety Features**

- A. The small wind energy system turbine shall be required to have an automatic speed control to render the system inoperable when the wind is in excess of the speed the system is designed to accommodate.
- B. The small energy system shall be required to have a manually operable method to render the system inoperable in the event of a structural, mechanical or electrical failure of any part of the system.

**Section 651.15 Blade Clearances**

- A. The clearance, or the distance between the blades of a wind turbine and the blades of another wind turbine, shall be no less than ten (10) feet.
- B. The clearance, or the distance between the blades of a wind turbine, shall be no less than fifteen (15) feet from the ground.

