

# Mantua Township Zoning Resolution



Adopted December 19, 2011  
Amended December 6, 2012



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# MANTUA TOWNSHIP ZONING RESOLUTION

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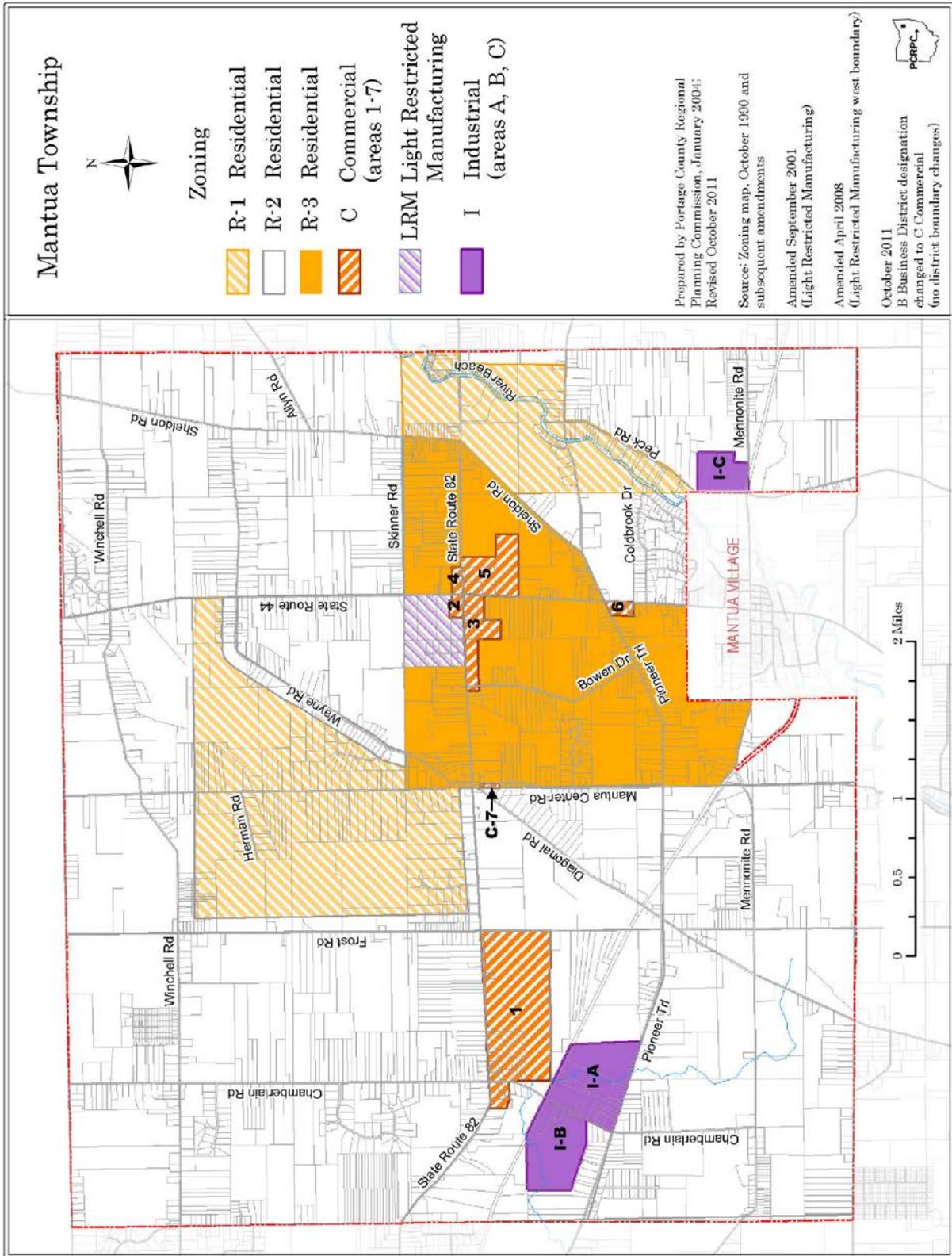
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# Mantua Township Zoning Map





**SECTION 100.00  
TITLE, AUTHORIZATION, PURPOSE**

**Section 100.01            Title and Purpose**

This resolution shall be known, cited, and referred to as “The Zoning Resolution of Mantua Township, Ohio,” the “Mantua Township Zoning Resolution,” the “Zoning Resolution,” or the “Resolution.” The purposes of this Zoning Resolution are:

- A. To promote and protect the public health, safety, general welfare, and morals of the Township by regulating the use of buildings, other structures and land for residential, commercial, industrial, public, or other uses.
- B. To regulate the bulk, height, design, and location of structures.
- C. To regulate and limit population density.
- D. To divide the land within the Township into districts, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of the Township Land Use Plan and this Zoning Resolution.
- E. To provide procedures for the administration and enforcement of this Zoning Resolution.

**Section 101.00            General Objectives**

This Zoning Resolution is intended to achieve the following objectives:

- A. To protect and enhance the character and value of the agricultural, residential, commercial, industrial, institutional and public uses, and ensure their orderly and beneficial development in accordance with the Township Land Use Plan.
- B. To protect and preserve historical and cultural resources.
- C. To provide adequate open spaces for light, air and outdoor uses.
- D. To prevent overcrowding of the land.
- E. To prevent uncoordinated development.
- F. To minimize congestion on the public streets and to ensure efficient and safe traffic circulation.
- G. To provide for orderly growth and development and to guide the future development in accordance with the Township Land Use Plan.
- H. To encourage land use patterns that conserve natural resources.

- I. To safeguard the public against flood damage and to prevent damage to environmentally sensitive areas.
- J. To protect ground water quality.

**Section 102.00 Authorization**

This Resolution is authorized by the Constitution and Revised Code of the State of Ohio, Chapter 519.

**Section 103.00 Interpretation**

The provisions of this Zoning Resolution shall be construed to achieve the purposes and objectives for which they are adopted. In interpreting and applying the provisions of this Zoning Resolution, these provisions shall be held to be the minimum requirements necessary for the promotion of public health, safety, morals, and general welfare. If any of these requirements are found to be incompatible or inconsistent with another requirement of this Resolution, the more restrictive requirement shall apply.

It is not intended that this Zoning Resolution interfere with, or abrogate and annul, existing provisions of other laws, except those specifically repealed by this Resolution, or any private restrictions placed upon the property by covenant, deed, easement or other private agreement. However, where this Zoning Resolution may conflict with the requirements of any other lawfully adopted rules, regulations or resolutions, the most restrictive, or that imposing the higher standards shall govern and be applied.

**Section 104.00 Compliance**

After the effective date of this Zoning Resolution, no buildings, structures, uses of land, or lots of record shall be established, altered, moved, divided, or maintained except in accordance with the provisions of this Zoning Resolution. Existing buildings, structures, and uses of land that do not comply with the regulations of this Zoning Resolution are illegal or nonconforming pursuant to Section 620.00, Nonconforming Uses and Structures.

**Section 105.00 Repeal of Existing Resolution**

The Zoning Resolution for Mantua Township adopted and made effective on July 9, 1965 and as subsequently amended, together with the Zoning Districts Map that is part of that Zoning Resolution, is hereby repealed and amended to read as set forth in this Zoning Resolution.

**Section 106.00 Severability**

If any provision of this Zoning Resolution is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions shall not be invalidated and shall remain in full force and effect.

**Section 107.00 Effective Date**

The effective date of this Zoning Resolution is January 19th, 2012.

**SECTION 200.00  
ADMINISTRATIVE AUTHORITY**

**Section 200.01      Purpose**

This Section sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

**Section 200.02      Zoning Inspector**

A Zoning Inspector, designated by the Board of Trustees, shall administer and enforce this Resolution. The Inspector may be provided with such assistants and secretaries as the Board of Township Trustees deems necessary. The terms, conditions of employment, and rate of compensation shall be set by the Board of Township Trustees.

**Section 200.03      Responsibilities of the Zoning Inspector**

The Zoning Inspector shall have the following duties:

- A. Apply and enforce the provisions of this Resolution.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- C. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any conditions attached thereto.
- D. Act on all applications upon which he/she is authorized to act by the provisions of this Resolution, within the specified time, or notify the applicant in writing of his/her refusal or disapproval of such application, and the reasons for such refusal/disapproval.
- E. Conduct inspections of structures, buildings and uses of land to determine compliance with this Resolution. In the case of any violation, notify the person(s) responsible, identify the nature of the violation, and initiate corrective action, as necessary.
  - 1. Determine the existence of any violations of this Resolution and cause notifications or initiate any such other administrative or legal remedies, as needed to address such violation. Such legal remedies will require the assistance of the Portage County Prosecutor.
  - 2. Cooperate with the County Prosecutor in the investigation and prosecution of all zoning violations not addressed by the responsible party in the time provided for them to do so, including, but not limited to, attending all court proceedings as directed.
- F. Maintain, in current status, the Official Zoning District Map that shall be kept on permanent display in the township offices.

- G. Maintain permanent and current records required by this Resolution, including, but not limited to: Zoning Certificates, inspection documents, records of variances, appeals, amendments and conditional uses.
- H. Maintain a list of nonconforming uses and structures with the location and exact nature of the existing nonconformity, and the date it became nonconforming, if that can be ascertained.
- I. Prepare and submit a monthly and annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing the purpose of this Resolution.
- J. Attend public hearings of the Board of Zoning Appeals to report and give testimony as directed by such Board.
- K. Report any recommended amendments to this Zoning Resolution to the Zoning Commission in a timely manner.
- L. Perform other duties and responsibilities as described in this Resolution and as directed in writing by the Board of Township Trustees.

#### **Section 202.00            Zoning Commission**

#### **Section 202.01            Township Zoning Commission, Establishment of Terms and Compensation**

The Township Zoning Commission, as established by the Township Board of Trustees, under ORC 519.04, shall consist of five (5) members who reside within the unincorporated area of the Township. The terms of the regular members shall be arranged so that the term of one member shall expire each year. The Board of Trustees may also appoint two (2) alternate members to the Zoning Commission who shall reside in the unincorporated territory of the Township, for terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Board of Trustees.

Each regular or alternate member shall serve until his successor is appointed and qualified. The Township Trustees shall fill vacancies on the Zoning Commission.

Members may be compensated and/or may have their expenses reimbursed as the Board of Township Trustees may approve and provide for. In addition, the Zoning Commission may, within the limits of the monies appropriated by the Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

#### **Section 202.02            Procedure for Removal of Zoning Commission Member**

Regular and alternate members of the Zoning Commission shall be removed for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Board of Trustees and the Zoning Commission member cannot be removed until

after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the unexpired term of the member affected.

### **Section 202.03 Authority and Responsibility of the Zoning Commission**

The Township Zoning Commission shall have all of the responsibilities conferred upon it by the Ohio Revised Code 519.04 to 519.99 and subsequent amendments thereto, and such other duties as will aid in best carrying out the Ohio Revised Code requirements, and which, at a minimum include:

- A. Keep current the plan for Zoning Districts and regulations for such districts. Periodic review of the Township's Comprehensive Land Use Plan and district regulations in light of changing conditions, community needs, and best available planning practices, shall be undertaken by the Zoning Commission to meet this requirement.
- B. Initiate amendments to the Zoning Resolution text and/or district map to accomplish the objectives of this Resolution, the Comprehensive/Land Use Plan or where such amendment could result in a better Resolution.
- C. Review Zoning Resolution amendments initiated by Township Trustees or property owners and provide recommendations to the Township Trustees on said amendments for their consideration, and action at their public hearing.
- D. Employ, or contract, planning consultants, public or private, as necessary to assist the Zoning Commission in carrying out their responsibilities, within the limits of monies appropriated by the Board of Township Trustees for that purpose.
- E. Utilize information and counsel available from appropriate public officials, departments, and agencies, which have information, maps and data pertinent to the Townships needs.

### **Section 203.00 Board of Zoning Appeals**

#### **Section 203.01 Board of Zoning Appeals, Establishment of Terms and Compensation**

The Board of Zoning Appeals as established by the Township Trustees, shall consist of five (5) regular members, who shall each serve a term of five (5) years except that the initial appointments shall be one member each for one (1), two (2), three (3), four (4), and five (5) year terms. The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution by the Board of Township Trustees. Members shall be residents of the unincorporated area of the Township. Each member shall serve until his successor is appointed and qualified.

Members may be compensated and/or may have their expenses reimbursed as the Board of Township Trustees may approve and provide for. The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Trustees for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

### **Section 203.02 Procedure for Removal of Board of Zoning Appeals Member**

Members or alternates shall be removed for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Board of Trustees and the Board of Zoning Appeals member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the unexpired term of the member affected.

### **Section 203.03 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its meetings, hearings, and business in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be a public record and immediately filed in the Office of the Board of Township Trustees. The Board of Zoning Appeals shall adopt the resolution required under Ohio Revised Code Section 121.22 to govern public notice of its meetings. All official actions shall require the vote of three (3) Board of Zoning Appeals members, which constitutes a quorum.

All hearings shall be held in accordance with the Ohio Revised Code, Chapter 519.06 to 519.12 and this Resolution. All of the powers listed in Sections 203.03.A and 203.03.B may be exercised only within a hearing open to the public as provided in this section, unless otherwise provided in this Resolution. At all such hearings, the chairperson, or in his absence, the acting chairperson, shall administer an oath or affirmation to all witnesses giving testimony, and give the applicant or appellant, and those in opposition to the application or appeal, the opportunity to:

- A. Appear and be heard in person, or by an attorney, in support or opposition to the application or notice of appeal and:
  1. Present his or her position, arguments and contentions.
  2. Offer and examine witnesses and present evidence in support.
  3. Cross examine witnesses purporting to refute his position, arguments and contentions.

4. Offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions.
  5. Proffer any such evidence into the record, if the admission of it is denied by the Board of Zoning Appeals.
- B. Subpoena material witnesses, through the authority of the Board and under its discretion and control, after a timely request to the Board.

#### **Section 203.04 Powers and Responsibilities of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have all the powers and responsibilities prescribed by the Ohio Revised Code Chapter 519.13 to 519.15, subsequent amendments thereto, as well as other responsibilities which will aid in carrying out its duties and at a minimum include:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by any administrative official such as the Zoning Inspector, in the enforcement of this Resolution.
- B. To authorize upon appeal, in specific cases, variances from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship and so the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant Conditional Zoning Certificates for the use of land, buildings or structures under the conditions specified in this Section, and in the district regulations.
- D. To revoke an authorized variance or Conditional Zoning Certificate when any condition of the variance or Conditional Zoning Certificate is violated (ORC 519.14), by notice of the Zoning Inspector.

The Board shall notify the holder of the variance or certificate, by certified mail, of its intent to revoke the variance or certificate under Section 203.04.D of this Resolution, and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, be represented by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above powers, the Board may, in conformity with such Sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

**Section 203.05 Authority of the Board of Township Trustees, Zoning Inspector, and Board of Zoning Appeals on Matters of Appeals**

The authority of the Board of Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement. Under this Resolution, the Board of Township Trustees shall have the authority to consider and adopt or reject proposed amendments or the repeal of this Resolution as provided by law, as well as the other duties described in Section 204.00 of this Resolution.

All questions of interpretation and enforcement shall first be presented to the Zoning Inspector and such questions shall only be presented to the Board of Zoning Appeals upon appeal from the written decision of the Zoning Inspector.

The Board of Zoning Appeals shall have the authority to decide on all matters of appeal in accordance with the requirements as set forth in Section 302.04.B of this Resolution. Recourse from any decision of the Board of Zoning Appeals shall be to the courts, as provided by law. Any such appeal to the courts shall be made within thirty (30) days of the Board of Zoning Appeals' written decision.

Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals with the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code.

**Section 204.00 Township Trustees Powers and Duties Regarding This Zoning Resolution**

- A. Appoint members to the Zoning Commission.
- B. Appoint members to the Board of Zoning Appeals.
- C. Establish a schedule of fees as stated in Section 306.00 of this Resolution.
- D. Initiate or act upon recommended amendments to the Zoning Resolution text or Official Zoning District Map initiated by and received from the Zoning Commission. Final action upon a recommended zoning amendment shall be undertaken at a public hearing as specified in Section 304.00.

## **SECTION 300.00 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT**

### **Section 300.01      Purpose**

This Section sets forth the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

### **Section 300.02      Submission of Application**

All applications for a Zoning Certificate, a Conditional Zoning Certificate, an Appeal, a Variance, or an Amendment to this Resolution shall be submitted to the Zoning Inspector. The Zoning Inspector will only accept and act upon an application that is complete and includes the proper application fee as established by the Township Trustees per Section 306.00.

### **Section 300.03      Special Studies/Costs**

When the Zoning Commission or Board of Zoning Appeals finds it necessary to obtain special studies, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

### **Section 300.04      Zoning Certificates Required**

No land may be “changed in use” without a zoning certificate issued by the Zoning Inspector. No building or other structure shall be erected, moved, added to, demolished, altered, or established without a Zoning Certificate issued by the Zoning Inspector. The Township has two types of Zoning Certificates with applications and review procedures for each.

- A. A Zoning Certificate is required if the proposal is for a permitted use/structure. The Zoning Inspector shall proceed to conduct the application and plan review as further described in Section 301.00.
- B. A Conditional Zoning Certificate is required if the proposal is for a conditionally permitted use/structure. The Board of Zoning Appeals shall conduct the application and plan review as detailed in Section 302.00.

All Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding approval for an appeal, variance, or conditional use. Whenever the Zoning Inspector issues a Zoning Certificate a placard shall also be issued. The placard is to be posted in a conspicuous place on the subject property, attesting to the fact the planned activity is in conformance with the provisions of this Resolution.

### **Section 300.05      Change in Use Determination**

For the purpose of determining if a Zoning Certificate is required, as specified in Section 300.04,

a “change in use” shall be identified in the following manner:

A. Residential Uses

The residential use categories are: single-family, two-family, multi-family and rooming/boarding house. A “change in use” status will exist when a residential structure is converted from one use category to another.

B. Commercial, Industrial and other Non-residential Uses

A “change in use” status will exist when:

1. The previous use of a structure, building, land or portion thereof has ceased and the new or converted use is not the same as that previous use; or
2. The existing use of a structure, building, land or portion thereof is proposed to be converted to a different use.

**Section 300.06            Expiration of Any Zoning Certificate**

- A. If work described in any Zoning Certificate, including change of use, has not begun within six (6) months from the date of issuance, the Zoning Certificate shall expire. Expiration dates shall be noted on the Zoning Certificates. For projects requiring construction, construction shall be considered begun when excavation and piers or footers of the structure included in the application have been completed.
- B. If the work described in any Zoning Certificate has not been substantially completed within two (2) years of the date of issuance, the certificate shall expire. Substantially completed requires that at a minimum the following items are completed: finished roof, windows installed, the siding or other exterior finish materials of the principal and accessory buildings/structures is completed and the final grade of the site is completed.
- C. All proposed construction must be completed within two (2) years of issuance of any Zoning Certificate. Any construction not completed, as defined in of Section 300.06.B shall be considered abandoned and may be declared a nuisance and subject to resubmission to the certificate review process.
- D. The Zoning Inspector and the applicant may agree to an extension of time based on reasonable circumstances that precluded the applicant from beginning or substantially completing construction. The circumstances and facts must be submitted to the Zoning Inspector in writing. A schedule for completion of work shall be submitted. If such extension is granted, the Zoning Inspector shall notify the affected person(s) in writing of such extension and the time frame for completion of work.

**Section 300.07            Submission to the Director of Transportation**

As required by Ohio Revised Code, Section 5511.01, the Zoning Inspector shall give notice by certified mail to the Director of Ohio Department of Transportation (ODOT) before any Zoning

Certificate or administrative review is approved concerning land in the following locations:

- A. Within three hundred (300) feet of the center line of a proposed new state highway or existing state highway for which changes are proposed;
- B. Within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway.

The Township Zoning Inspector, Zoning Commission, or the Board of Zoning Appeals, shall not approve such request for one hundred twenty (120) days from the date notice is received by the Director or during any extension of time that may be agreed to between the Director and the property owner.

If the Director notifies the Township that he shall proceed to acquire the land, then the responsible zoning authority shall not approve the zoning request. However, if the Director notifies the Township that the acquisition is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension of time agreed upon by the Director, then the local zoning authority shall proceed with the zoning request in accordance with the provisions of this Resolution.

**Section 301.00          Zoning Certificates**

**Section 301.01          Purpose**

The purpose of this Section is to establish application and review procedures for the Zoning Inspector to determine compliance with the provisions of this Resolution for any permitted land use and/or building and structure. The review is intended to benefit both the applicant and the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials, and
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community.

**Section 301.02          Procedures for Filing an Application**

Any application for a Zoning Certificate shall be submitted in accordance with the provisions of this Section of the Resolution.

**Section 301.03          Application Requirements**

- A. Applications for Zoning Certificates shall be submitted on Township Zoning Certificate Application Forms.
- B. The application shall include the following items at a minimum:

1. Name, address and phone number of the applicant and owner.
2. The application shall be signed by the owner.
3. The proposed number of bedrooms, dwelling units, occupants, employees, and other uses.
4. Copies of any approvals granted for uses and structures involved which required prior review and approval by the Board of Zoning Appeals.
5. Any other pertinent data as may be necessary to determine compliance with and enforcement of this Resolution, such as:
  - a. Sewage disposal permit issued by either the County Health Department, County Water Resources Department or EPA for improvements that require or may increase the volume of sewage disposal.
  - b. Driveway /road culvert permit from the agency or department, such as ODOT, County Engineer, or Township, with the authority to allow access onto the roadway for any proposed driveway.
  - c. Wetlands Disturbance Permit from the agency or department, such as the Army Corps of Engineers or the State of Ohio, with the authority to allow the disturbance of any wetland area.
  - d. Proof of compliance with the County's Flood Damage Prevention Regulations if site improvements are to be located within a Flood Hazard Area.
  - e. Water well permit from the County Health Department for wells or a permit from the County Water Resources Department allowing a connection to the central water system.
6. One (1) copy of a plan of the parcel drawn accurately depicting the area to be built upon or utilized by the proposed structure(s)/land use. The plan need not be professionally drawn provided the plan is legible and drawn or sketched to scale. The plan shall include the following items, at a minimum:
  - a. The location, dimensions, height, and the bulk of all structures to be erected and the land area to be utilized
  - b. The intended use of all lands and structures
  - c. The location of all existing structures and uses on the parcel
  - d. The location of yards, open space, and parking spaces with the number of parking and loading spaces and dimensions as required by Section 900.00. All handicapped spaces shall be clearly identified.
  - e. Location and design of entrance and exit drives

- f. Location, names and existing widths of adjoining streets or highways
- g. Exact dimensions and locations of any proposed signage
- h. Exact dimensions and locations of any proposed illuminated signage and the area (on site and surrounding properties) that the proposed lighting will affect along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare on any street or highway
- i. A plan showing how storm water and erosion will be managed and controlled on site. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems
- j. A landscaping plan, including parking lot landscaping, in accordance with the requirements of Section 700.00

#### **Section 301.04          Review Procedures**

- A. The Zoning Inspector shall review the submitted application to determine compliance with all pertinent requirements of this Resolution.
- B. The Zoning Inspector may consult with the Zoning Commission and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- C. Within ten (10) days after the receipt of a completed application, the Zoning Inspector shall issue a Zoning Certificate if such application is in compliance with this Zoning Resolution. If the application does not comply with the requirements of this Resolution, the Zoning Inspector shall give notice of denial, stating the reasons in writing for such denial and cite the sections of this Zoning Resolution that the application would violate.
- D. The Zoning Inspector shall return a signed and dated copy of the plans to the applicant indicating either “approval” or “disapproval.” The Zoning Inspector shall retain a copy of the plans similarly marked for the official Township record.

#### **Section 302.00          Conditional Zoning Certificates, Appeals and Variances**

##### **Section 302.01          Purpose**

The purpose of this Section is to establish the application and review procedures for the Board of Zoning Appeals to evaluate conditionally permitted uses, appeals and variances in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials.
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impact to one another, the site, the surrounding properties, and the community.

**Section 302.02            Procedures for Filing an Application**

- A. An application for a Conditional Zoning Certificate, Appeal or Variance shall be submitted to the Zoning Inspector in accordance with the provisions of this Resolution.
- B. An application for a Conditional Zoning Certificate or a Variance may be filed at any time.
- C. An application for an Appeal may be filed by any person aggrieved or by any officer of the Township affected, or by any decision of the administrative officer within twenty (20) days of a decision by the Zoning Inspector or administrative official.
- D. Upon receipt of an application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals along with all documents constituting the full record.

**Section 302.03            Application Requirements**

- A. Conditional Zoning Certificates
  - 1. Applications shall be submitted on Township Conditional Use Certificates Application Forms.
  - 2. The application shall include the following items at a minimum:
    - a. A statement supported by substantiating evidence regarding the requirements listed in Section 500.10
    - b. Name and address of the owner(s) of record
    - c. The application shall be signed by the owner
    - d. A list of property owners adjoining and within five hundred (500) feet of the property lines of the subject property, as they appear on the County Auditor's current tax map and the mailing addresses of those owners
    - e. Name and address of the person and/or firm that prepared the plan(s) for the application
    - f. Proposed density of units (for residential development)
    - g. A schedule for the proposed improvements of the site and buildings, including all proposed phases
    - h. Any deed restrictions, protective covenants, and other legal instruments or devices to be used to control the use, development and maintenance of the land, and the improvements thereon
    - i. One (1) copy of current tax map(s) of the subject property and surrounding area
    - j. Zoning District of the subject property

- k. Description of existing use(s)
  - l. Description of the proposed use(s), including the proposed hours of operation and the expected day and night number of patrons, deliveries and traffic volume (vehicles per day)
  - m. Any other information required to determine full compliance with the zoning regulations
3. Required Site Plans with the Application

Plans required in this section may be required to be prepared by a professional engineer, architect or surveyor, as applicable, and shall have their respective seal on the plans.

- a. Fifteen (15) copies of architectural plans for the development or modifications to existing structures, showing the following items:
  - 1. Exterior elevations
  - 2. Building floor plans
  - 3. Proposed exterior materials
- b. Fifteen (15) copies of the site plan which shall be drawn at a scale of not less than 1" = 100' for the development showing the following items:
  - 1. General vicinity map at a scale of 1" = 1,000', or 1" = 2,000', showing the proposed development in relation to existing streets, subdivisions, landmarks and community facilities
  - 2. Property boundary lines
  - 3. Elevation contours at two (2) foot intervals
  - 4. Traffic and circulation plans
  - 5. Adjacent streets and roads and widths of rights-of-way
  - 6. Parking and loading areas including dimensions, locations and numbers of all parking and loading spaces
  - 7. Proposed signage locations, height, dimensions and materials, including signs proposed to be painted on structures
  - 8. Surface drainage and storm water retention and/or detention basins
  - 9. All existing structures and uses
  - 10. Existing wetlands, ponds, streams, springs, lakes, drainage channels and the

directional flow of all watercourses.

11. All areas subject to flooding or storm water overflow
  12. Wooded areas, areas in agriculture, and any other special natural features other than in Section 302.03.A.3.b.10
  13. Any proposed fences, screens, walls or other landscaping features and the design and materials to be used
  14. Open spaces proposed, clearly delineated
  15. Type and screening details for all waste disposal containers shall be shown
  16. All existing and proposed public and private sidewalks, driveways, and paths
- c. Fifteen (15) copies of the following plans (when applicable) which shall be drawn at a scale of not less than 1" = 100' for the development showing the following items:
1. Landscaping plan, including parking lot landscaping, in accordance with the requirements of Section 700.00
  2. Utilities plan and location of existing utilities and easements
  3. Lighting Plan showing the exact dimensions and locations of any proposed illuminated signage or area lighting (e.g. parking lot) along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare and not impair the visibility of neighbors and/or the safe movement of traffic on any street or highway
  4. On-site vehicle and pedestrian circulation plan
  5. Final Grading Plan, if present elevation of the site is to be altered
  6. Storm Water Management and Erosion Control Plans. The applicant shall utilize "Best Management Practices" in the design and management of storm water and erosion/sediment control systems

#### B. Appeal and Variance Applications

1. Applications shall be submitted on Township Zoning Appeal/Variance Application Forms.
2. The application shall include the following items at a minimum:
  - a. Name, address and phone number of applicant(s)
  - b. The application shall be signed by the owner

- c. Description or nature of the appeal or variance
- d. Legal description of the property accompanied by a copy of the most current Portage County Tax Map showing the subject property
- e. Narrative statements, maps and/or drawings establishing and substantiating the rationale for the appeal or variance request and the section(s) of this Resolution that the applicant requests to be varied
- f. A list of property owners adjoining and within five hundred (500) feet of the property lines of the subject property, as they appear on the County Auditor's current tax map and the mailing addresses of those owners

#### **Section 302.04 Basis of Determination**

##### **A. Conditional Zoning Certificates with the Exception of Home Based Businesses**

The Board of Zoning Appeals shall review the application and find that the completion and operation of the proposed development or use shall satisfy the General Standards and the specific standards pertinent to each proposed development or use. The Board of Zoning Appeals may also impose additional, written conditions and safeguards deemed necessary to ensure that the intent or objectives of the General Standards are and will be observed. The Board of Zoning Appeals shall review each proposed use using the following General Standards and shall find evidence that such use:

##### General Standards:

1. Is a conditional use that is established under the provisions of Section 400.00 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Mantua Township Comprehensive Land Use Plan of current adoption and the Mantua Township Zoning Resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not be detrimental to land values in the general vicinity or in the community as a whole, giving due regard to the nature and condition of all neighboring land and building uses.
6. Will be served adequately by essential public facilities and services, including, but not limited to, fire and police protection, sanitary sewers, where available, storm sewers, schools, and roads; or that the appropriate governmental agencies will be able to provide adequately any such facilities and services.

7. Will not create excessive additional requirements at public cost for public facilities and services and not be detrimental to the economic welfare of the township.
8. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons and property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. Will have vehicular approaches designed so as not to interfere with pedestrian and vehicular traffic on surrounding public and private roads.
10. Will not result in the destruction, loss or damage of natural, scenic or historic features of the township and local ecosystem.
11. Will be in compliance with Portage County Subdivision Regulations, County Board of Health Standards, and County Building Code and all other applicable federal, state, and local regulations.

#### B. Appeals and Variances

Before an appeal or variance may be granted, the Board of Zoning Appeals shall find by a preponderance of reliable, probative, and substantial evidence submitted at the hearing, and only from such evidence, that the applicable standards of this Resolution are or will be satisfied by the proposed development or use.

With respect to variance requests, the Board of Zoning Appeals may impose additional, written, conditions on the proposed development or use as it deems necessary to ensure that the intent and objectives of this Resolution are and will be observed. The evaluation to grant a variance shall be based on the following standards and the Board of Zoning Appeals shall find that:

1. Use Variance
  - a. The variance is necessary due to special conditions.
  - b. A literal enforcement of this Resolution will result in an actual unnecessary hardship to the applicant in the reasonable use of their property.
  - c. If the use variance is granted, the spirit and intent of this Resolution will be observed and substantial justice done.
  - d. The approval of the variance will not have an adverse impact on the immediate neighborhood, community land use, or be contrary to the Township's Comprehensive Land Use Plan.
  - e. The hardship is not self created.
  - f. The property owner did not purchase the property with the knowledge of the zoning restrictions on the use of the property.

- g. No use variance shall be granted where the proposed development or use would be contrary to a use prohibited under Section 605.00, Dangerous/Objectionable/Prohibited Uses.

## 2. Area Variance

On application for an area variance, the Board of Zoning Appeals shall review the evidence submitted at the hearing in light of the following standards:

- a. Whether the property will yield a reasonable return or can there be a beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction.
- f. Whether the problem can be solved by some manner other than the granting of the variance.
- g. Whether the variance preserves the spirit and intent of the Zoning Resolution and substantial justice would be done by the granting of the variance.

### **Section 302.05      Review Procedures for Board of Zoning Appeals**

Purpose: to evaluate conditionally permitted uses, appeals, and variances.

- A. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of a complete application. A notice shall be publicized in at least one (1) newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- B. A written notice of such hearing shall be mailed by first class mail to the parties in interest, at least ten (10) days before the date of the hearing. The notices shall contain the same information as required of notices published in newspapers as specified in Section 302.05.A.
- C. The Board of Zoning Appeals may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- D. The Board of Zoning Appeals shall take action within a reasonable time, but generally not more than thirty (30) days from the date of the initial public hearing. The Board of Zoning Appeals may continue any hearing. If the time and place of a continued hearing is publicly

announced at the public hearing, then no further notice of the hearing shall be required.

- E. The decision of the Board of Zoning Appeals shall be announced at the public hearing. A certified copy of the Board of Zoning Appeals' decision shall be transmitted to the applicant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector. The decision of the Board of Zoning Appeals shall include one of the following:
1. Approve
  2. Approve with conditions
  3. Disapprove
  4. Sign a written agreement with the applicant to extend the review period. This agreement shall include the date the Board of Zoning Appeals must take action on the issue.
- F. No application which had been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.
- G. Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to Ohio Revised Code, Chapter 2506. Such appeal shall not prevent any enforcement action or proceeding on such decision appealed from, unless and until otherwise ordered by the Common Pleas Court.

**Section 303.00 Rural Residential Neighborhood Open Space Overlay (RRNOSO) Development Review Procedures**

**Section 303.01 Purpose**

The purpose of this section is to establish the review procedures for a Rural Residential Neighborhood Open Space Overlay Development (RRNOSO), as well as to provide general site planning guidelines. This is to ensure that the elements required in this Resolution are in a RRNOSO plan and that the design, location and relationship of all elements to one another, to the site and to abutting parcels are appropriate to achieve the intent and goals of this Resolution.

**Section 303.02 Authority for Rural Residential Neighborhood Open Space Development Plan Review**

Rural Residential Neighborhood Open Space Developments are reviewed for approval by the Zoning Commission. This authority is derived from Ohio Revised Code Section 519.021. The Zoning Commission shall conduct a review for all Rural Residential Neighborhood Open Space Development plans to come before it, as set forth in this section and all applicable sections of this Zoning Resolution.

**Section 303.03 General Development Plan Application Requirements**

The applicant shall submit a General Development Plan application for the proposed RRNOSO to the Zoning Inspector.

A. General Development Plan Requirements:

The applicant shall submit one (1) copy of the General Development Plan application materials and required fee to the Township Zoning Inspector. The application shall include documentation to ensure compliance with the standards and criteria set forth in this Section and all applicable sections of this Resolution to determine compliance with the RRNOSO Development requirements. The application and documentation shall include, but are not limited to, the following:

1. Identification of existing site characteristics, including a general depiction of:
  - a. Boundaries of the area proposed for development, dimensions and total acreage
  - b. Contour lines at vertical intervals of not more than ten (10) feet, highlighting ridges, rock outcroppings and other significant topographical features
  - c. Location of wetlands (and potential wetlands), special flood hazard area boundaries and the base flood elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and other water courses
  - d. Existing soil classifications
  - e. Locations of all wooded areas, tree lines, hedgerows, and specimen trees
  - f. Delineation of existing drainage patterns on the property, existing wells and well sites
  - g. Description of significant existing vegetation by type of species, health, quality, etc.
  - h. Existing buildings, structures and other significant manmade features on the site and within two hundred (200) feet of the project boundary
  - i. Description of all structures and areas of known or potential historical significance
  - j. Existing viewsheds and identification of unique vistas
2. The preliminary site plan shall be professionally drawn at a scale not less than 1" = 100', except that projects over two hundred (200) acres may be drawn at a scale of 1" = 200', and shall include:
  - a. A summary table of the proposed development including the total acreage, the number and type of buildings and structures, as well as the density or intensity by type of building or structure (e.g. single-family residential, two (2) dwelling units/acre, one thousand five hundred (1,500) square feet retail commercial, four hundred (400) square feet recreational pavilion, etc.), and restricted open space

- acreage.
- b. A sketch layout of proposed lots, if any
  - c. The location of the restricted open space and any proposed recreational facilities
  - d. The location of all natural features to be conserved and any required setback areas
  - e. The location of all natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
  - f. The general location of any public street rights-of-way, private roadways, and common easements used for accessibility
  - g. The location of any proposed utility easements
3. An outline of the method to perpetually preserve the restricted open space, which indicates:
    - a. The structure of the Association, if this is the mechanism to be used
    - b. Membership requirements
    - c. Financial responsibilities
  4. A description of the project's phasing including the phased construction of open space improvements

#### B. Review For Completeness

Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine if it includes all the items required in Section 303.03A. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date and transmit it to the Zoning Commission.

#### Section 303.04 Administrative Review of RRNOSO General Development Plan

- A. Once a complete General Development Plan application for a RRNOSO has been properly filed, the Zoning Commission shall proceed as follows:
  1. The Chairperson or his designee shall contact the applicant within fifteen (15) days and set a date for an initial meeting for an informal discussion of the proposed project.
  2. Set a date for subsequent meeting(s) (such as site walkover or further discussions on the plan) at the convenience of the Zoning Commission.
  3. All pertinent objectives, uses, requirements, guidelines, and standards shall be considered by the Zoning Commission in determining whether or not to grant approval of a given RRNOSO Plan.

B. The Zoning Commission must act upon the General Development Plan within sixty (60) days from the date the application was determined complete or the parties may agree in writing to an extended review period. The Township Zoning Commission shall take action on the submitted General Development Plan by either:

1. Approving the General Development Plan as submitted; or
2. Approving the General Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
3. Denying approval of the General Development Plan; or
4. Signing a written agreement with the applicant to extend the review period. This agreement shall include the date the Zoning Commission must take action on the issue.

C. Approval of the General Development Plan shall:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Permit the applicant to proceed with detailed planning and engineering plans of the approved general development plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when an amendment is submitted for review.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

D. Review of General Development Plan by Others

The Zoning Commission may request special studies or seek advice from experts, including local emergency services such as the fire department. The cost of securing expert advice or studies shall be borne by the applicant.

The Zoning Commission may distribute the General Development Plan application to the following for review and comment:

1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health Department, the County Water Resources Department, the Army Corps of Engineers or the Ohio EPA.
2. Other agencies that, at the discretion of the Zoning Commission, have appropriate technical expertise.

3. Appropriate local township administrative officials, including the township's legal advisor.
4. Consultants retained by the Township.
5. All comments shall be returned to the Zoning Commission within thirty (30) days from the date distributed. However, if comments are not received within such thirty (30) day period, the Zoning Commission is not precluded from proceeding to review and consider the application.

**Section 303.05            Final Development Plan Application Requirements for RRNOSO Developments**

After a General Development Plan for a RRNOSO has been approved, an applicant shall submit a Final Development Plan for review and approval. The Final Development Plan application and required fee shall be submitted to the Township Zoning Inspector. The Final Development Plan may be submitted either for the entire project or for each construction phase.

1. Final Development Plan requirements:

1. A site plan professionally drawn at a scale not less than 1" = 100' indicating:
  - a. Three 3 copies should be provided.
  - b. Boundaries of the area proposed for development, accurate dimensions and total acreage.
  - c. The exact location and dimension of private streets, common drives, pedestrian easements, public street rights-of-way, etc.
  - d. Exact location of building footprints or envelopes within which each building unit is to be constructed, and lot lines with dimensions for which individual ownership is proposed.
  - e. Dimensions of building/unit spacing.
  - f. The extent of environmental conservation and impacts and the exact location of all no cut/no disturb zones.
  - g. Designated restricted open space areas and a description of proposed open space improvements.
  - h. A grading plan drawn at a scale of 1" = 100' showing all information pertaining to surface drainage.
  - i. A detailed plan for new landscaping, including entry features and signs.
2. The Declaration, Articles of Incorporation, Bylaws (for a Condominium Association), Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and

pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.

3. Conditions imposed by other regulatory agencies.

**B. Review for Completeness**

Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine if it includes all the required items. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date and transmit it to the Zoning Commission.

**Section 303.06 Administrative Review of Final Development Plan**

- A.** Once a complete Final Development Plan for a RRNOSO application has been properly filed, the Zoning Commission shall proceed as follows:

1. The Chairperson, or his designee, shall contact the applicant within fifteen (15) days and set a date for an initial meeting for an informal discussion of the proposed project.
2. Set a date for subsequent meeting(s) at the convenience of the Zoning Commission.
3. Distribute the Final Development Plan application to the Township's legal advisor and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
4. Review by the Township's legal advisor if necessary. The Township's legal advisor may review the Declaration, Articles of Incorporation, Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other covenants and restrictions and maintenance agreements to be imposed upon the RRNOSO development. He shall provide a written opinion to the Zoning Commission documenting that the above demonstrates full compliance with the requirements of this Section.
5. All pertinent objectives, uses, requirements, guidelines, and standards shall be considered by the Zoning Commission in determining whether or not to grant approval of the Final Development Plan.

- B.** The Zoning Commission must act upon the Final Development Plan within sixty (60) days from the date the application was determined complete or the parties may agree in writing to an extended review period. The Zoning Commission shall take action on the submitted Final Development Plan by:

1. Approving the Final Development Plan as submitted; or
2. Approving the Final Development Plan subject to specific conditions not included in the

plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

3. Denying approval of the Final Development Plan; or
  4. Signing a written agreement with the applicant to extend the review period. This agreement shall include the date the Zoning Commission must take action on the issue.
- C. Upon completion of a Final Development Plan that is acceptable and approved by the Zoning Commission, the applicant shall be so notified by first class mail. If approval was granted under Section 303.06.B.2, the applicant shall submit three (3) revised copies of the Final Development Plan professionally drawn to scale and other related documents. All revised materials shall be endorsed as required by these requirements. If approval was granted under Section 303.06.B, then all required materials are already in the possession of the Zoning Commission.

The Zoning Commission Chairperson shall then sign each of the Final Development Plan copies and issue a Certificate of Approval as a statement of acceptance and approval by the Township. The signed copies of said approved Final Development Plan and the Certificate of Approval shall be distributed as follows: one to the applicant, one to the Zoning Inspector and one to the Zoning Commission Secretary.

- D. If the Final Development Plan is disapproved, the applicant shall be notified by first class mail with the reason(s) for disapproval. The plan may not be resubmitted to the Zoning Commission for one (1) year from the official decision unless revisions are made to address the reasons for disapproval.
- E. The Zoning Inspector shall be responsible for monitoring compliance with the Final Development Plan as approved by the Zoning Commission.

**Section 303.07 RRNOSO Implementation Timing**

- A. The applicant shall obtain a Zoning Certificate from the Zoning Inspector within twelve (12) months from the date the Certificate of Approval was issued. Failure to obtain the Zoning Certificate shall cause the approved RRNOSO Final Development Plan to be invalid and the applicant must resubmit the plan and application in conformity with the current Resolution.
- B. Road construction shall be completed for the initial phase of the RRNOSO development within eighteen (18) months of the date the Certificate of Approval was issued.
- C. Applicant may request in writing for an extension of time from the Zoning Commission. The request shall include the reasons for the additional time required.

**Section 303.08 Noncompliance with Regulations**

An RRNOSO development plan found to be in violation of the requirements of this Resolution and/or any additional requirements as approved by the Zoning Commission shall be subject to action as described in Section 305.00.

**Section 304.00 Amendments**

**Section 304.01 Purpose**

The purpose of this Section is to provide the Zoning Commission and the Township Trustees with the procedures to amend, supplement, or repeal this Resolution, change the boundaries of any zoning district or reclassify the zoning of any property.

**Section 304.02 Initiation of Zoning Amendment**

Amendments to this resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission
- B. By adoption of a resolution by the Township Trustees and certification to the Zoning Commission
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment

**Section 304.03 Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:

- A. The name, address and phone number of the applicant
- B. The nature of the proposed amendment
- C. A statement of the reason for the proposed amendment
- D. The present land use(s)
- E. The present Zoning District Classification
- F. The proposed use(s)
- G. The proposed Zoning District Classification
- H. A map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning district boundary lines and such other items as the Zoning

Inspector may require

- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where ten (10) or more parcels are to be rezoned
- J. A statement on the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan

**Section 304.04            Zoning District Amendment Initiated by the Zoning Commission or Township Trustees**

Zoning District Amendments initiated by the Zoning Commission or Township Trustees shall include all items of Section 304.03.

**Section 304.05            Zoning Text Amendments**

Amendments to modify or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include at least the following information:

- A. The proposed text to be added, changed, and /or deleted.
- B. A statement of the reason(s) for the proposed amendment.
- C. A statement explaining the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan.
- D. A statement explaining how the proposed text would result in an improved Zoning Resolution.

**Section 304.06            Transmittal to the Zoning Commission**

Immediately after the adoption of a Trustee resolution or the filing of an application for an amendment, it shall be certified and transmitted to the Zoning Commission together with all documents relative to the amendment proposed.

**Section 304.07            Submission to the Regional Planning Commission**

Within five (5) days after the adoption of a motion, certification of a resolution, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and any maps pertaining to the amendment to the Portage County Regional Planning Commission (RPC).

The RPC shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

**Section 304.08 Public Hearing by the Zoning Commission**

The Zoning Commission shall schedule a public hearing, after the adoption of their motion, the certification and transmittal of a resolution from the Board of Trustees, or the filing of an application, for a zoning amendment. Said hearing shall be not less than twenty (20) or more than forty (40) days from the date of adoption of such motion, certification of such resolution, or filing of such application.

**Section 304.09 Notice of Public Hearing by First Class Mail**

Before holding a public hearing as required in Section 304.08, written notice of such hearing shall be given by the Zoning Commission if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax map.

The notice of the hearing shall be by first class mail, mailed at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

The content of the notice shall be in accordance with the criteria listed in Section 304.10.A.

**Section 304.10 Notice of Public Hearing by Newspaper**

Before holding the public hearing as required in Section 304.08, a notice of such hearing shall be given by the Zoning Commission and published in at least one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing as follows:

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax map, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:
  1. A statement indicating that the Zoning Commission will be conducting the hearing.
  2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution.
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax map.
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property.
  5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the hearing.

6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.
  7. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
  8. Any other information requested by the Zoning Commission.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax map, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Zoning Commission will be conducting the hearing on the proposed amendment.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
  4. The name of the person responsible for giving notice of the hearing by publication.
  5. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
  6. Any other information requested by the Zoning Commission.

**Section 304.11 Recommendation by the Zoning Commission**

Within thirty (30) days after the public hearing, as required by Section 304.08, the Zoning Commission shall recommend to the Board of Township Trustees one of the following:

- A. Approval of the amendment as requested.
- B. Approval of the proposed amendment with modifications.
- C. Denial of the proposed amendment.

The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, shall include the basis for their determination and shall demonstrate that the proposed amendment is or is not consistent with the Township Comprehensive/Land Use Plan.

The Zoning Commission shall submit their recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the Portage County Regional Planning Commission to the Board of Township Trustees.

**Section 304.12 Public Hearing by the Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation from the Zoning Commission, the Board of Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Trustees, as follows.

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax map, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Board of Township Trustees will be conducting the hearing.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax map.
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property.
  5. The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the hearing.
  6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.
  7. Any other information requested by the Board of Township Trustees.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax map, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Board of Township Trustees will be conducting the hearing on the proposed amendment.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing.
  4. The name of the person responsible for giving notice of the hearing by publication.
  5. Any other information requested by the Board of Township Trustees.

**Section 304.13 Action by the Board of Trustees**

Within twenty (20) days after the public hearing as required by Section 304.12, the Board of Township Trustees shall either:

- A. Adopt the recommendations of the Zoning Commission.
- B. Adopt the recommendations of the Zoning Commission with modifications.
- C. Deny the recommendations.
- D. In the event the Board of Trustees accepts, denies or modifies the recommendations of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

#### **Section 304.14            Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the Zoning Plan, equal to not less than 8% of the total votes cast for all candidates for Governor in such area at the most recent general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election that occurs at least seventy five (75) days after the petition is filed.

No amendment, for which such referendum vote has been requested, shall be put into effect unless a majority of the votes cast on the issue are in favor of the amendment.

Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

#### **Section 304.15            Filing of Amendments with County Recorder and Regional Planning Commission**

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the Office of the County Recorder and with the Regional Planning Commission. The failure to file any amendment, as required by this section, does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

#### **Section 305.00            Enforcement**

##### **Section 305.01            Complaints Regarding Violations**

The Zoning Inspector is responsible to investigate all violations or complaints of alleged violations of this Resolution. Any person may file a written complaint regarding a violation with the Zoning Inspector. The complaint shall state fully the cause and basis of the violation. The Zoning Inspector shall record the complaint and conduct an investigation within five (5) days of receiving the complaint. If a violation exists, the Zoning Inspector shall take action to resolve the violation as provided for in this Resolution.

**Section 305.02            Entry and Inspections of Property**

The Zoning Inspector is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor to secure a valid search warrant or other means prior to entry.

**Section 305.03            Notice of Violation**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as notice of a violation. Such notice shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution that are being violated.
- D. State that the violation shall be corrected in a timely manner as specified by the Zoning Inspector. The party in violation has up to thirty (30) days to correct the violation, unless an extension of time is agreed upon by the Zoning Inspector and the party in violation.

**Section 305.04            Service of Notice of a Violation**

Service of a notice of a violation shall be sent by certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with an endorsement that the envelope is unclaimed, then service shall be sent by ordinary mail. The service shall be deemed complete when the fact of mailing is entered into the record, provided the ordinary mail envelope is not returned by the postal authorities or the envelope is returned indicating delivery is unavailable.

**Section 305.05            Penalties and Fines**

- A. No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used and no land shall be used in violation of this Resolution. Each day of continuation of any violation of this Resolution shall be deemed a separate offense.
- B. Whoever violates any provision of this Resolution or the Ohio Revised Code, Section 519.01- 519.25, inclusive, shall be fined not more than \$500.00 for each offense.
- C. If there are any violations of this Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, alteration or use.

**Section 306.00            Schedule of Fees, Charges and Expenses**

The Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, Conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Township Fiscal Officer and of the Zoning Inspector, and may be altered or amended only by the Township Trustees by resolution. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **SECTION 400.00 ZONING DISTRICTS AND REGULATIONS**

### **Section 400.01      Purpose**

The purpose of this Section is to establish Zoning Districts in order to carry out the general purposes and objectives set forth in Section 100.00 of this Zoning Resolution, to provide for orderly, sustainable growth and development, to aid in the implementation of the Mantua Township Land Use Plan, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts, in accordance with Section 519.02 of the Ohio Revised Code.

All such regulations shall be uniform for each class or kind of building or other structure or use throughout any zoning district, but the regulations of one zoning district may differ from those in another zoning district.

### **Section 400.02      Establishment of Zoning Districts**

For the purpose of promoting the public health and safety of the community, Mantua Township is hereby divided into zoning districts. Each zoning district shall be of such number, area, shape, kind, common unity of purpose, and adaptability of the use that is deemed most suitable to carry out the purpose of this Resolution. In addition, all new non-contiguous districts must consist of a minimum of twenty five (25) acres.

The following zoning districts are hereby established for Mantua Township:

Section 401.00	RRNOSO	Rural Residential Neighborhood Open Space Overlay
Section 402.00	R-1	Residential District
Section 403.00	R-2	Residential District
Section 404.00	R-3	Residential District
Section 409.00	C-1	Commercial District
Section 410.00	LRM	Light Restricted Manufacturing
Section 411.00	I-1	Industrial District

### **Section 400.03      Official Zoning Map**

The districts established in Section 400.02 shall be shown on the Official Zoning Map, which together with all data, references, explanatory material, and notations shown thereon, is hereby made a part of this Resolution. A legal copy of this map is on file in the office of the Township Fiscal Officer.

### **Section 400.04      Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforementioned zoning districts as shown on the “Zoning Districts Map of Mantua Township, Ohio”, the following rules shall apply:

**A. Where boundaries approximately follow streets, alleys or highways**

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

**B. Where boundaries parallel streets, alleys or highway rights-of-way**

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

**C. Where boundaries approximately follow lot lines**

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries, and shall be construed to be boundaries of lots of ownership as shown on current Tax Maps.

**D. Vacation of public ways**

Whenever any street, alley or other public way is vacated in a manner authorized by Law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

**Section 400.05 Compliance with These Requirements**

**A.** No building shall be erected, placed, converted, enlarged, demolished, reconstructed, or structurally altered, nor shall any building or land be used, arranged to be used, or designed to be used in a manner which does not comply with all of the district requirements established by these Regulations for the districts in which the building or land is located, unless otherwise stated in Section 602.00.

**B.** Uses which are omitted from these Regulations, not being specifically permitted, shall be considered prohibited until such uses are incorporated into these Regulations by amendment.

**C.** Determination of whether or not a use is permitted by virtue of being similar in character to a specified permitted use in the district shall be made by the Board of Zoning Appeals based on the purpose of the district, adopted policies regarding development and this Zoning Resolution.

**Section 401.00**  
**RURAL RESIDENTIAL NEIGHBORHOOD**  
**OPEN SPACE OVERLAY DEVELOPMENTS**

**Section 401.01 Purpose**

The primary purpose of Rural Residential Neighborhood Open Space zoning, also known as conservation development zoning, is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open spaces while accepting development and retaining, for the property owner, the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning requirements of the underlying zoning district.

These regulations are intended to achieve corollary purposes:

- A. To conserve (within the framework of natural resource conservation) the rural quality of the community characterized by:
  - 1. Large, aggregated, undeveloped land areas
  - 2. Scenic vistas and rural views
  - 3. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings
  - 4. Appropriate topographic or vegetative screening
  - 5. Significant historic features such as old barns, heritage trees, etc.
  - 6. Traditional rural settlement patterns characterized by compact groupings of development in otherwise wide open spaces
  
- B. To maximize protection of the community's natural resources by:
  - 1. Conserving areas of prime agricultural soils, to the extent possible
  - 2. Avoiding development on and destruction of sensitive natural resource areas
  - 3. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams)
  - 4. Reducing the amount of disturbed land, the conversion of areas to landscaped areas for lawns, and the use of invasive vegetation

5. Reducing the quantity and improving the quality of storm water runoff from expected development
- C. To encourage more efficient use of land and public services through unified development.
- D. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- E. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
- F. To ensure that the proposed conservation development complies with the objectives of Mantua Township as expressed in the Mantua Township Land Use Plan.

### **Section 401.02            Special Definitions for Rural Residential Neighborhood Open Space Developments**

For the purpose of these regulations the following terms, whenever used in Section 401.00, shall have the meaning herein indicated:

- A. DEVELOPMENT PLAN: A proposal including drawings and maps for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout, and other features for the development and including all elements set forth in Section 401.09.
- B. LOT or SUBLLOT:  
For the purposes of the conservation development regulations, a lot or subplot shall be a parcel of land owned fee simple and intended for one dwelling unit whether or not such lot or subplot is located with frontage on a dedicated street.
- C. PROJECT BOUNDARY: The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term "project boundary" shall also mean "development boundary."
- D. STANDARD SUBDIVISION: A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.

### **Section 401.03            Permitted Uses**

Conservation development shall be permitted in accordance with the regulations set forth in Sections 401.04 through 401.09 inclusive, for the following uses:

- A. Detached single-family dwellings

- B. Single-family cluster dwellings
- C. Single-family attached dwellings
- D. Recreation facilities for use by residents
- E. Restricted open space as required in Section 401.05
- F. Home Day Care for Children and Adults (Section 610.11)

**Section 401.04 Minimum Project Area for Rural Residential Neighborhood Open Space Developments**

The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of twenty (20) acres, but shall not include area within any existing public street right-of-way.

The area proposed shall be in one ownership, or if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

**Section 401.05 Permitted Density and Restricted Open Space**

- A. The minimum restricted open space shall be 40% of the total project area.
- B. The maximum density shall be R1 = .28, R2 = .44, R3 = .58 dwelling units per acre which incorporates a 10% density bonus for choosing this RRNOSO overlay. The maximum number of dwelling units permitted in a conservation development shall be calculated by:
  1. Deducting the following from the total project area:
    - a. Any public right-of-way within the project boundary existing at the time the Development Plan is submitted and
    - b. The area of land within special flood hazard areas, designated wetlands, or existing waterbodies that exceed the minimum acreage required for restricted open space as set forth in Section 401.05A. Where special flood hazard areas and wetlands overlap, they shall be counted only once.
  2. Multiplying the result of Section 401.05.B.1 by the maximum density permitted per acre as set forth in this Section above.

**Section 401.06 Regulations for Restricted Open Space**

- A. General standards

The restricted open space required in Section 401.05 shall comply with the following:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Areas designated for restricted open space purposes may be:
  - a. Preserved in its natural state
  - b. Designed and intended for the use and/or enjoyment of residents of the proposed development
  - c. Utilized for farming when authorized in a conservation easement or in the association's covenants and restrictions
3. Restricted open space shall be interconnected with open space areas on abutting parcels.
4. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Portage County Health Department or other appropriate agencies shall be established to enable maintenance of such facilities by the appropriate parties.
5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
  - a. Private roads and public road rights-of-way
  - b. Parking areas, access ways and driveways
  - c. Required setbacks between buildings, parking areas and project boundaries
  - d. Required setbacks between buildings and streets
  - e. Minimum spacing between buildings and between buildings and parking areas
  - f. Private yards
  - g. A minimum of fifteen (15) feet between buildings and restricted open space
  - h. Other small fragmented or isolated open space areas
6. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of restricted open space that may be developed for active recreation areas, including a community center, shall be 5%.
7. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback

areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.

#### B. Prohibition of Further Subdivision of Restricted Open Space

Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the township's legal advisor and duly recorded in the Office of the Recorder of Deeds of Portage County.

#### C. Ownership of Restricted Open Space

Subject to such permanent restriction as set forth above, restricted open space in a conservation development may be owned by an association, the Township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.

##### 1. Offer of Dedication

The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

##### 2. Associations

Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The Township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

- a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
- b. The association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.

##### 3. Transfer of Conservation Easements

With the permission of the Township, the owners(s) of the restricted open space may, in accordance with the provisions of ORCS 5301.67-70, grant a conservation easement in perpetuity to any of the entities listed in ORCS 5301.68, provided that:

- a. The entity is acceptable to the Township;

- b. The provisions of the conservation easement are acceptable to the Township; and
- c. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORCS 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

#### 4 Private Ownership of Restricted Open Space

Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

### **Section 401.07          Development and Site Planning Standards**

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

#### A. Ownership

Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this Section.

#### B. Lot Requirements

- 1. Units are not required to be on lots. However, when lots for standard detached single family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
- 2. The applicant shall depict, on the development plan, the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this Section.

#### C. Perimeter Building Regulations

- 1. The minimum setback from an existing public street shall be thirty five (35) feet.
- 2. The minimum setback from the project boundary shall be twenty (20) feet.

#### D. Interior Building Setback and Spacing Regulations

1. The minimum setback from a proposed local public right-of-way shall be thirty five (35) feet.
2. The minimum setback from the edge of the pavement of a private street shall be forty (40) feet.
3. The minimum separation between dwellings shall be fifty (50) feet.
4. Accessory buildings shall be located to the rear of the residence and a minimum of five (5) feet from side and rear lot lines.

#### E. Height

The maximum building height shall be thirty-five (35) feet.

#### F. Resource Protection Regulations

##### 1. Special Flood Hazard Areas

No buildings or structures are permitted to be located within a Special Flood Hazard Area as defined by the National Flood Insurance Program or other appropriate agencies. The types of uses permitted in Special Flood Hazard Areas are listed below:

- a. Agriculture
- b. Public or private parks and outdoor recreational facilities which should be limited to playfields, ball fields, trails, and other similar unimproved amenities
- c. Fencing that allows the passage of water
- d. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod
- e. Any proposed land use or development wholly within, partially within, or in contact with any Special Flood Hazard Area as established in the current Special Purpose Flood Damage Reduction Regulations for Portage County, Ohio, should be submitted to the appointed Floodplain Administrator.

##### 2. 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:

- 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, and
- b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated wetland.

### 3. Conservation of Riparian Zones

- a. 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 river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. This buffer may be required to 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 Soil and Water Conservation District, Portage Park District, County Engineer, Regional Planning Commission or others qualified to provide a recommendation to the Zoning Commission.
- b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated riparian zone.
- c. Walkways may be located within riparian buffers when the Zoning Commission determines that such will have minimal impacts on the riparian buffer, provided the walkway is not within a Special Flood Hazard Area. If the proposed walkway is within a Special Flood Hazard Area, the Floodplain Administrator should be contacted as in Sec. 401.07.F1.

### G. General Street Design Criteria

1. Street alignments should follow natural contours and be designed to conserve natural features.
2. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.
3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
4. Single-loaded residential access streets are preferred in order that the maximum number of homes in the open space development may enjoy views of the open space areas.

Where foreground meadows are created between existing public roadways and such single-loaded residential streets, residences shall be located on the far side of the access streets as seen from the public roadways.

5. The road design should incorporate as much as possible, commons or ovals rather than cul-de-sacs.

#### H. Pedestrian Circulation Systems

1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

#### I. Sewage Disposal

Development shall be served by individual or public sewage disposal structures consistent with the Portage County Health Department or other appropriate agency. Individual sewage disposal systems shall comply with all applicable regulations of the Portage County Health Department and may be located within restricted open space areas when approved by the Township and the Portage County Health Department.

#### J. Waivers

In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township Zoning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

### **Section 401.08      Development Design Criteria**

In addition to the development and site planning standards set forth in Section 401.07, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

#### A. Conservation of prime farmland

Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.

**B. Conservation of existing scenic vistas and visual quality of the environment**

Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

**C. Conservation of woodlands, vegetation and other natural areas**

The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.

**D. Conservation of wildlife habitats**

Wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.

**E. Conservation of cultural resources**

Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

**F. Conservation of sloping land**

The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.

**Section 401.09 Project Review Procedures**

Under the authority established in ORCS 519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section.

**A. Submission of General Development Plan**

The applicant shall submit a General Development Plan application to the township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Section. The application and documentation shall include, but is not necessarily limited to:

1. Identification of existing site characteristics, including a general depiction of:
  - a. Boundaries of the area proposed for development, dimensions and total acreage
  - b. Contour lines at vertical intervals of not more than five (5) feet, highlighting ridges, rock outcroppings and other significant topographical features

- c. Location of wetlands (and potential wetlands); special flood hazard area boundaries and base flood elevations as delineated by the Federal Emergency Management Agency; rivers and streams and their related river or stream banks, ponds, and water courses
  - d. Existing soil classifications
  - e. Locations of all wooded areas, tree lines, hedgerows, and specimen trees
  - f. Delineation of existing drainage patterns on the property, existing wells and well sites
  - g. Description of significant existing vegetation by type of species, health, quality, etc.
  - h. Existing buildings, structures and other significant man-made features on the site and within two hundred (200) feet of the project boundary
  - i. Description of all structures and areas of known or potential historical significance
  - j. Existing viewsheds and identification of unique vistas
2. The preliminary site plan shall be drawn at a scale not less than 1" to 100', except that projects over two hundred (200) acres may be drawn at a scale of 1" to 200', and shall include:
    - a. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage density by type of dwelling, and acreage of restricted open space to be conserved
    - b. A sketch layout of standard single family lots, if any
    - c. The location of the restricted open space and any proposed recreational facilities
    - d. Natural features to be conserved and any required buffer areas
    - e. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
    - f. General location of public street rights-of-way and private roadways
    - g. Proposed utility easement locations
  3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
    - a. The structure of the Association

- b. Membership requirements
  - c. Financial responsibilities
  - d. The relationship of the entity to public agencies having responsibilities related to the project
4. A description of the project phasing including the phased construction of open space improvements.

B. Review for completeness

Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in Section 401.09.A. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

C. Review of General Development Plan by others

The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment:

1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health Department, the County Water Resource Department, and the Ohio EPA
2. Other agencies which, at the discretion of the Township, may have appropriate technical expertise
3. Appropriate local Township administrative officials, including the Township's legal advisor
4. Consultants retained by the Township

All comments shall be returned to the Township Zoning Inspector within thirty (30) days from the date distributed. However, if comments are not received within such thirty (30) day period, the Zoning Commission is not precluded from proceeding to review and consider the application.

D. Site visit

The Township Zoning Commission shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

#### E. Review and approval by Township

The Township Zoning Commission shall review the General Development Plan and the comments received from Section 401.09.C above. The Township Zoning Commission shall take action on the submitted General Development Plan by either:

1. Approving the General Development Plan as submitted; or
2. Approving the General Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
3. Denying approval of the General Development Plan; or
4. Signing a written agreement with the applicant to extend the review period. This agreement shall include the date the Zoning Commission must take action on the issue.

#### F. Significance of approved General Development Plan

Approval of the General Development Plan shall:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved General Development Plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve suggested amendments to the General Development Plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

#### G. Final Development Plan

After a General Development Plan has been approved, an applicant shall submit for review and approval a Final Development Plan. The Final Development Plan may be submitted either for the entire project or for each construction phase.

##### 1. Submission Requirements

The Final Development Plan shall include:

- a. A site plan drawn at a scale not less than 1" = 100' indicating:

**Section 400.00: Zoning Districts and Regulations**

1. Boundaries of the area proposed for development, accurate dimensions and total acreage;
  2. The exact location and dimension of private streets, common drives and public street rights-of-way;
  3. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
  4. Dimensions of building or unit spacing;
  5. The extent of environmental conservation and impacts and the exact location of all no cut/no disturb zones; and
  6. Designated restricted open space areas and a description of proposed open space improvements.
- b. A grading plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.
  - c. A detailed landscaping plan for new landscaping, including entry features and signs.
  - d. The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
  - e. Conditions imposed by other regulatory agencies.
2. Review for completeness

Within ten business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection 401.09.G.1, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

3. Distribution of Final Development Plan

The Zoning Inspector shall distribute the Final Development Plan application to the Zoning Commission, the township's legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

4. Review by the Township's legal advisor

The township's legal advisor may review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of this chapter.

5. Review and approval by Township

The Zoning Commission shall review the Final Development Plan and the comments received from Section 401.09.G.3 and 401.09.G.4 above. The Zoning Commission shall determine if the Final Development Plan is in compliance with the General Development Plan and take action on the submitted Final Development Plan by either:

- a) Approving the Final Development Plan as submitted; or
- b) Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- c) Deny approval of the Final Development Plan; or
- d) Signing a written agreement with the applicant to extend the review period. This agreement shall include the date the Zoning Commission must take action on the issue.

The Township Zoning Commission must act upon the Final Development Plan within sixty (60) days from the date the application was determined complete, or an extended review period as may be agreed upon.

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## **SECTION 402.00 RESIDENTIAL DISTRICT (R-1)**

### **Section 402.01          Purpose**

The purpose of this zoning district is to accommodate low-density residential development and discourage concentrated living areas in and at the periphery of the floodplains and where the underground water supply or the soil conditions for on-site sewage disposal are inadequate to accommodate higher density development while encouraging agriculture and open space preservation.

### **Section 402.02          Uses**

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

#### **A. Permitted Uses**

1. Single-family dwellings
2. Accessory buildings
3. Home based business Permitted By Right in accordance with the provisions of Section 615.00
4. Signs as regulated in Section 1000.00
5. Home Day Care for Children and Adults (Section 610.11)

#### **B. Conditionally Permitted Uses**

All conditionally permitted uses must adhere to the General Standards for all Conditional Uses (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

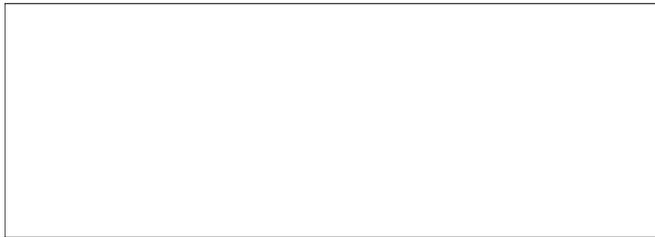
1. Animal hospitals, veterinary offices and clinics, subject to the provisions of Section 500.10.B.36
2. Bed and breakfast establishments, subject to the provisions of Section 500.10.B.37
3. Extractive operations, subject to the provisions of Section 500.10.B.44
4. Farm related businesses, subject to the provisions of Section 500.10.B.45
5. Home based business, conditionally permitted, subject to the provisions of Section 500.10.B.49
6. Rooming/boarding houses, subject to the provisions of Section 500.10.B.57

7. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 500.10.B.60

### **Section 402.03 Area, Yard and Height Requirements**

- A. Minimum Lot Area: Three (3) acres
- B. Minimum Frontage on a Street:
  1. Lots with partial or no frontage on a cul-de-sac circle: Two hundred fifty (250) feet.
  2. Lots with total frontage on a cul-de-sac circle: One hundred (100) feet.
- C. Minimum Lot Width at Minimum Building Setback Line: Two hundred fifty (250) feet.
- D. Minimum Rear Yard Width: 50 % of required frontage.
- E. Minimum Front Yard Setback:
  1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.
  2. Lots with total frontage on a cul-de-sac circle:

The distance at which a two hundred fifty (250) foot lot width is achieved, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way; however, the minimum front yard depth cannot be less than fifty (50) feet from the road right-of-way.



- F. Minimum Rear Yard Setback: Twenty-five (25) feet.
- G. Minimum Side Yard Setback: Fifteen (15) feet for each side.
- H. Maximum Building Height
  1. Principal Building: Thirty-five (35) feet (all non-agricultural buildings).
  2. Accessory Buildings: As specified in Section 610.03 (all non-agricultural buildings).

- I. Maximum Lot Coverage: The maximum lot coverage per parcel shall not exceed 20% of the total lot area.
- J. Off-street Parking
  - 1. Not more than one (1) unlicensed, inoperable or dismantled automobile, truck, or trailer may be parked at any residential parcel longer than a total of forty-five (45) days.
  - 2. Only one (1) commercial vehicle may be parked or stored on any residential parcel.

**Section 402.04 Minimum Residential Living Floor Area per Dwelling Unit**

Unless otherwise specified, the minimum residential living floor area per dwelling unit is as follows:

- A. Single-family Dwelling
  - 1. One-story or split without basement One thousand two hundred (1,200) square feet
  - 2. One-story or split with basement One thousand one hundred (1,100) square feet
  - 3. Two-story with or without basement One thousand two hundred (1,200) square feet total, with a minimum of nine hundred (900) square feet on at least one of the stories
  - 4. Multi-level with or without basement One thousand two hundred (1,200) square feet

**Section 402.05 Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00.

**Section 402.06 Lighting**

Lighting requirements, as specified in Section 800.10.

## **SECTION 403.00 RESIDENTIAL DISTRICT (R-2)**

### **Section 403.01 Purpose**

The purpose of the R-2 Zoning District is to accommodate medium density residential development that will promote the continuation of the predominantly rural residential character of the Township.

### **Section 403.02 Uses**

Within an R-2 District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses:

#### **A. Permitted Uses**

1. Single-family dwelling
2. Two-family dwelling
3. Accessory buildings
4. Home based businesses Permitted By Right in accordance with the provisions of Section 615.00
5. Signs as regulated in Section 1000.00
6. Home Day Care for Children and Adults (Section 610.11)

#### **B. Conditionally Permitted Uses**

All conditionally permitted uses must adhere to the General Standards for all Conditional Uses (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

1. Animal hospitals, veterinary offices and clinics, subject to the provisions of Section 500.10.B.36
2. Bed and breakfast establishments, subject to the provisions of Section 500.10B.37
3. Campgrounds, subject to the provisions of Section 500.10.B.1, 2, 4, 5, 6, 8, 9, 12, 21 and Section 500.10.B.38
4. Cemeteries, subject to the provisions of Section 500.10.B.40
5. Churches, temples and other places of worship, subject to the provisions of Section 500.10.B.41
6. Congregate care/assisted living facilities, subject to the provisions of Section 500.10.B.42

7. Child or adult day care facilities, subject to the provisions of Section 500.10.B.43
8. Extractive operations, subject to the provisions of Section 500.10.B.44
9. Farm related businesses, subject to the provisions of Section 500.10.B.45
10. Flag shaped lots, subject to the provisions of Section 500.10.B.46
11. Funeral home subject to the provisions of Section 500.10.B 4, 7 and Section 500.10.B.47
12. Home based businesses, conditionally permitted, subject to the provisions of Section 500.10.B.49
13. Kennels for properties meeting the criteria of Section 650.00.C, subject to the provisions of Section 500.10.B.51
14. Public and private schools and institutions of higher education, subject to the provisions of Section 500.10.B. 4, 6, 12, 18 and Section 500.10.B.58
15. Public and private parks and playgrounds, subject to the provisions of Section 500.00, Section 500.10.B.1, 2, 4, 5, 6, 12 and 500.10.B.54
16. Public and private recreational facilities, such as, but not limited to swimming pools, golf courses (except miniature golf) tennis clubs, riding academies, and associated dining facilities, subject to the provisions of Section 500.10.B.1, 2, 4, 5, 6, 8, 9, 12 and Section 500.10.B.54
17. Rooming/boarding houses, subject to the provisions of Section 500.10.B.57
18. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Section 500.10.B.60

**Section 403.03      Area, Yard and Height Requirements**

**A. Minimum Lot Area**

1. Single-family Dwelling: Two (2) acres
2. Two-family Dwelling and all other uses not listed in this Section: Two and one-half (2-1/2) acres

**B. Minimum Frontage on a Street**

1. Lots with partial or no frontage on a cul-de-sac circle
  - a. Single-family Dwelling: Two hundred (200) feet.
  - b. Two-family Dwelling and all other uses: Two hundred (200) feet.

2. Lots with total frontage on a cul-de-sac circle
  - a. Single-family Dwelling: Seventy five (75) feet.
  - b. Two-family Dwelling and all other uses: One hundred (100) feet.

C. Minimum Lot Width at Minimum Building Setback Line

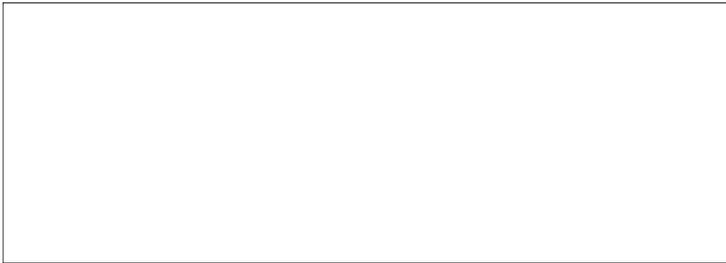
1. Single-family Dwelling: Two Hundred (200) feet.
2. Two-family Dwelling and all other uses: Two hundred twenty-five (225) feet.

D. Minimum Rear Yard Width: 50% of required frontage

E. Minimum Front Yard Setback

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.
2. Lots with total frontage on a cul-de-sac circle:

The distance at which the minimum lot width is achieved for the proposed type of use per Section 403.03.C, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way; however, the minimum front yard depth can not be less than fifty (50) feet from the road right-of-way.



F. Minimum Rear Yard Setback: Twenty five (25) feet

G. Minimum Side Yard Setback: Fifteen (15) feet for each side.

H. Maximum Building Height

1. Main building: Thirty five (35) feet (all non-agricultural buildings)
2. Accessory buildings: As specified in Section 610.03 (all non-agricultural buildings)

I. Maximum Lot Coverage: The maximum lot coverage per parcel shall not exceed 20% of the total lot area.

J. Corner Lots: On corner lots, no building shall be erected, reconstructed or altered so as to project in any manner nearer than fifty (50) feet from both street side lines.

**K. Off-street Parking**

1. Not more than one (1) unlicensed, inoperable or dismantled automobile, truck, or trailer may be parked at any residential parcel for longer than a total of forty five (45) days.
2. Only one (1) commercial vehicle may be parked or stored on any residential parcel.

**Section 403.04 Minimum Residential Living Floor Area per Dwelling Unit**

Unless otherwise specified, the minimum residential living floor area per dwelling unit is as follows:

**A. Single-family Dwelling**

- |   |   |
|---|---|
| 1. One-story or split without basement  | One thousand two hundred (1,200) square feet  |
| 2. One-story or split with basement     | One thousand one hundred (1,100) square feet.   |
| 3. Two story with or without basement   | One thousand two hundred (1,200) square feet total, with a minimum of nine hundred (900) square feet on at least one of the stories |
| 4. Multi-level with or without basement | One thousand two hundred (1,200) square feet  |

**B. Two-family Dwelling**

- |   |  |
|---|--|
| 1. One-story or split without basement<br>(side by side with common walls)                    | One thousand two hundred (1,200) square feet per dwelling unit           |
| 2. One-story or split with basement<br>(side by side with common walls)                       | One thousand one hundred (1,100) square feet 1st floor per dwelling unit |
| 3. Two story with or without basement<br>(1 <sup>st</sup> and 2 <sup>nd</sup> floor combined) | One thousand one hundred (1,100) square feet total per dwelling unit     |

**Section 403.05 Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00.

**Section 403.06 Lighting**

Lighting requirements as specified in Section 800.10.

**SECTION 404.00****RESIDENTIAL DISTRICT (R-3)****Section 404.01 Purpose**

This district is established to promote a higher density residential development in areas generally adjacent to the built up portions of the community and to thereby provide a more orderly extension of public facilities by encouraging redevelopment to take place in these areas. The district is also established recognizing the community's greater housing demand for single-family, two (2) family and multi-family units.

**Section 404.02 Uses**

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

**A. Permitted Uses**

1. Single-family dwelling
2. Two-family dwelling
3. Multi-family dwelling
4. Accessory buildings
5. Home based businesses Permitted By Right in accordance with the provisions of Section 615.00
6. Signs as regulated in Section 1000.00
7. Home Day Care for Children and Adults (Section 610.11)

**B. Conditionally Permitted Uses**

All conditionally permitted uses must adhere to the General Standards for all Conditional Uses (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

1. Bed and breakfast establishments, subject to the provisions of Section 500.10.B.37
2. Cemeteries, subject to the provisions of Section 500.10.B.40
3. Churches, temples and other places of worship, subject to the provisions of Section 500.10.B.41
4. Congregate care/assisted living facilities, subject to the provisions of Section 500.10.B.42
5. Conversion of a single-family dwelling unit to a two-family dwelling unit, subject to the provisions of Section 500.10.B.17, 24 and Section 500.10.B.59

6. Farm based businesses, subject to the provisions of Section 500.10.B.45
7. Child or adult day care facilities, subject to the provisions of Section 500.10.B.43
8. Extractive operations, subject to the provisions of Section 500.10.B.44
9. Home based businesses, conditionally permitted, subject to the provisions of Section 500.10.B.49
10. Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Section 500.10.B.6,15 and Section 500.10.B.50
11. Kennels for properties meeting the criteria of Section 650.00.B.3, subject to the provisions of Section 500.10.B.51
12. Public and private schools and institutions of higher education, subject to the provisions of Section 500.10.B.4, 6, 12, 18 and Section 500.10.B.58
13. Public and private parks and playgrounds, subject to the provisions of Section 500.10.B.1, 2, 4, 5, 6, 12 and Section 500.10.B.54
14. Public and private recreational facilities, such as, but not limited to, swimming pools, golf courses (except miniature golf) tennis clubs, riding academies and associated dining facilities, subject to the provisions of Section 500.10.B.1, 2, 4, 5, 6, 8, 9, 12 and Section 500.10.B.54
15. Publicly owned and/or operated buildings and facilities (other than those listed in Items 13, 14 and 15 of this subsection), subject to the provisions of Section 500.10.B.1, 4, 5, 8, 9 and Section 500.10.B.56
16. Rooming/boarding houses, subject to the provisions of Section 500.10.B.57
17. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 500.10.B.60

**Section 404.03            Area, Yard and Height Requirements**

**A. Minimum Lot Area**

1. Single-family dwelling: One and one-half (1-1/2) acres
2. Two-family dwelling and all other uses not listed in this Section: One and three-quarter (1-3/4) acres
3. Multi-family dwellings: Thirty thousand (30,000) square feet per family one-bedroom unit, plus five thousand (5,000) square feet for each additional bedroom per unit.

**B. Minimum Frontage on a Street**

1. Lots with partial or no frontage on a cul-de-sac circle
  - a. Single-family Dwelling: One hundred fifty (150) feet.
  - b. Two-family Dwelling: One hundred fifty (150) feet.
  - c. Multi-family Dwelling: Two hundred (200) feet.
2. Lots with total frontage on a cul-de-sac circle
  - a. Single-family Dwelling: Sixty (60) feet.
  - b. Two-family Dwelling: Seventy five (75) feet.
  - c. Multi-family Dwelling: One hundred (100) feet.

**C. Minimum Lot Width at Minimum Building Setback Line**

1. Single-family Dwelling: One hundred fifty (150) feet.
2. Two-family Dwelling: One hundred fifty (150) feet.
3. Multi-family Dwelling: Two hundred (200) feet.

**D. Minimum Rear Yard Width: 50% of required frontage****E. Minimum Front Yard Setback**

1. Lots with no road frontage on a cul-de-sac circle: Fifty (50) feet.
2. Lots with partial or total frontage on a cul-de-sac circle:

The distance at which the minimum lot width is achieved for the proposed type of use per Section 403.03.C, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way; however, the minimum front yard depth cannot be less than fifty (50) feet from the road right-of-way.



- F. Minimum Rear Yard Setback: Twenty-five (25) feet.
- G. Minimum Side Yard Setback: Fifteen (15) feet for each side.
- H. Maximum Building Height
  - 1. Principal Building: Thirty-five (35) feet (all non-agricultural buildings).
  - 2. Accessory Buildings: As specified in Section 610.03 (all non-agricultural buildings).
- I. Maximum Lot Coverage: The maximum lot coverage per parcel shall not exceed 20% of the total lot area.
- J. Off-street Parking
  - 1. Not more than one (1) unlicensed, inoperable, or dismantled automobile, truck, or trailer may be parked or stored on any residential lot for longer than a total of forty five (45) days.
  - 2. Only one (1) commercial vehicle may be parked or stored on any residential lot.

#### **Section 404.04 Minimum Residential Living Floor Area per Dwelling Unit**

Unless otherwise specified, the minimum residential living floor area per dwelling unit is:

- A. Single-family Dwelling
 

1. One-story or split without basement	One thousand two hundred (1,200) square feet
2. One-story or split with basement	One thousand one hundred (1,100) square feet
3. Two-story with or without basement	One thousand two hundred (1,200) square feet total, with a minimum of nine hundred (900) square feet on at least one of the stories.
4. Multi-level with or without basement	One thousand two hundred (1,200) square feet
- B. Two-family Dwelling
 

1. One-story or split without basement (side by side with common walls)	One thousand two hundred (1,200) square feet per dwelling unit.
2. One-story or split with basement (side by side with common walls)	One thousand one hundred (1,100) square feet 1 <sup>st</sup> floor per dwelling unit
3. Two story with or without basement (1 <sup>st</sup> and 2 <sup>nd</sup> floor combined).	One thousand one hundred (1,100) square feet total per dwelling unit
- C. Multi-family Dwelling
 

1. Units shall be in one building. Each unit shall contain at least one bedroom	Nine hundred (900) square feet total per dwelling unit
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2. For each additional bedroom per dwelling unit. One hundred fifty (150) square feet

**Section 404.05      Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00

**Section 404.06      Lighting**

Lighting requirements as specified in Section 800.10

**Section 405.00**      **Intentionally Left Blank**

**Section 406.00**      **Intentionally Left Blank**

**Section 407.00**      **Intentionally Left Blank**

**Section 408.00**      **Intentionally Left Blank**

**SECTION 409.00****COMMERCIAL DISTRICT (C-1)****Section 409.01 Purpose**

The purposes of the Commercial District are to:

- A. Encourage expansion and development of commercial and service uses primarily to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs by the residents in the immediate neighborhood area as well as the Township in general.
- B. Encourage the type and design of commercial uses that are compatible in scale, character, and intensity with the neighboring residential development.
- C. Encourage groupings of commercial establishments at a unified site.
- D. Provide for adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 409.02 Uses****A. Permitted Uses**

1. Banks and other financial institutions
2. Food and drink preparation/sales on premises, including, but not limited to, bakeries, cafes, delicatessens, grocery stores, meat markets, restaurants (sit down and carry out), and taverns
3. Personal services establishments, including, but not limited to, barber shops, beauty salons, and shoe repair shops
4. Professional and commercial offices, including, but not limited to, accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents, and printing/copying services
5. Retail establishments, including, but not limited to, antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, and jewelry stores
6. Studios such as dance, art, music, photography and interior design
7. Theaters, auditoriums and assembly halls
8. Accessory buildings and uses incidental to the primary use (such uses shall be situated on the same lot with the principal building)

**B. Conditionally Permitted Uses**

All conditionally permitted uses must adhere to the General Requirements (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

1. Carpenter, cabinet, upholstery, plumbing, heating, air conditioning shops and similar establishments subject to the provisions of Section 500.10.B.9, 12, 20 and 26
2. Congregate care/assisted living facilities, subject to the provisions of Section 500.10.B.42
3. Child or adult day care facilities, subject to the provisions of Section 500.10.B.43
4. Funeral homes, subject to the provisions of Section 500.10.B.4, 7 and Section 500.10.B.47
5. Gasoline sales and service stations, subject to the provisions of Section 500.10.B.48
6. Hotels and motels subject to the provisions of Section 500.10.B.5, 6, 8, 11, and 12
7. Institutions for human medical care, including, but not limited to, hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Section 500.10.B.6, 15 and Section 500.10.B.50
8. Motor vehicle sales/repair facilities, including, but not limited to, automobiles, boats and farm equipment subject to the provisions of Section 500.10.B.9, 12, 20 and 26
9. Private schools and institutions of higher education, subject to the provisions of Section 500.10.B.4, 6, 12, 18 and Section 500.10.B.58
10. Public and private parks and playgrounds, subject to the provisions of Section 500.10.B.2, 4, 5, 6, 12, 25 and Section 500.10.B.54
11. Public and private recreational facilities, including, but not limited to, swimming pools, golf courses, tennis clubs, riding academies, and associated dining facilities, subject to the provisions of Section 500.10.B.54
12. Publicly owned and/or operated buildings and facilities (other than those listed in Items 9, 10 and 11 of this subsection), subject to the provisions of Section 500.10.B.4, 5, 6, 8, 9, 25 and Section 500.10.B.56
13. Wireless telecommunication service facilities, subject to the provisions of Section 500.10.B.60

**C. Non-permitted Uses: Residences****Section 409.03 Area, Yard and Height Requirements**

- A. Minimum Lot Area: Two (2) acres

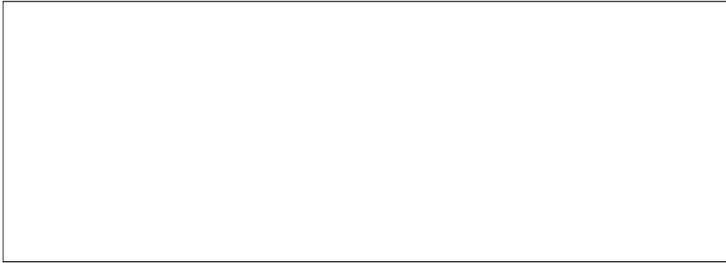
**B. Minimum Frontage on a Street:**

1. Lots with partial or no frontage on a cul-de-sac circle: One hundred (150) feet.
2. Lots with total frontage on a cul-de-sac circle: Seventy-five (75) feet.

**C. Minimum Lot Width at Minimum Building Setback Line: One hundred fifty (150) feet.****D. Minimum Rear Yard Width: 50% of required frontage.****E. Minimum Front Yard Setback**

1. Lots with partial or no frontage on a cul-de-sac circle: Seventy-five (75) feet.
2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one hundred fifty (150) foot lot width is achieved, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard depth can not be less than fifty (50) feet from the road right-of-way.

**F. Minimum Rear Yard Setback: Twenty-five (25) feet.****G. Minimum Side Yard Setback**

1. Twenty-five (25) feet for each side.
2. Where adjacent to a residential district, the minimum side yard depth shall be thirty (30) feet. Within this increased setback, a landscaped buffer per Section 700.05.A2 shall be provided.

**H. Maximum Building Height**

1. Main building: Thirty-five (35) feet.
2. Accessory buildings: As specified in Section 610.03.

**I. Maximum Lot Coverage: The maximum lot coverage per parcel shall be in accordance with Section 610.01.I**

**Section 409.04            Maximum Building Size**

A commercial building shall not exceed ten thousand (10,000) square feet of gross floor area per primary business, per story level, and thirty thousand (30,000) square feet in total gross floor area. Each additional business in the same building, shall not exceed six thousand (6,000) square feet, and is not to exceed 20% of the total lot coverage.

**Section 409.05            Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00.

**Section 409.06            Driveway and Access Limits**

Driveway and Access Limits shall be in accordance with the provisions of Section 900.00.

**Section 409.07            Landscape Buffering**

Landscape buffering shall be in accordance with the provisions of Section 700.00.

**Section 409.08            Lighting**

Lighting shall comply with standards as specified in Section 800.10.

**SECTION 410.00**  
**LIGHT RESTRICTED MANUFACTURING DISTRICT (LRM)**

**Section 410.01      Purpose**

The Light Restricted Manufacturing District is established to:

- A. Provide appropriate and convenient locations and sufficient area for industrial and manufacturing activities and the distribution of goods and materials.
- B. Provide for and accommodate light industrial uses such as manufacturing, office, wholesale and distribution establishments that operate within completely enclosed structures whose products are derived from previously prepared materials or finished products or parts.
- C. Provide for establishments that do not utilize processes in which dust, smoke, fumes, glare, odors or other objectionable elements occur, and that do not involve any process or materials that are potentially dangerous or hazardous.

**Section 410.02      Uses**

A. Permitted Uses

- 1. Administrative, executive, financial, accounting, clerical, drafting, and professional offices
- 2. Warehousing
- 3. Wholesale establishments
- 4. Assembly, manufacturing, servicing or repair of products, including, but not limited to:
  - a. Pottery, figurines or porcelain products using previously pulverized clay and kilns fired by natural gas or electricity
  - b. Musical instruments, toys, novelties, rubber or metal stamps
  - c. Electrical appliances and instruments, television sets, computers, radios, electronic and/or video players, household appliances, electric motors and devices, or signs
  - d. Clothing, leather goods, and athletic equipment but not to include dyeing or handling of dyestuffs
  - e. Machinery, appliances, tools, motors, pumps, equipment, welding, on-road vehicles, wood products, plumbing, heating, electrical, upholstery, air conditioning and signs
- 5. Veterinary hospitals or clinics
- 6. Research laboratories and offices
- 7. Printing, reproduction or duplicating facilities

8. Metal processing, including, but not limited to, fabrication, stamping, extrusion, welding, finishing, and polishing
9. Production of bakery goods, candy, and related food products
10. Accessory buildings
11. Signs as regulated by Section 1000.00

#### B. Conditionally Permitted Uses

All conditionally permitted uses must adhere to the General Requirements (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

1. Manufacturing of cosmetics, pharmaceuticals and toiletries subject to the provisions of Section 500.10.B.9, 12, 20
2. Mini storage facilities, subject to the provisions of Section 500.10.B.52
3. Motor vehicle sales/repair facilities, including, but not limited to, automobiles, boats and farm equipment subject to the provisions of Section 500.10.B. 9, 12, 20, 26
4. Publicly owned and/or operated buildings and facilities, subject to the provisions of Section 500.10.B.1, 4, 5, 8, 9 and Section 500.10.B. 56
5. Research and testing facilities subject to the provisions of Section 500.10.B. 9, 12, 20
6. Wireless telecommunication service facilities, subject to the provisions of Section 500.10.B.60
7. Mulching facility subject to Sections 500.10A and B.1 through 26, and Section 500.10.B.61.

#### C. Prohibited Uses (Also see Section 605, Dangerous/Objectionable/Prohibited Uses):

1. Residences
2. Retail sales of products, the majority of which are not manufactured or assembled on the premises.
3. Outside storage of goods, materials, equipment or parts.
4. Storage or sales of hazardous materials, liquid, flammable or explosive gasses, gasoline, or radioactive materials except in small quantities necessary for operation of the business; fireworks, coal, coke, mining materials, grain or livestock.
5. Recycling facilities
6. Any manufacturing or assembly process that is considered by any or all government standards to be hazardous or polluting, unless such manufacturing or assembly complies with all current government regulations.

**Section 410.03 Area, Yard and Height Requirements**

A. Minimum Lot Area: Two (2) acres

B. Minimum Frontage on a Street

1. Lots with partial or no road frontage on a cul-de-sac circle: One hundred fifty (150) feet.
2. Lots with total road frontage on a cul-de-sac circle: Seventy-five (75) feet.

C. Minimum Lot Width at Minimum Building Setback Line: One hundred fifty (150) feet

D. Minimum Rear Yard Width: 50% of required frontage.

E. Minimum Front Yard Setback

1. Lots with no frontage on a cul-de-sac circle: Fifty (50) feet.
2. Lots with partial or total frontage on a cul-de-sac circle:

The distance at which a one hundred (100) feet lot width is achieved, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road right-of-way.



F. Minimum Rear Yard Setback

1. Twenty-five (25) feet.
2. Where adjacent to a residential district, then minimum rear yard depth shall not be less than fifty (50) feet. Within this increased setback, a landscaped buffer per Section 700.05.A2 shall be provided.

G. Minimum Side Yard Setback

1. Twenty-five (25) feet for each side.
2. Where adjacent to a residential district, then minimum side yard depth shall not be less than fifty (50) feet. Within this increased setback, a landscaped buffer per Section 700.05.A2 shall be provided.

H. Maximum Building Height

1. Main building: Thirty-five (35) feet.
2. Accessory buildings: As specified in Section 610.03.

**Section 410.04        Maximum Lot Coverage**

The maximum lot coverage per parcel shall not exceed 40%.

**Section 410.05        Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00.

**Section 410.06        Driveway and Access Limits**

Driveway and Access Limits shall be in accordance with the provisions of Section 900.00.

**Section 410.07        Landscape Buffering**

Any landscape buffering shall be in accordance with the provisions of Section 700.00.

**Section 410.08        Lighting**

Lighting shall comply with standards as specified by Section 800.10.

**Section 410.09        Supplemental Accessory Building Requirements**

- A. Only one (1) accessory building is permitted for incidental use to the principal building.
- B. Overall size shall not be in excess of 25% of the principal building.
- C. Permissible uses of the accessory building shall be for storage, generating equipment, parking, recreation area, employee clinic and cafeteria, heating and cooling equipment, water tanks and refuse storage.

## **SECTION 411.00 INDUSTRIAL DISTRICT (I)**

### **Section 411.01 Purpose**

The Industrial District is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution.

### **Section 411.02 Uses**

#### **A. Permitted Uses**

1. Any use permitted in the LRM District
2. Warehousing (all storage or warehousing shall be entirely within enclosed structures)
3. The following types of manufacturing, processing, servicing, assembly or repair facilities, which will not be injurious or offensive to adjacent properties and will be consistent with the purpose of this district:
  - a. Lumber yards
  - b. Grain elevators
  - c. Soft drink processing
  - d. Railroad facilities
4. Accessory buildings
5. Signs as regulated by Section 1000.00

#### **B. Conditionally Permitted Uses**

All conditionally permitted uses must adhere to the General Requirements (Sec. 500.10.A) and applicable requirements of Sec. 500.10.B.1-B.26.

1. Any use conditionally permitted in the LRM District
2. Adult entertainment uses, subject to the provisions of Section 500.10.B.35
3. Contractor yards and storage facilities subject to the provisions of Section 500.10.B.9, 12, 20
4. Extractive operations, subject to the provisions of Section 500.10.B.44
5. Recycling center subject to the provisions of Section 500.10.B.9, 12, 20, 25

6. Wholesale storage of petroleum, gasoline, and oil subject to the provisions of Section 500.10.B.1, 9, 12, 20

C. Non-permitted Uses: Residences

**Section 411.03 Area, Yard and Height Requirements**

A. Minimum Lot Area: Two (2) acres

B. Minimum Frontage on a Street

1. Lots with partial or no road frontage on a cul-de-sac circle: One hundred fifty (150) feet.
2. Lots with total road frontage on a cul-de-sac circle: Seventy-five (75) feet.

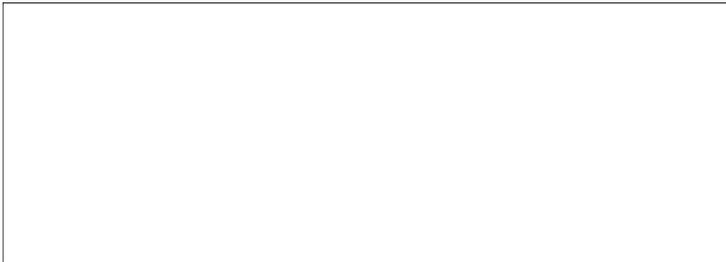
C. Minimum Lot Width at Minimum Building Setback Line: One hundred fifty (150) feet.

D. Minimum Rear Yard Width: 50% of required frontage.

E. Minimum Front Yard Setback

1. Lots with no frontage on a cul-de-sac circle: Fifty (50) feet.
2. Lots with partial or total frontage on a cul-de-sac circle:

The distance at which a one hundred (100) feet lot width is achieved, as measured along an arc intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road right-of-way.



F. Minimum Rear Yard Setback

1. Twenty-five (25) feet.
2. Where adjacent to a residential district, then minimum rear yard depth shall not be less than one hundred (100) feet. Within this increased setback, a landscaped per Section 700.05.A2 shall be provided.

G. Minimum Side Yard Setback

1. Twenty-five (25) feet for each side.

2. Where adjacent to a residential district, then minimum side yard depth shall not be less than one hundred (100) feet. Within this increased setback, a landscaped buffer per Section 700.05.A2 shall be provided.

**H. Maximum Building Height**

1. Main building: Thirty-five (35) feet.
2. Accessory buildings as specified in Section 610.03.

J. Maximum Lot Coverage: The maximum lot coverage per parcel shall not exceed 40%.

**Section 411.04          Parking and Loading Requirements**

Parking and loading requirements as specified in Section 900.00.

**Section 411.05          Driveway and Access Limits**

Driveway and Access Limits shall be in accordance with the provisions of Section 900.00.

**Section 411.06          Landscape Buffering**

Landscape buffering shall be in accordance with the provisions of Section 700.00.

**Section 411.07          Lighting**

Lighting shall comply with standards as specified by Section 800.10.

**Section 411.08          Outdoor Storage Yards**

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the fence or wall.

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## **Section 500.00 PROCEDURES AND STANDARDS FOR CONDITIONAL ZONING CERTIFICATES**

### **Section 500.01      Purpose**

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health and safety of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permitted in a specific district with respect to such considerations as location, design, size, and method of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional zoning certificates shall conform to the procedures and requirements of Sections 500.02 to 500.10 and all other applicable standards of this Resolution.

### **Section 500.02      Application Procedures**

All applications for a Conditional Zoning Certificate shall be submitted to the Zoning Inspector in compliance with the provisions of Section 302.00.

### **Section 500.03      Supplementary Conditions and Safeguards**

In granting approval for any conditional use, the Board of Zoning Appeals may also impose such additional conditions and safeguards as deemed necessary for the protection of individual property rights and for ensuring that the intent and objectives of this Resolution will be observed. Any violation of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution.

### **Section 500.04      Expiration of a Conditional Zoning Certificate**

A Conditional Zoning Certificate shall be deemed to authorize only one particular conditional use, and said certificate shall automatically be deemed in violation of this Resolution if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the certificate was issued, or if for any reason such use shall cease for more than two (2) years.

### **Section 500.05      Terms and Assignment**

- A. Conditional Zoning Certificates are assigned only to the property specified on the application and may not be assigned to another property.
- B. Modifications to the terms under which a Conditional Zoning Certificate is granted shall require resubmission and shall constitute a new review by the Board of Zoning Appeals, subject to the provisions of Section 500.02.

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- Section 500.10**           **Standards for Conditional Uses with the Exception of Home Based Businesses**

A. General Standards for All Conditional Uses with the Exception of Home Based Businesses

The Board of Zoning Appeals (BZA) shall review the particular facts and circumstances of each proposed use in terms of the following general standards. If all general standards are not met, the BZA cannot approve the request. The Applicant must reapply to the BZA and pay the fee for a new application. The BZA must find that the proposed use:

1. Is a conditional use that is established under the provisions of Section 400.00 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Mantua Township Comprehensive Land Use Plan of current adoption and the Mantua Township Zoning Resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not be detrimental to land values in the general vicinity or in the community as a whole, giving due regard to the nature and condition of all neighboring land and building uses.
6. Will be served adequately by essential public facilities and services, including, but not limited to, fire and police protection, sanitary sewers, where available, storm sewers, schools, and roads; or that the appropriate governmental agencies will be able to provide adequately any such facilities and services.
7. Will not create excessive additional requirements at public cost for public facilities and services and not be detrimental to the economic welfare of the township.
8. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons and property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. Will have vehicular approaches designed so as not to interfere with pedestrian and vehicular traffic on surrounding public and private roads.
10. Will not result in the destruction, loss or damage of natural, scenic or historic features of the township and local ecosystem.
11. Will be in compliance with Portage County Subdivision Regulations, County Board of Health Standards, and County Building Code and all other applicable federal, state, and local regulations.

**B. Specific Standards for Conditional Uses with the Exception of Home Based Businesses**

The following are the specific conditional use criteria and standards for the uses conditionally permitted in this Resolution as provided for in Section 400.00. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these standards.

In addition to the general standards as specified in Section 500.10.A, conditional uses shall meet the following standards as specified in Section 400.00 for that particular use and district:

1. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
2. Loud speakers that cause a hazard or annoyance shall not be permitted.
3. Recreational facilities shall be provided as deemed necessary.
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
5. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets; no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street or two (2) local or collector streets.
6. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
7. Structures and activities should have primary access to a collector or arterial street.
8. Such developments should have primary access to arterial streets or be located at intersections of arterial and/or collector streets.
9. Such developments should be located adjacent to nonresidential uses such as churches, parks, or industrial or commercial uses.
10. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into adjacent areas.
11. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of shared parking facilities.
12. All permitted installations/facilities shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or the township in general.
13. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
14. Fences of wrought iron, stone or wood are encouraged.
15. Signs shall be in keeping with the character of the adjacent environment.
16. Portable structures, sheds, yard barns, kennels, or any accessory out buildings should be unobtrusive and compatible with existing structures and neighboring properties.

17. New buildings and structures or alterations to existing buildings and structures should relate to the original design standards of existing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility and harmony between the old and the new.
18. Landscaping, parking, utility or service areas, driveways, walkways, and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces, and the overall environment.
19. Such uses should be located on an arterial street, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
20. Truck parking areas, maneuvering lanes and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for storage of trucks and trailers.
21. Such development should be located on an arterial street.
22. Such uses shall not be conducted closer than two hundred (200) feet from any residential district and no closer than one hundred (100) feet from any structure used for human occupancy in any other district.
23. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table.
24. Residences shall have garages to house at least two (2) motor vehicles per unit.
25. All structures and activity areas shall be located at least thirty (30) feet from all property lines.
26. All contract activity and storage of equipment and materials shall be within a fully enclosed building.
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**500.10B.35. Adult Entertainment Uses: Bookstores or Adult Video Stores, Adult Cabarets, Adult Motion Picture Theaters**

- a. The proposed use shall not be contrary to the public interest or be injurious to nearby properties.
- b. The proposed use shall not enlarge or encourage the development of a blighting influence.
- c. The establishment of an additional regulated use in the areas shall not be contrary to any program of neighborhood conservation.
- d. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one thousand (1000) feet of any residential district or residential use.
- e. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one thousand (1000) feet of any school, church, park or library, or any other adult bookstore, adult video store, adult cabaret or adult motion picture theater.
- f. Any display, device, or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
- g. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established in the same building with another adult bookstore, adult video store, adult cabaret or adult motion picture theater.

**500.10B.36. Animal Hospitals, Veterinary Offices and Clinics**

- a. The proposed use shall be located in a building having adequate soundproofing and odor control.
- b. Screening shall be provided on each side of the parking area that abuts or faces a residential lot.
- c. There shall be no facilities for the boarding of animals except to allow overnight lodging only for those animals receiving medical attention.
- d. Such facilities shall be located at least one hundred (100) feet from all property lines.
- e. Any outdoor animal run or breeding area shall be enclosed by an opaque fence of six (6) feet in height.
- f. Premises shall be kept in a neat and sanitary manner by the daily removal of dead animals and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.
- g. Applicant shall demonstrate a working plan to prevent or alleviate any noise and odor problems emanating from the animals that may be staying overnight.
- h. Such facilities must meet all applicable licensing requirements of the state and

county.

#### 500.10B.37. **Bed and Breakfast Establishments**

- a. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- b. A lodger may only rent a room for fewer than fifteen (15) consecutive nights.
- c. Gift/retail shops and food services applicable to such use may only be provided for the sole enjoyment of the inn's patrons and their guests.
- d. One (1) additional parking space shall be required for each bedroom used for such purpose.
- e. There shall be no visible evidence of such use from the street or adjacent property.
- f. For the purposes of advertising, only one (1) sign, as regulated by Section 1000.00 is permitted.
- g. Social activities, such as weddings, receptions, luncheons, cocktail parties, or other similar functions are not permitted as a function of a bed and breakfast establishment.

#### 500.10B.38. **Campgrounds**

The intent of these requirements is to permit recreational camping areas for temporary camping accommodations.

- a. Minimum Lot Size: Ten (10) acres.
- b. Maximum Campground Size: Three hundred fifty (350) campsites.
- c. Minimum Lot Frontage: One hundred twenty five (125) feet.
- d. Side and Rear Yard Setback: Campsites and campground facilities shall be located at least one hundred (100) feet from any lot line.
- e. Front Yard Setback: Campsites shall be located at least one hundred (100) feet from a public right-of-way.
- f. Density of Campsites: Density in the campground shall not exceed fifteen (15) campsites per acre of the developed portion of the campground, inclusive of service roads, restrooms and service buildings.
- g. Each campsite shall be provided a minimum of two thousand four hundred (2,400) square feet and be at least forty (40) feet wide and clearly defined.
- h. There shall be at least a sixteen (16) foot clearance between camping tents and vehicles.
- i. The campground shall be sufficiently wooded to provide adequate shade, screening and buffering from the public view. Campsites shall be screened from the public road right-of-way and from adjoining properties.
- j. Within a campsite, the areas to be used for parking as well as the placement of tents and camping vehicles shall not be located on land having more than 3% percent slope.

- k. The walking distance to service facilities providing restrooms shall not be more than three hundred fifty (350) feet from any campsite. Bathing facilities shall be centrally located within the campground.
- l. Noise levels shall comply with performance standards of Section 800.00. Loudspeakers and public address systems shall cease operations between 9:00 P.M. and 8:00 A.M., except for emergencies.
- m. Ancillary uses permitted include those incidental to the principal use such as: a camp store for sale of convenience foods, goods and camping supplies for campers, indoor laundry, community building with recreational amenities (such as ping pong, pool tables, television viewing and reading areas, video/electronic arcades), swimming facilities, fishing, boat rental, horse stables and riding areas, miniature golf, batting cages and other non-intensive recreational uses.
- n. Specific ancillary uses not permitted include: shooting ranges, outdoor movie theaters, amusement parks, golf driving ranges, use of off road motorized vehicles (such as ATV's), and other uses which may be incompatible with surrounding residential uses and character due to noise, lighting, safety or other similar negative impacts.
- o. Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
- p. Access roads and internal drives designed for two-way traffic shall be a minimum of twenty four (24) feet wide and for one-way traffic shall be a minimum of twenty (20) feet wide.
- q. Utility transmission lines shall be placed underground.
- r. No camper, tent, RV, etc., shall be occupied for a period greater than one hundred eighty (180) consecutive days.
- s. The owner or operator shall maintain a register containing a record of all occupants of campsites. Such register shall be available to the Zoning Inspector or any other authorized agent inspecting the campground. The daily register shall be preserved for a period of twelve (12) months. The register shall contain:
  - 1. The names and permanent addresses of all campsite occupants.
  - 2. The make, model and license number of the motorized vehicles.
  - 3. The dates of arrival and departure of the vehicle/camping unit and its occupants.
- t. Management must be available on the site twenty four (24) hours/day on all days the campground is open for business.
- u. One (1) single-family unit or one (1) two-family dwelling unit for the manager/owner and assistant manager or other employee of the campground may be permitted. One unit may include the registration office.
- v. Trash receptacles shall be provided throughout the campground and at campsites and must be designed to be resistant to tipping by wind and animals and shall have lids that fit tightly on the receptacle.

- w. Adequate sewage disposal, public toilet facilities, and an adequate supply of drinking water in compliance with all applicable State and County Health/Sanitary Codes shall be required. Applicant shall provide proof of compliance.
- x. Adequate street lighting shall be provided.
- y. The park shall be equipped with adequate fire extinguishing equipment as determined by the Fire Department.
- z. Campgrounds shall have clearly stated policies on the use of open fires and use of alcoholic beverages.

#### 500.10B.39. Car Washes

- a. Such uses shall be located at the edge of the Commercial District whenever possible so as to avoid conflicts with pedestrians and so as to not limit the expansion of pedestrian oriented facilities.
- b. Such facilities are not to be used for storage of vehicles.
- c. Where applicable, all car washes shall also comply with regulations for auto fuel stations.
- d. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no back up of vehicles in the road right-of-way.
- e. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least two (2) sides.
- f. The entrance and exit for this property shall not face any abutting property zoned for residential use.
- g. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
- h. Adequate provision shall be made for the control of steam and other by-products of this use not normally present in the surrounding environment.
- i. For car wash systems employing high pressure spray:
  - 1. They shall be arranged so as to contain all spray within the car wash structure.
  - 2. Exit aprons shall be equipped with grate drains and pitched for a minimum of twenty (20) feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the Board of Zoning Appeals which would prevent water washing into the streets and creating hazards.
- j. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Board of Zoning Appeals, the County Sanitary Engineer (where sewer is available) and the EPA, and the facilities shall conform to all sanitary and health codes and be designed so as not to detrimentally affect the sewer system.
- k. When adjacent to a residential use, a six (6) foot high fence of material approved by

the Board of Zoning Appeals shall be provided along the interior side and rear property line to protect the dwelling from light and noise and eliminate blowing debris.

- l. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt, or similar asphalt/concrete material.
- m. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped in compliance with landscaping requirements of Section 700.00.
- n. Stacking space shall be required to accommodate not less than nine (9) automobiles waiting to be washed or four (4) waiting spaces per washing stall, whichever is greater. A space of twenty (20) feet by nine (9) feet shall be deemed adequate for such required space per vehicle.
- o. In addition, parking requirements for employees shall be provided as required by Section 900.00

#### 500.10B.40. Cemeteries

- a. The site shall have direct access to a major thoroughfare that is adequate to serve the size of the facility proposed.
- b. Any new cemetery shall be located on a site containing not less than twenty five (25) acres.
- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
- e. No burial plots or facilities are permitted within any flood hazard area.
- f. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder local traffic flow.
- g. Adequate off-street waiting space shall be provided for funeral processions so that vehicles do not back up in the street right-of-way.

#### 500.10B.41. Churches, Temples and other Places of Worship

- a. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
- b. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- c. The church building shall be set back from any adjacent residential property line a minimum of fifty (50) feet.

- d. Parking shall not be permitted within fifty (50) feet of any side or rear property line.

**500.10B.42. Congregate Care, Assisted Living or Residential Care Facilities**

- a. Any residential facility in which the operator provides personal services, except skilled nursing services, for seventeen (17) or more persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.
- b. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- c. The site plan shall indicate parking, emergency entrances and exits, and other safety elements.
- d. Congregate care, assisted living or residential care facilities shall have a minimum lot size of 2 acres, providing all setbacks, landscaping and parking requirements can be met at that lot size.
- e. Ambulance and delivery areas are to be obscured from all residential property with a solid, ornamental masonry wall at least six (6) feet in height and set back fifty (50) feet from the property line.
- f. Outside areas for activities shall be fenced for the protection of the residents of the facility. Fencing height and design shall be approved by the Board of Zoning Appeals.

**500.10B.43. Day Care Facilities for Children and Adults (Type A Child Day Care or Adult Group Home)**

- a. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- b. Day care centers shall not provide overnight accommodations.
- c. A Type A Child Day Care Home may accommodate up to 12 children at any one time (see definition: Day Care, Child, Type A Day Care Home).
- d. A conditionally permitted Adult Group Home may accommodate from six (6) to sixteen (16 adults) at any one time.
- e. A drop-off/pick-up location that will not impede traffic on the site shall be provided to ensure the safety of the adults and children.
- f. Outside areas for activities shall be fenced for the protection of the adults and children. Fencing height and design shall be approved by the Board of Zoning Appeals.

**500.10B.44. Extractive Industries**

The removal of minerals from the land may be permitted if approved by a majority vote of the Zoning Board of Appeals and if the conditions listed below are complied with.

a. Exemptions

The following activities, to the extent specified herein, are exempt from the requirements of this section:

1. Excavation in conjunction with utility installation, which is to be back-filled.
2. Excavation in conjunction with road construction within the limits of the right-of-way when construction plans have been approved by either local, county, state, or federal authority.
3. Excavation which by nature is of limited duration: such as graves, septic tanks, swimming pools, etc.
4. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
5. Excavation for structures, parking areas, and rights-of-way, when lines and grade plans have been approved by the Zoning Inspector.
6. Landscaping of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
7. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers, and/or other governmental authorities.
8. Excavation in conjunction with drainage maintenance or improvements approved by either, local, county, state, or federal authorities.

b. Uses and Structures

1. The following uses and structures are permitted in conjunction with a mineral, or aggregate operation for material removed in situ, in accordance with these requirements:
  - a) Crushing, washing, and screening of mineral or aggregate material.
  - b) Stockpiling of mineral and aggregate materials and or earth products.
  - c) An office, shop and/or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment.
  - d) Sale of products produced from a mineral and aggregate extraction and processing operation.
  - e) One detached temporary dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman. (Note: To be removed upon close of operation).
  - f) Storage of running and operational equipment or machinery necessary for mineral or aggregates extraction or processing.
  - g) Storage of salvage vehicles and equipment for use to repair equipment for mineral and aggregates extraction and processing.
  - h) Storage of equipment or machinery and maintenance facilities related to

**Section 500.00: Procedures and Requirements for Conditional Zoning Certificates**

mineral and aggregate resource extraction processing or transportation equipment.

- i) Structures designed and constructed exclusively for solid mineral extraction, storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the mining permit.
  - j) Mining through water.
  - k) Dewatering on a case by case basis.
2. The following uses and structures are not permitted:
- a) Asphalt/concrete mixing or batch plants.
  - b) Sale or removal of topsoil (excess topsoil may only be sold or removed upon compliance with the requirements of Section 500.10.B44.)
3. Signs subject to Section 1000.00.
- c. Procedures for Making Application
- 1. Applications shall be submitted per Section 300.02.
  - 2. Submit copies of the application materials submitted to the Ohio Department of Natural Resources, Division of Mineral Resource Management for a mining permit for the subject area.
  - 3. The cost of securing expert advice or studies shall be borne by the applicant.
- d. Conformance to the issued Conditional Use Certificate
- 1. An approved solid mineral and aggregate extraction conditional zoning certificate may be revoked per Ohio Revised Code, Section 519.14 (D).
  - 2. The Mantua Township Zoning Inspector shall be responsible for monitoring compliance with the Conditional Use Certificate requirements and the reclamation process.
  - 3. All facilities and structures shall meet all local, county and State of Ohio health, building, electrical, and other applicable codes.
  - 4. The use shall be considered abandoned if the Chief of Division of Mineral Resources Management issues an order declaring the mining area abandoned per Ohio Surface Mine Rules 1501:14-4-04.
- e. Development, Mitigation, Reclamation and Post-Mining Use Plans

Each application will include: detailed development and operation plans on how the applicant intends to develop the site, how the applicant intends to manage the operation, and how the applicant intends to reclaim and reuse the site. The following items must be included for review as part of the application:

## 1. Development Plan

The Development Plan includes a site plan that shows the location of physical site features and extractive and process features.

- a) Drawings to a legible scale showing the following physical features of the site:
  1. Existing elevation at a scale of ten (10) foot contours
  2. Location of wetlands and special flood hazard areas
  3. Boundaries of all soil types
  4. Location of all existing significant natural, geographical and/or unique features:
    - a. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways
    - b. Mature woodlands
    - c. Endangered species and wildlife habitat areas
    - d. Significant natural amenities such as tree stands, ponds, ravines and stream channels
    - e. Historical, archaeological or cultural features
    - f. Aquifer recharge areas
  5. Grading and erosion control and surface drainage plan
  6. Existing utilities
  7. Function and height of existing structures
- b) Drawings to a legible scale showing the following extraction and processing features of the site:
  1. All areas to be mined
  2. All buildings for mining activity and related non-mining uses and activities, including the function and height of these buildings
  3. Power lines, underground utilities and easements, water supply lines, storm drainage lines and easements, sanitary sewers, and the treatment plant and distribution field if treatment occurs on site
  4. Roads, parking and loading areas, and entrances and exits to the site, indicating which portion of these are to be surfaced to retard dust and the type of surfacing.
  5. Railroad tracks and sidings
  6. Water bodies and channels to be removed, shifted and created

7. Signs and entrance markers, including elevation drawings of identification signs
8. Exterior lighting standards and poles
9. Fences, berms and landscaping provided for screening along the perimeter of the property
10. Proposed routes used by gravel hauling trucks on public roads
11. Probable location and expected maximum height of stockpiles of mined ores, sand, and gravel
12. Location of loading areas, tipples, and waiting areas for trucks and railroad cars in relation to the ore stockpiles
13. Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores
14. Location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the reclamation plan.

## 2. Mitigation Plan

The Mitigation Plan includes a site plan, narrative and cross-section profiles that explain, illustrate and show mining procedures, practices, policies and methods.

- a) The site plan will show the intended phases of the mining operations to be carried out over all portions of the tract. Near-term phases will be mapped precisely and future phases will be mapped conceptually. The site plan will show generalized expected contours or elevations estimated for the floor of the pit when mining is completed for each phase of operation before reclamation is started. The applicant will also provide cross-section profiles, which show the anticipated depth of extraction and ground slopes when mining is completed but before reclamation is started.

The site plan and profiles will show:

1. The drainage from mined areas and stockpiles of materials
2. How erosion, sedimentation and non-point source pollution, contamination of the water table and nearby water bodies, streams and rivers is avoided
3. How turbidity of water bodies and nearby wetlands is avoided
4. How the mine operator will prevent changes in local water table levels
5. How increases in the rate of storm runoff will be accommodated on the site

- b) The narrative description explains the following:

1. What actions the operator will employ to reduce noise, dust, litter and

vibration

2. Where safety fencing and what type of fencing will be used, if required.
  3. Anticipated hours of operation
  4. Which portions of the site are to be reclaimed immediately after mining is completed within a period of one (1) year
  5. How the phased reclamation will conform to the approved site reclamation plan
  6. The estimated duration of the operation
  7. How stockpiles of ores on mined-out phases will be exhausted within one to three (1-3) years after mining them
3. Reclamation and Post-Mining Use Plan

The reclamation plan shows the interim restoration of the site prior to proposed permanent use of the site. The interim restoration plan is accompanied by a narrative that describes the range of possible post mining uses of the site. Ground contours, slopes and vegetation and other features on the site are designed to accommodate the proposed uses. A grading plan and landscape plan shall also be provided, which include:

- a) Detail for near-term first phases of site reclamation and conceptual detail for future phases
- b) A grading plan showing ten (10) foot contours, as finished contours for near-term reclamation and a generalized probable contours for much later phases of reclamation
- c) The final location and depth of mean high and low water pool or shorelines of lakes and streams
- d) Location of storm drainage channels, swales, conduits, and the location of easements to be dedicated for storm drainage and public utilities
- e) Locations of rights-of-way
- f) Requirements:
  1. Reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation
  2. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Mineral Resource Management
  3. Applications for revisions submitted to the Division of Mineral Resource Management subsequent to the issuance of a Mantua Township Surface Mining or Strip Mining Certificate shall be presented to the Zoning Inspector
  4. The reclamation plan shall ensure that the area will support vegetation capable of self-regeneration and plant succession

5. Reclamation shall be progressive to prevent erosion
  6. All machinery and related equipment is to be removed
  7. The operator shall grade, contour, or terrace the final slopes to a slope angle sufficient to achieve soil stability and control landslides, erosion, and sedimentation. Slopes with a slope angle of fourteen (14) degrees or less shall be presumed sufficient.
    - a. Re-soiling shall occur in such a way that a diverse growth of vegetative cover can be raised and maintained. The cover will be capable of self-regeneration and plant succession.
    - b. Topsoil and subsoil will be removed and segregated in sufficient quantities so as to create soil depth and distributions as per the proposed plan for post-mining use.
  8. Soil amendments such as lime, fertilizer and mulch shall be used to promote seed germination and growth.
  9. Permanent planting shall be completed upon completion of any required grading or re-soiling except when these operations are completed in a season unsuitable for planting. In such a case, permanent planting shall be completed at the earliest possible time.
- f. Development Standards
1. Area, Yard, and Height Requirements
    - a) Project Area
      1. All land shall be contiguous and shall not be divided into segments by: 1) any limited access highway, or 2) any tract of land (other than streets or rights-of-way for pipelines or electric transmission lines).
      2. All boundaries will be clearly and permanently flagged at intervals no greater than two hundred fifty (250) feet.
      3. The BZA will make a determination as to whether processing must be performed on-site or off-site. At a minimum, the following guidelines must be considered:
        - a. Processing may be performed on-site if the parcel size is greater than twenty (20) acres and the mining duration is greater than four (4) years.
        - b. Impact of processing and/or trucking on existing residences
        - c. Overall impact on the township of truck traffic to haul material to off-site processing versus processing on-site, recognizing that processing off-site requires the same material to be hauled twice, once as raw material and the other as finished goods.
        - d. The BZA will make a determination as to whether processing and stockpiling materials not extracted in situ will be permitted.

## b) Setbacks

1. The mineral and aggregate extraction operation shall have at least two hundred (200) feet of frontage on a road.
2. The extraction area shall meet the following minimum distances from:

## a. Each side and rear lot line when lot edge is adjacent to:

1. Residential district - Two hundred fifty (250) feet, Condition 1
2. Commercial district - Seventy five (75) feet, Condition 2
3. Industrial district - Fifty (50) feet, Condition 2
4. Or contiguous to an existing mining operation – Zero (0) feet

Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line and is no closer than 100 feet from the Residential District line. (See Section 500.10.B.43.g.3).

Condition 2 - the required berming and/or screening can be placed no closer than thirty (30) feet to the property line. (See Section 500.10.B.43.g.3)

## b. From road right-of-way when lot edge is adjacent to:

1. Residential district - Two hundred fifty (250) feet, Condition 1
2. Commercial district - Two hundred (200) feet, Condition 2
3. Industrial district - Fifty (50) feet, Condition 1, or  
- One hundred (100) feet, Condition 2
4. Or contiguous to an existing mining operation  
- Fifty (50) feet, Condition 1, or  
- One hundred (100) feet, Condition 2

Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line and is no closer than 100 feet from the Residential District line. (See Section 500.10.B.44.g.3).

Condition 2 - the required berming and/or screening can be placed no closer than thirty (30) feet to the road right-of-way. (See Section 500.10.B.44.g.3)

- c) Processing areas of mineral and aggregate materials shall be located so as to minimize noise emission and visual impact.
- d) Office, shop, parking and/or other accessory structures shall be located behind the berm.

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- e) Storage areas for operational or non-operational equipment for the production and/or processing of mineral and aggregate materials shall be located behind the berm.
- f) A detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman shall be at least fifty (50) feet from any property line.

**2. Height**

The maximum height of any structure, or security lighting, except mineral and aggregate processing and extraction structures shall be fifty (50) feet or less. This restriction will not apply to transmission or communication equipment.

**3. Dewatering**

- a) Dewatering may be permitted on a case by case determination by the Board of Zoning Appeals. At a minimum, the following must be taken into consideration in making that determination:
  - 1. The effect of an additional dewatering site when pre-existing permitted dewatering sites are located in the general vicinity
  - 2. See Section 500.10.B 44.g.1, Groundwater Contamination Prevention Measures and Hydrologic Determination Report
  - 3. The number, location and monitoring of observation wells
- b) If dewatering is permitted, observation wells will be used to indicate the extent of the decline of water levels and to prove the need for remedial action. These observation wells shall not be pumped or used for any purpose other than monitoring.

**4. Truck Hauling and Access**

- a) Not more than one entrance/exit is permitted, preferably located along a secondary road, which shall be located so as to avoid routing of vehicles to and from the mining operation over streets that primarily serve an abutting residential development. However, a temporary entrance/exit will be allowed if the primary entrance/exit is unusable due to conditions beyond the control of the mining operation. The use of the temporary entrance/exit shall be immediately discontinued once the primary entrance/exit is usable.
- b) A paved road from the entrance/exit to and from the area of operation shall be provided in order to minimize the deposit of dirt and gravel from all vehicles. This road construction shall be completed prior to the initial mining phase. Haul roads and cartways shall be graded and maintained to meet Ohio EPA standards for airborne particulate control.
- c) Trucks shall be covered or loaded to minimize spillage.

- d) All tires will be washed before entering public roads.
- e) Any spillage shall be removed periodically throughout the day from public roads and at the end of each business day.

g. Performance Standards

1. Groundwater Contamination Prevention Measures:

The operation shall be planned and conducted to:

- a) Minimize disturbance to the prevailing hydrologic balance in both the permit and adjacent areas
- b) Prevent material damage to the hydrologic balance outside the permit area
- c) Assure protection or replacement of water rights

The applicant will provide a description of the controls which will be utilized to assure compliance with water quality, erosion control, sedimentation control, storm water management, and other applicable hydrologic controls.

The use of monitoring wells will be used as one means to assure water quality levels and documented on a quarterly basis by an independent contractor.

Mineral and aggregate extraction operations, materials storage and use, site access, fueling procedures, drainage, restoration activities and restoration uses shall be controlled so as to minimize to every extent possible the contamination of groundwater. Excavation below existing groundwater shall only be permitted in locations where the post-mining use plan indicates a lake.

In addition, extraction operations are to seal all shafts, bore holes, wells, and other openings that are intercepted during mining in such a manner that migration of waters is minimized.

2. Hydrologic Determination Report requirements

The applicant will also provide a report attesting to the probable hydrologic consequences the proposed extraction operation will have on the subject site and the adjacent areas. If dewatering is not allowed, the report does not need to be prepared by a certified hydrologist. In either case, this report will include, but is not limited to providing the following information:

- a) The consequences of the proposed operation on the contents of dissolved and total suspended solids, total iron, total manganese, and pH
- b) Whether adverse impacts may occur to the hydrologic balance
- c) The impact the proposed operation will have on:
  - 1. Sediment yield from disturbed areas
  - 2. Flooding or stream flow alteration

### 3. Ground water and surface water availability

- d) The extent to which the proposed operations may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed extraction area or adjacent areas which is used for domestic, agricultural, industrial or other legitimate uses.

If contamination, diminution, or interruption may result, provide a description of alternative sources of water that could be developed to replace existing sources. This would include information on water availability and suitability of alternative water sources for existing pre-extraction uses and approved post-extraction land use.

### 3. Screening, Fencing, and Berm Requirements

All of the requirements must be in place before the commencement of the solid mineral and aggregate extraction operations, provided, however that berms may be built from appropriate materials from the site.

#### a) Screening

No grading, removal or disturbance of plant material shall be permitted within the setback except the area affected by the required screening from any lot line or road right-of-way. Adequate year-round screening with indigenous planting (for example, maple and pine trees) and perennial species with the ability of self generation shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, residential area, and any existing noise-sensitive use located within one thousand (1000) feet of the site perimeter. The appropriate type of screening and buffering shall be determined by the Board of Zoning Appeals.

#### b) Fencing

Fencing shall be required to eliminate any safety hazards of the site for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the applicant and/or property owner.

#### c) Berms

Berms shall be constructed of overburden and topsoil but must be finished with topsoil excavated from the subject site and planted as soon as weather permits with ground cover to prevent erosion. Vegetative growth must be maintained at all times. The intent is to use the berms as a primary topsoil storage area.

#### d) Visual Effects

The line of sight from residential districts to quarries, pits, extraction and processing areas, structures and stockpiles, loading areas, access roads and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding properties not owned or leased

by the owner or operator. The plan to be submitted with the application shall include line of sight and cross section studies demonstrating the manner in which the line of sight from surrounding properties, not owned or leased by the owner/operator, is to be interrupted. The type of visual screening and sequence in which it is to be done may be customized to suit each mining operation.

4. Airborne Particulate and Operational Nuisance

- a) Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, black smoke, noise, odors, or dust. It is recognized that the State of Ohio has expended extensive resources to ascertain acceptable environmental regulatory standards for the control of the aforementioned.
- b) All equipment shall be properly muffled to reduce excessive noise.
- c) Crushers and similar noise generating equipment may be located below ground level, bermed, muffled by stockpiles or physically soundproofed to reduce noise levels.
- d) Crushers and similar noise-generating equipment shall be located and situated to minimize noise intrusion onto other properties that are not used for mineral extraction. The following are ways to reduce noise levels from crushers and similar noise-generating equipment:
  1. Effective berm placement
  2. Stockpile/overburden placement
  3. Below ground level equipment placement
  4. Construction of wooden noise-muffling barriers

5. Blasting

Adjoining property owners shall be notified at least twenty four (24) hours prior to any blasting.

h. Hours of Operation

The applicant shall provide a schedule of the expected operating hours and shall be limited only to the following hours and days of the week:

1. Monday – Friday: 7:00 A.M. to 5:00 P.M.
2. Saturday: 8:00 A.M. to 1:00 P.M.

**500.10B.45. Farm Related Businesses**

- a. The farm related business must be located on a parcel of land at least twenty (20) acres in size and a portion of the parcel of land shall be actively involved in the Current Agricultural Use Value (CAUV) Program. The applicant shall provide proof of participation in the CAUV Program.

- b. The area of the farm related business used for structures, parking, storage, display, landscaping, etc. shall incorporate no more than two (2) acres of land. A drive serving the farm related business may be excluded from the calculation of the two (2) acres.
- c. The owner or occupant of the farm must be engaged in the farm related business.
- d. The use must be conducted within a completely enclosed building typical of farm buildings, except as stipulated in Item F below.
- e. Any building and/or parking area used for the farm related business must be located at least two hundred (200) feet from the dwelling and road right-of-way and three hundred (300) feet from any surrounding residential dwelling.
- f. Storage of supplies, materials or products shall be located within a completely enclosed building or if stored outdoors shall be completely screened from view.
- g. Signs shall be in accordance with the provisions of Section 1000.00.
- h. Parking shall be in accordance with the provisions of Section 900.00.
- i. Any number of farm related businesses may be permitted, provided that all of the conditions herein shall be met collectively, as if determined for a single use on the site. Some examples of farm related businesses (if suitably sized) include, but need not be limited to:
  - 1. Blacksmith shops
  - 2. Butcher shops
  - 3. Composting and other farm waste storage facilities
  - 4. Feed supply and fertilizer distributors
  - 5. Grain mills
  - 6. Processing of locally produced agricultural products
  - 7. Sales or repair of agricultural equipment
  - 8. Veterinary offices which primarily treat farm animals, stables and kennels
- j. Outdoor lighting shall be in compliance with Section 800.10.

**500.10B.46. Flag Shaped Lots**

- a. Lot must be a minimum of five (5) acres.
- b. Lot must have a minimum of one hundred (100) feet of continuous frontage.
- c. Lot may not become narrower than one hundred (100) feet at any point.
- d. The narrower portion of the lot (flag pole) can not exceed an overall length of nine hundred (900) feet from the road right-of-way.
- e. Lot must widen to a distance which is equal to or greater than the zoning district's minimum lot width requirement.

- f. The flag portion of the lot must be of sufficient area to accommodate a single-family residential dwelling and meet all of the district's setback requirements and this portion of the lot must equal or exceed the minimum acreage requirement of the zoning district.
- g. The front yard setback for the dwelling must be equal to or greater than the required setback of the district and is to be measured from the point where the lot widens to equal the district's minimum lot width requirement.
- h. The fire chief shall provide a letter that states that safe access for fire apparatus and emergency vehicles can be reasonably constructed and maintained to the portion of the lot which is suitable for a residential dwelling.

**500.10B.47. Funeral Homes (not to include a Crematorium)**

- a. The building shall be designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- b. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic. In addition, the plan shall show an off-street vehicle assembly area for funeral processions for at least ten (10) vehicles. This area shall be in addition to the required off-street parking requirements.

**500.10B.48. Gasoline Sales and Auto Service**

- a. All activities except for fueling and customer use of the air pump shall be conducted inside the building.
- b. If property fronts on two (2) or more streets, driveways shall be located as far from the street intersection as practical.
- b. All areas for vehicular traffic and parking shall be paved.
- c. No junk, inoperative or unlicensed vehicles shall be permitted to remain outdoors on property except in a completely screened storage area.
- d. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- e. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 900.00.
- f. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

- g. Lighting shall comply with lighting standards of Section 800.10 and shall be shielded to preclude light trespass. Recessed ceiling fixtures are preferred for canopies over fuel pumps.
- h. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on the site and within the neighborhood and other relevant factors such as neighborhood impacts.
- i. Any ancillary use to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use (such as fast food service in gas station).

#### **500.10B.49. Conditionally Permitted Home Based Businesses**

##### **a. Purpose**

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and/or to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new, innovative businesses, reduce vehicle trips, and serve as business incubators, thereby improving the local economy. The Township recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

##### **b. Administration**

Conditionally Permitted Home Based Businesses shall not be permitted until the Board of Zoning Appeals has approved said conditional zoning certificate.

##### **c. Permitted Home Based Businesses**

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of substantial similarity to Items 1 through 8 below, by the Board of Zoning Appeals will need to be made if the use or type of use is not listed:

1. Dentists, doctors, counselors, and psychologists
2. Personal services establishments, including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services
3. Instructional services, including music, dance, art and craft classes, and tutoring
4. Studios for artists, sculptors, musicians, photographers and authors
5. Workrooms for tailoring, dressmaking, millinery, and crafting, including weaving, lapidary, jewelry making, cabinetry and woodworking
6. Repair services, including but not limited to: watches and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines (excluding ATV's, motorcycles, boats, jet skis and other such motorized vehicles)

7. Assembly, packaging of goods for sale or distribution
  8. Retail sales of goods and services
- d. Prohibited Home Based Businesses
- The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:
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
- e. Conditions and Operating Standards
1. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and there shall be no outdoor storage of materials of any kind connected with the Home Based Business.
  2. The basis of calculation for total area that may be used for the home based business is 25% of the gross floor area of the residential unit and 25% of the gross floor area in an accessory building on site.
  3. Any number of home based businesses per dwelling unit and its accessory buildings are permitted, provided that all of the conditions stipulated herein shall be complied with collectively, as if determined for a single use on the site.
  4. The total number of customer vehicles, at any one time, shall be limited to no more than two (2) vehicles.
  5. The home based business shall have no more than two (2) non-resident employees assigned to work on the premises at any one time. The number of non-resident employees working at locations other than the home based business is not limited.
  6. No more than one (1) commercial vehicle shall be parked outside the home based business; all other commercial vehicles must be parked within a completely enclosed building.
  7. There shall be no visible evidence of such use from the street or adjacent property, except one (1) unlighted sign, as regulated by Section 1000.00, is permitted with no other outward evidence of such use.
  8. No home based business may manufacture, store or sell toxic or hazardous materials.

**500.10B.50. Institutions for Human Medical Care, such as Hospitals, Clinics, Mental Health Care Facilities and Nursing Homes**

- a. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- b. Unless a greater acreage is specified in the district requirements, the site shall be comprised of a minimum of two (2) acres exclusive of road right-of-way.
- c. All buildings shall have a one hundred (100) foot setback from any property line or road right-of-way.
- d. Ambulance and delivery areas are to be obscured from all surrounding residential properties with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet.
- e. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed.
- f. Parking for professional and outpatient buildings shall be calculated as separate uses. Only one-half (1/2) the total number of parking spaces within a gated or restricted physician parking lot shall be included in the parking calculation.

**500.10B.51. Kennels for Properties Meeting the Criteria of Section 650.00.C**

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable off the lot, considering various wind conditions.
- c. The applicant shall submit a written statement showing the measures and practices to be used to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
- d. No dead animals shall be buried or cremated on the premises.

**500.10B.52. Mini Storage Facilities**

- a. Commercial activity shall be limited to the rental of storage units and incidental uses related to the business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
- b. Businesses shall be limited to “dead storage” defined as personal property left for a period of time.
- c. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by county, state or federal statutes.
- d. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers situated on the property in compliance with Section 610.10.

- e. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the office building (limited to twenty (20) square feet for the business name) and at the entrance gate (limited to nine (9) square feet).
- f. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
- g. The following conditions apply to outdoor storage:
  - 1. Outdoor storage is limited to operable, non-commercial vehicles and watercraft, not to exceed twelve (12) feet in height.
  - 2. Parking spaces shall be no less than one hundred (100) feet from the rear of the rearmost building.
  - 3. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
- h. Applicant shall construct and maintain a screen along the property borders to completely screen the storage facility from view of surrounding properties. Such screening shall consist of trees and/or shrubs no less than six (6) feet in height, or fencing, comprised of material suitable to screen the view of the facility. The screening materials shall be located no closer than five (5) feet from the side and rear lot lines. The screening shall not impair vehicular visibility at ingress and egress points.
- i. A gated entrance may be constructed provided it does not exceed six (6) feet in height, and shall be located no closer to the road right-of-way than a distance equal to the minimum front yard setback.
- j. Off Street Parking
  - 1. One space for each ten (10) storage cubicles, equally distributed throughout the storage area shall be provided. This parking requirement can be met with the parking lanes as set forth in Section K below.
  - 2. One space shall be provided for every twenty five (25) storage cubicles at the office facility.
- k. On-Site Circulation
  - 1. All one-way driveways shall provide for one ten (10) foot parking lane and one (1) sixteen (16)-foot travel lane. Traffic direction and parking shall be designated by signage and painting.
  - 2. All two-way driveways shall provide for one (1) ten (10)-foot parking lane and two (2) thirteen (13)-foot travel lanes.
  - 3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

**500.10B.53. Multi-Family Developments**

- a. The floor area per dwelling unit shall be in compliance with the Zoning District's requirements.
- b. Parking shall not be located in the required front yard area and shall be located to the side or rear of buildings.
- c. There shall be a minimum distance of thirty-five (35) feet between each building.
- d. Maximum possible privacy for each apartment/condominium shall be provided through good design and the use of proper building materials and landscaping. Visual privacy shall be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
- e. Usable open space of 20% of the lot area exclusive of parking areas and drives shall be provided for the residents.
- f. The architectural design of multi-family units should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line, pattern and character.

**500.10B.54. Parks and Recreation Facilities**

- a. Outdoor intensive uses such as swimming pools, ball courts, tennis courts and playground equipment areas shall be not less than two hundred (200) feet from any residential property line not part of the development served and shall be screened from view from such residential property by landscaping and appropriate fencing materials. Accessory buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which it is located.
- b. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
- c. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots. There will be appropriate clear zones and surface around and beneath play apparatus and such other similar things as deemed appropriate or necessary.
- d. Security fencing, where required or desirable, shall be of a type that is compatible with the overall architecture, scale, and character of the recreation facility and the neighborhood which it serves.
- e. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 800.10.
- f. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially any evening activities.
- g. It is desirable to connect parks and recreation areas to residential neighborhoods and other areas of high usage in design of recreational facilities.

**500.10B.55. Professional Office Facilities**

- a. A professional office facility, including, but not limited to the following types of uses: attorney, architect, accountant, engineer, insurance agency, real estate, tax preparation, and bookkeeping service.
- b. Parking spaces shall be provided as required in Section 900.00. The Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- c. The design, location, and surface of the parking area shall be designed so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood. The parking area shall be located to the side or rear of the principal building.
- d. A sign, not exceeding four (4) square feet in area and mounted flush against the building, or one sign as regulated by Section 1000.00 is permitted.

**500.10B.56. Public Service Facilities**

- a. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- b. All permanent buildings shall be constructed and designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- c. No outdoor storage of vehicles or materials is permitted, unless completely screened from adjoining property owners and roadways. Screening and plantings are also required to buffer any structures other than buildings from adjacent residential uses.

**500.10B.57. Rooming and Boarding Houses**

- a. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- b. In no case shall there be more than four (4) guests and/or tenants living in a rooming house or boarding house.
- c. One (1) additional off-street parking space shall be required for each bedroom used for such purpose.
- d. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) sign as regulated by Section 1000.00.

**500.10B.58. Schools and Educational Facilities**

- a. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- b. Outdoor play/recreation areas may be required by the Board of Zoning Appeals to be fenced.

- c. The site and structure shall meet applicable state code requirements, including licensing requirements.
- d. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

**500.10B.59. Two-Family & Multi-Family Dwellings**

- a. The floor area per dwelling unit shall be in compliance with the zoning district's requirements. See Section 404.04.
- b. In areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the dwelling units.
- c. Off street parking requirements shall be met as per Section 900.00, without the addition of any parking spaces within a required yard.
- d. The dwelling unit shall be designed so that the appearance of the building remains that of a single-family residence. The units may either share a common entrance or use a separate entrance for each. If separate entrances are used, they should be located at the side or rear to maintain the same appearance of a single family residence.

**500.10B.60. Wireless Telecommunication Service Facilities**

According to the Federal Telecommunications Act of 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Township must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Township may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.

**a. Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996 and the interests of the Township in regulating wireless telecommunication facilities to minimize adverse impacts on health, safety, and public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

**b. Priority of Locations**

A wireless telecommunication tower or facility may be located in the following areas

when conditions specified in this resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:

1. First Priority: New wireless antennas shall co-locate on existing towers or on existing structures which have been constructed for other purposes such as, but not limited to: water towers, church steeples and chimneys.
  2. Second Priority: Priority for the use of public land for wireless telecommunication antennas and towers will be given to the following entities in order:
    - a) Mantua Township
    - b) Public safety agencies/departments including law enforcement, fire, and ambulance services
    - c) Other governmental agencies for uses that are not related to public safety
    - d) Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public
  3. Privately owned agricultural lands
  4. Privately owned property (non-agricultural)
- c. General Requirements for Telecommunications Tower Facilities
1. A proposed wireless telecommunication facility application shall comply with plan review requirements of this resolution including landscaping plans to screen the facility from adjoining uses.
  2. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
  3. All applications for wireless telecommunication facilities shall, as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
  4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, of no less than \$100.00 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any applicant using another company's facility shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
  5. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered in order to service the applicant's service area.

6. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
  7. As a condition of issuing a Conditional Zoning Certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.
- d. Standards Applicable to All Wireless Telecommunication Tower Facilities
1. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
  2. All towers shall be monopole structures.
  3. An eight (8) foot high security fence shall enclose all appurtenant structures around the tower base.
  4. No tower shall exceed two hundred (200) feet in height above the finished grade and the tower shall be the minimum height necessary to accommodate the antenna.
  5. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
  6. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
  7. No advertising is permitted anywhere on the facility, with the exception of identification signage.

8. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
    - a) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
    - b) Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted five (5) feet on center maximum.
  9. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or the Township in general.
  10. Access drives to any facility shall be maintained in a dust free condition.
  11. Loud speakers shall not be permitted to be located on the facility.
  12. “No Trespassing” signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
  13. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.
  14. Equipment shelters or any other buildings or structures shall be located at least 15 feet from the base of the tower.
  15. The maximum size of the equipment shelter shall be three hundred (300) square feet, or if there is more than one user of the tower, seven hundred fifty (750) total square feet.
  16. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
    - a) The maximum height shall be twenty (20) feet or 20% of the building height above the existing structure, whichever is greater.
    - b) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to the building) the shelter shall comply with the following:
      1. The minimum setback requirements for the subject zoning district.
      2. A buffer shall be planted in accordance with Section 500.10.B.59.D.8.
      3. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
- e. Removal of Facilities

All towers, structures and equipment shall be removed by the owner of the tower or facility and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

**500.10B.61. Mulching Facility**

1. No part of the facility is to be located within 300 feet of a residential zoning district or 200 feet of the property line of any residential dwelling unit (except a dwelling unit used as the residency of a caretaker or watchman for the facility), church, school, or child daycare facility. No areas where mulch materials are to be processed or stored are to be located closer than 100 feet to a neighboring property line.
2. The facility cannot grind material before 7 o'clock in the morning or after 5 o'clock in the evening Monday-Friday, with no grinding on Saturday, Sunday, or holidays. The facility cannot conduct sales before 7 o'clock in the morning or after 7 o'clock in the evening Monday-Saturday or before 8 o'clock in the morning or after 12 noon on Sunday, with no sales on holidays or from December through February.
3. The facility must be located on a site of at least 10 but no more than 15 acres. No material piles or windrows are to exceed 25 feet in height or have a base area greater than 60 feet in width on a 10-acre site; or exceed 35 feet in height or have a base area greater than 90 feet in width on a 15-acre site. All such piles and windrows must be maintained so as not to be unsightly and in accordance with Ohio EPA standards to minimize combustion and maintain a safe slope. The lengths of piles or windrows are to be as practicable, so long as emergency and fire equipment can adequately navigate the site.
4. No material piles or windrows are to be located within 75 feet of any natural watercourse, and a minimum of 50 foot of green space (vegetative area) must be maintained between any pile or windrow and any natural watercourse to prevent unfiltered runoff of organic material into the watercourse.
5. The facility operator must comply with all state and federal regulations applicable to such use.
6. A berm or vegetative buffer shall be required per Section 700, Landscaping and Screening.

**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

**Section 604.00            Intentionally Left Blank**

**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 algacides; 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.

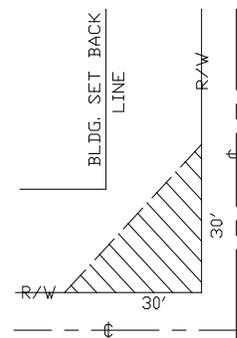
#### F. Corner Lots or Lots with Any Number of Yards Fronting on a Street

##### 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 Right (Certificate Required)**

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.

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.



## **Section 700.00 LANDSCAPING AND SCREENING**

### **Section 700.01      Purpose**

The purpose of these regulations shall be to minimize adverse visual impacts, noise, and light and air pollution between various uses which abut one another by altering the areas of transition between the land uses. In addition these regulations increase the desirability of living and working in Mantua Township by improving the air quality, enhancing the visual character of residential, commercial and industrial districts, by protecting public and private investments, and by promoting high-quality development. All landscaping plans shall enhance the physical environment and the aesthetic character of the Township.

### **Section 700.02      Applicability**

These regulations shall apply to all multi-family residential, institutional, commercial and industrial uses within the Township.

### **Section 700.03      Approval Process**

Landscaping and screening shall be reviewed as part of the approval process.

### **Section 700.04      Landscaping Plan Submittal Requirements**

The landscaping plan shall contain at a minimum, the following:

- A. Location, general type and quality of existing vegetation, including specimen trees.
- B. Existing vegetation to be saved.
- C. Methods and details for protecting existing vegetation during construction and the approved sediment control plan.
- D. Locations and labels for all proposed plants.
- E. Plant lists or schedules with the botanical and common name, quantity, spacing, and size of all proposed landscape material at the time of planting.
- F. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
- G. Planting and installation details as necessary to ensure conformance with all required standards.

### **Section 700.05      Landscaping Minimum Site Requirements**

- A. The landscaping shall be either continuous and/or comprised of scattered arrangements situated on the lot. At a minimum, landscaping shall be located in the following locations on

a site in such a manner as to minimize adverse impacts associated with the proposed use and enhance the aesthetic character of the site:

1. A minimum of five (5) feet deep along the property frontage abutting a public right-of-way.
  2. Any side or rear lot line of a property zoned to allow a non-residential use that abuts a property zoned for a residential use shall have a landscaped buffer of trees and shrubs of at least twenty (20) feet in width to provide a complete screen.
- B. The landscaped area must be covered by living vegetation such as ground cover, shrubs and trees. The minimum size requirements for trees and shrubs shall be:

**Table 700.05B  
Tree or Shrub Sizes**

<b><u>Plant Type</u></b>	<b><u>Size at Planting</u></b>
Ornamental	1" to 1-1/2" diameter*
Deciduous	1" to 1-1/2" diameter*
Large Deciduous	1-1/2" to 2" diameter*
Shrubs (Small)	3' tall
Shrubs (Large)	5' tall

\* Diameter shall be taken six inches above grade for trees under four inches in diameter and twelve (12) inches above grade for trees four inches in diameter and larger.

#### **Section 700.06      Fences**

Fences may be incorporated with landscaping and screening in accordance with Section 610.05.

#### **Section 700.07      Berming**

Berming is an earthen mound that is designed to provide visual interest, screen undesirable views and decrease noise. Berming may be incorporated with landscaping and screening in accordance with the following guidelines:

- A. The berm shall be located between the right-of-way and the building setback lines.
- B. Berming shall generally vary in height, width and length to create a free-form naturalistic effect.
- C. The slope of a berm shall not exceed a 2.5:1 ratio.
- D. The design of berms shall include provisions for drainage that is tied into the entire site system if necessary or applicable.

- E. Berms shall be planted with ground cover and other plant materials to prevent erosion.
- F. Berms and plant materials used collectively shall be viewed as a unified element and must be in compliance with all provisions of this Resolution.

### **Section 700.08      General Landscape Screening Requirements**

Appendix A, Plant Guide for Landscaping and Screening, of this Resolution contains a plant list to serve as a guide for the recommended plant materials. This list is based upon plants that are most likely to thrive in this climate and perform their intended function.

- A. In cases where quality woodlands exist, preservation of these existing trees should be incorporated as part of the landscaping. Additional plant material should be used, if needed, to achieve an effective visual screening.
- B. Landscaped screens shall be designed to complement other landscaping occurring naturally on the site, planted previously, or approved additions that are part of a site plan review. Wherever possible, existing vegetation and land form shall be used to create screens.
- C. Species and sizes of plant material shall be chosen to best accomplish an adequate screen, e.g., evergreens for visual year-round screening and deciduous trees for seasonal screening.
- D. When noise is likely to be a concern, the screen shall be of sufficient construction to be an effective noise buffer.
- E. Natural slope and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the area from adjoining properties and roadways.
- F. All required landscaping and screening shall be installed within eighteen (18) months following the issuance of a Zoning Certificate.
- G. If weather conditions necessitate a delay in the installation of any landscaping or screening, the applicant shall provide a schedule indicating the completion date for the approved landscaping in writing to the Township Zoning Inspector.

### **Section 700.09      Landscape Standards and Specifications**

- A. The following standards shall guide the number and placement of plantings for landscaping within the Township:
  - 1. Shade Trees for Street Planting
    - a. Shade trees shall be planted by the applicant along their side of the property that fronts along any road, public or private, to ensure protection from noise, glare, and visual incompatibility. In locations where healthy and mature shade trees exist, the requirements for new trees may be waived or modified.

- b. Street trees shall be spaced at intervals of no greater than forty (40) feet, and shall be placed so as to avoid interference with power lines and vehicle line of sight.
  - c. Street trees shall be planted at the following distances from:
    - 1. Public sidewalk and curbs: large trees- four (4) ft; medium trees- three (3) feet, and small trees two (2) feet.
    - 2. Sewer or water lines: At least ten (10) feet away from sewer or water lines, and at least five (5) feet from a driveway.
    - 3. Overhead utility lines: The specific utility should be contacted or easement restrictions checked before planting.
    - 4. Street corners and fire hydrants: Thirty-five (35) feet from street corners measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten (10) feet from any fire hydrant.
  - d. Tree species shall be selected according to the following criteria:
    - 1. Cast moderate to dense shade in the summer
    - 2. Survive at least thirty (30) years
    - 3. Mature height of at least: Fifty (50) feet for large trees, thirty (30) – fifty (50) feet for medium trees, and thirty (30) feet for small trees
    - 4. Tolerant of pollution and direct or reflected heat
    - 5. Requires little maintenance by being structurally sound and insect and disease resistant
    - 6. Be able to survive with no irrigation after establishment
    - 7. Be of native origin, provided the tree meets the above criteria
  - e. In storefront areas, the street trees shall consist of deciduous species that branch above eight (8) feet to facilitate viewing of storefronts, signage and vehicle line of sight.
2. Perimeter/Buffer Landscaping and Screening
- a. Screening shall be used to protect adjoining properties from noise, glare and uses which are visually incompatible with neighboring uses. Screening is required:
    - 1. On sites which involve loading and unloading, storage of vehicles and boats, or trash and disposal areas.
    - 2. When noise not typically occurring in residential areas is expected to project onto nearby properties.
    - 3. Where any commercial or industrial use abuts a residential use.
  - b. The screen shall be capable of providing at least 75% opacity within two (2) years of installation.

- c. Screening shall consist of trees and plants and may include masonry or wood fencing used with or without berms. Screening shall consist of a functional and well designed combination of the following:
  - 1. Vegetative ground cover
  - 2. Coniferous and deciduous shrubs
    - a. Selected plant material will reach and maintain a height of at least five (5) feet at full growth.
    - b. Plants shall measure a minimum of three (3) feet in height at the time of planting and are expected to attain a height of five (5) feet in three (3) years.
    - c. Evergreen shrubs shall not normally be planted any closer than six (6) feet on center.
    - d. Shrubs shall not normally be planted closer than six (6) feet to planted trees or within the drip line of existing protected trees.
    - e. For buffer areas, evergreen shrubs shall be provided in the following ratios:

**Table 700.09.A.2.e  
Buffer Area Evergreen Shrub Spacing**

<b><u>Buffer Width</u></b>	<b><u>One Shrub Per</u></b>
20 ft. or less	50 sq.ft. of buffer
21 to 30 ft.	75 sq.ft. of buffer
31 to 50 ft.	125 sq.ft. of buffer
> 50 ft.	200 sq.ft. of buffer

- 3. Coniferous and Deciduous Trees
  - a. Trees shall be distributed along entire length of any buffer area
  - b. Trees shall be planted at the following rate:

**Table 700.09.A.3.b  
Buffer Area Tree Spacing**

<b><u>Buffer Width</u></b>	<b><u>One Tree Per</u></b>
20 ft. or less	200 sq.ft. of buffer
21 to 30 ft.	300 sq.ft. of buffer
31 to 50 ft.	350 sq.ft. of buffer
> 50 ft.	400 sq.ft. of buffer

**Section 700.10 Alternative Methods of Compliance**

Alternative materials and methods may be utilized if the alternative will equal these regulations in terms of quality, effectiveness, durability, hardiness and performance. Requests for alternative landscaping methods to meet the requirements of this Section for plantings may only be justified if one of the following applies:

- A. The site involves space limitations or unusually shaped parcels
- B. To preserve existing significant natural features
- C. Due to a change in use of an existing site, the required buffer yard is larger than can be provided
- D. Safety considerations are involved

**Section 700.11 Plant Substitutions**

Due to seasonal planting problems and lack of plant availability, approved landscape plans may require minor revisions. Such revisions to planting plans may only be justified if one of the following applies:

- A. There is no reduction in the quality of plant material.
- B. There is no significant change in the size or location of plant materials.
- C. Proposed plants are of the same general category, (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.
- D. Proposed materials must be compatible with the area to ensure healthy tree growth.
- E. If these criteria are not satisfied, changes to the approved plans must be resubmitted and reviewed by proper reviewing authority.

**Section 700.12 Parking Lot Landscaping Standards and Specifications**

All institutional, commercial and industrial parking lots and parking lots used for residential multi-family purposes of six (6) spaces or more shall be landscaped with native trees and shrubs. The purpose of the requirement is to provide protection from noise, glare and pollutants while providing shade and a partial visual screening of the activity on the lot.

- A. Buffering and Screening
  - 1. All parking lots and loading areas that abut a road right-of-way shall be landscaped in accordance to the requirements of Section 700.09.
  - 2. Parking lots adjacent to residential properties require screening with walls, opaque fences, berming or landscaping that will be at least six (6) feet in height and provide at

least 75% opacity distributed over the entire length within two (2) years of installation.

3. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment must be planted with low shrubs and shade or ornamental trees.

#### B. Parking Lot Interior Landscaping

1. No less than 10% of the interior of parking areas shall be landscaped. This is necessary to break up the visual expansiveness of lots and to reduce glare and heat. Amounts greater than 10% interior landscaping may be necessary to effectively shade the parking lot, reduce the impact of noise and fumes as well as the visual impact of glare, headlights and parking lot lights from the public right-of-way and from adjoining properties. To achieve these objectives, the following shall be utilized at a minimum:
  - a. Planting islands shall be located throughout the lot and planted with shade trees, low shrubs and/or ground cover. These should be located at the ends of parking rows.
  - b. Landscaped islands a minimum of nine (9) feet wide between every ten (10) to fifteen (15) parking spaces that include shade trees shall be constructed. There shall be one (1) shade tree planted and maintained on every island.
  - c. Each tree shall be provided with at least forty (40) square feet of unpaved area around its trunk.
2. General Guidelines for All Parking Lots
  - a. Use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low branching trees that will restrict visibility.
  - b. For planted islands that are parallel to spaces, islands should be a minimum of nine (9) feet wide to allow doors to open.
  - c. For planted islands that are perpendicular to spaces, islands should be a minimum of nine (9) feet wide to allow for overhang of parked cars. If parking is only on one (1) side of the island, a nine (9) foot wide planted island is still required.

#### **Section 700.13            Enforcement and Maintenance**

- A. The property owner shall ensure the proper maintenance of all plant material. If any plant material dies, the property owner must replace it.
- B. Failure to replace dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.

**Section 700.14 Tree Preservation and Care during Construction**

- A. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site.
- B. Preservation of trees and vegetation of special significance due to size, age, habitat or historical significance is highly encouraged.
- C. A mature tree, tree mass or woodland should remain on the site providing it does not pose any undue threat to the health, safety and welfare by its location with respect to any proposed improvements to the site.
- D. Mature trees, tree masses or woodlands which the applicant intends on saving shall be designated "Tree Save Area" on landscaping plans.
- E. All "Tree Save Areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- F. The following practices are considered harmful in a "Tree Save Area:"
  - 1. Grading or trenching
  - 2. Placing backfill near trees
  - 3. Driving or parking equipment in "Tree Save Areas"
  - 4. Dumping of trash
  - 5. Storage of construction materials and supplies
- G. Mature trees, tree masses or woodlands which the applicant intends to remove shall be designated "To Be Removed" on landscaping plans.
- H. The applicant shall justify the removal of any mature trees, tree masses and woodlands. The applicant must demonstrate that the vegetation removal is minimized by showing no alternative site layouts are possible and no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.
- I. Specimen trees or individual trees moved from woodlands or tree masses designated "To Be Removed" may be transplanted from one area of the site to another.
- J. Trees to be saved should be selected prior to siting the buildings, parking lots and other site improvements. Factors to consider include: existing and proposed grading, age, condition and type of tree, location of site improvements and utility connections.
- K. Grading should be done in a manner to avoid destruction and damage to trees and tree stands. Grading must take existing drainage patterns into consideration and the disruption of those patterns minimized.

## Section 800.00 PERFORMANCE STANDARDS

### Section 800.01 Purpose

This Resolution permits specific uses in specific districts. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. Points of measurement to determine compliance with the performance standards of this Resolution shall be the property line, unless otherwise specified. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards:

### Section 800.02 Noise

All sources of noise must comply with the following standards:

- A. The level of sound can not exceed the values specified in Tables 800.02.C1 and 800.02.C2 when measured at the property line.
- B. Between the hours of 11:00 P.M. to 7:00 A.M., the permissible sound levels for a commercial or industrial use at a Residential Zoning District boundary or where adjoining to a residential use shall be reduced by ten (10) decibels in each octave band for impact noises designated in Table 800.02.C2.
- C. Method of Measurement

The maximum permitted sound levels for each type of land use, measured in decibels at property lines, shall not exceed the following values:

**Table 800.02C.1  
Maximum Permitted Sound Levels (Decibels) for Residential and  
Other Non-Commercial and Non-Industrial Uses**

Octave band, cycles/second	No residential, non-commercial or non-industrial activity or use shall produce a sound level at property lines that 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

**Table 800.02C.2**  
**Maximum Permitted Sound Levels (Decibels) for Commercial and Industrial Uses**

<b>Octave band, cycles/second</b>	<b>Adjoining Residential District Boundaries or Residential Uses</b>	<b>Along Industrial Building Lot Lines within an Industrial Zoning District</b>
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

**Section 800.03          Vibration**

No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for:

- A. Three minutes or more duration in any one (1) hour of the day between the hours of 7:00 A.M. and 7:00 P.M.
- B. The product of displacement in inches times the frequencies in cycles per second of earth borne vibrations from any activity shall not exceed the values specified in Table 800.03.C when measured at the points indicated.
- C. Method of Measurement

Earth borne vibrations shall be measured by means of a three (3) component recording system capable of measuring vibration in three (3) mutually perpendicular directions. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three (3) directions.

**Table 800.03C**  
**Maximum Permitted Vibration Measurement (Inches per Second)**

<b>Type of Vibration</b>	<b>At residential boundaries</b>	<b>At all other lot lines</b>
Continuous	.003	.015
Impulsive 100/min or less	.006	.030
Less than 8 pulses per 24 hours	.015	.075

**Section 800.04          Glare or Heat**

Any use or activity in any district which produces an intense glare or heat shall be performed within a completely enclosed building or shielded in such a manner as not to create a public nuisance or hazard along lot lines.

**Section 800.05 Air Pollution**

Any use or activity that emits smoke, fly ash, dust, particulate, vapors, mists, gases, noxious odors or other substances in quantities or in a manner that exceeds established state or federal standards or that is harmful or potentially harmful to human health, to animals, to vegetation or to other property shall be considered a public nuisance and is prohibited.

- A. For the purpose of grading the density of smoke, the Ringlemann Chart, as published by the U.S. Bureau of Mines (Information Circular #8333), shall be the standard.
- B. No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringlemann Chart.
- C. However, smoke may be emitted which is equal to but not darker than No. 2 on the Ringlemann Chart for not more than four minutes in any thirty-minute period.

**Section 800.06 Water Pollution**

No use or activity within the Township shall locate, store, discharge or permit the discharge of any liquid, gaseous or solid materials into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances.

In addition, no use or activity shall withdraw water or discharge any liquid or solid materials that exceed the minimum standards of the Ohio or Federal EPA, the Ohio Revised Code or other applicable standards.

**Section 800.07 Radioactivity**

Radiation, including radioactive materials and electromagnetic radiation such as that emitted by the x-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the National Institute of Standards and Technology when measured at the property line.

**Section 800.08 Electrical Interference**

No use, activity or process shall be conducted which produces electromagnetic interference with radio or television reception.

**Section 800.09 Fire or Explosive Hazards**

All uses and activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall ensure that adequate safety devices are installed to protect against the hazard of fire and explosion and shall include fire fighting and suppression equipment as defined by the Mantua/Shalersville Fire Department requirements and devices that are standard in the industry.

- A. The storage, use, or manufacture of solid materials or products ranging from incombustible to moderate-burning is permitted.
- B. The storage, use or manufacture of solid materials or products ranging from free to active-

burning to intense-burning is permitted provided one of the following conditions is met:

1. The said materials are stored, used or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system; or
  2. The said materials are stored outdoors in conformance with the regulations of the Fire Prevention Code of the American Insurance Association, and such storage shall have fifty (50) feet clearance from all property lines.
- C. The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with Table 800.09.C.

**Table 800.09C**  
**Total Capacity (Gallons) of Flammable Materials\* Permitted**

Type of Industry	Above Ground	Below Ground
A. Businesses/Industries Engaged in Storage and Distribution		
1. Materials having a closed cup flash point over 187 Degrees F.	100,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	50,000	200,000
3. Materials having a closed cup flash point of less Than 105 degrees F.	20,000	100,000
B. Businesses/Industries Engaged in Use or Manufacture of Flammable Materials		
1. Materials having a closed cup flash point over 187 Degrees F.	50,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	10,000	200,000

\* When flammable gases are stored, used or manufactured and measured in cubic feet, the quantity in cubic feet (at Standard Pressure and Temperature) permitted shall not exceed three hundred (300) times the quantities listed.

### **Section 800.10 Outdoor Lighting**

Light pollution, which includes misdirected light, avoidable reflected light, light during hours when it is not needed, and light levels in excess of what is necessary for the task shall be considered a public nuisance and is prohibited.

Exposed sources of light shall be shielded so as not to create a nuisance across lot lines and to minimize the direct light emitted above the horizontal plane.

- A. Shielded light sources and careful fixture placement shall be required to facilitate compliance with this section.

B. Exterior lighting fixtures (except street lights) shall be oriented so that the lighting element or shield does not spill light onto neighboring properties. Light rays shall not be directed into the road right-of-way (except for safety purposes such as to illuminate points of ingress and egress) or upwards into the atmosphere.

C. Minimum Lighting Standards

1. All commercial, institutional, multi-family and industrial vehicular parking, loading and circulation areas that are used for any such purpose after sunset shall provide artificial illumination at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting, for such areas. These lights shall be equipped with automatic timing devices.
2. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
3. The direct light emissions of any upward directed architectural, landscape and decorative lighting shall not be visible above the roofline.
4. Recreational and sports facility lighting shall comply with I.E.S. (Illuminating Engineering Society) recommendations and be shielded whenever possible.

D. Intensity of Illumination

1. The intensity of illumination, measured at the property line, of spillover light shall not exceed: 0.1 foot-candles on residentially zoned property or 0.5 foot-candles on business or industrial zoned property in a vertical plane.
2. Street Lighting: Average I.E.S. luminance recommendations shall not be exceeded. IES average to minimum luminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.
3. Outdoor Parking Facilities: Luminance requirements shall be determined by the level of activity for the types of parking uses and luminance levels indicated in Table 800.10.D.3.

**Table 800.10D.3  
Permitted Intensity of Illumination for Parking Facilities**

<b>Type of Activity</b>	<b>Level of Luminance</b>	<b>General Parking Areas</b>	<b>Pedestrian Ways</b>
Normal	Minimum Level Luminance	2.4 Foot-Candles	0.6 Foot-Candles
High	Maximum Level Luminance	3.6 Foot-Candles	2.4 Foot-Candles

Examples of levels of activity for types of parking uses:

- a) High Activity Levels: Sports facilities, auto dealerships, etc.
  - b) Normal: All other than high levels of activity shall be considered normal.
4. Light fixtures shall not be permitted within required buffer yards.
  5. Flashing, flickering, and other similar lighting that distracts motorists or cyclists is prohibited.
  6. Lighting which creates or becomes a public nuisance is not permitted.
  7. Accent lighting and low voltage lighting (12 volts or less) is exempt from these requirements.
  8. Nonconforming lighting: All lighting fixtures approved prior to the adoption of this Resolution shall be treated as and regulated as legal nonconforming uses.

### **Section 800.11 Burial of Waste**

No waste of any kind shall be buried on the property. All waste must be properly disposed of according to OEPA, State and County Health Codes. Home based composting of organic refuse will be allowed provided that such use is incidental to the residence and is not conducted as part of a business and provided it does not become a public nuisance.

## **Section 900.00 OFF-STREET PARKING AND LOADING**

### **Section 900.01      Purpose**

This Section is intended to provide for adequate off-street parking and loading facilities in proportion to the anticipated parking needs created by each use. These requirements further establish uniform design standards for parking spaces, aisles and access ways for functional performance in order to reduce congestion on streets and to minimize unwanted impacts to adjacent property owners.

### **Section 900.02      General Requirements**

#### **A. Parking Spaces:**

Parking spaces shall be provided and adequately maintained by each property owner in every zoning district for off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise constructed, altered or enlarged after the effective date of this Resolution.

All vehicles shall be stored on the premises occupied by the principal building.

The proper number of parking spaces for any given use, as specified in 900.03 of this Section, is based on considerations of the maximum number of motor vehicles that can be expected to be at the premises at the same time on an average day of full use of the premises.

#### **B. Floor Area:**

As used in this Section, the term, "floor area" as applied to offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for services to the public or customers, patrons, clients, patients or tenants including area occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

#### **C. Requirements for a Use Not Listed:**

The requirements for an off-street parking facility for a use not specifically listed shall correspond to those requirements for a use listed which is most similar to the use not listed.

1. Except for parking space provided on residential lots, an access drive shall be provided not less than twenty feet (20') wide and so located as to secure the most appropriate development of the property.
2. Except for parking space provided on residential lots, no parking area shall be constructed less than one thousand (1000) square feet in area.

3. Parking areas with the capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth and dustless surface and shall be graded and provided with adequate drainage facilities to dispose of all collected surface water. All such parking areas shall be adequately maintained so as to provide a durable, smooth, dustless surface.
4. Except for single family residential lots, adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the area.
5. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential property in a residential district, a buffer at least twenty-five (25) feet wide shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height.

D. Use of Parking Areas:

No commercial repair work, servicing or selling of any kind shall be conducted on any parking area. Only those signs essential to the functions of the area shall be displayed.

E. Increases to Parking Areas:

Any increase in the effective capacity of any premise's use for which off-street parking is required in accordance with this Resolution shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased capacity.

**Section 900.03      Off-Street Parking Space Requirements (Minimum)**

- A. The joint use of parking facilities by two (2) or more users is recommended whenever such use is satisfactory to each of the users intended to be served and when all requirements for location, design and construction can be satisfied.
- B. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual users occur at distinctly different times from the peak requirements for other joint users, the maximum capacity for the joint use will be less than the sum of total individual space requirements.  
  
A copy of an agreement between joint users shall be filed with the application for a zoning certificate with the Zoning Inspector of Mantua Township. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.
- C. As provided in Section 300.00, the Township Board of Zoning Appeals may authorize reduction, modification or waiver of these parking requirements under specific conditions by the issuance of a conditional zoning certificate.
- D. All loading platforms or docks shall be constructed at the side or rear of structures.

- E. All parking space requirements shall be exclusive of all ingress or egress areas. Parking space for motor vehicles in all districts, in connection with every recreational, institutional, cultural, business, and commercial use, shall be provided in accordance with the following:

**Table 900.03E**  
**Parking Space Requirements (Minimum)**

Type of Use (Table 900.03E)	Number of Spaces Required
<b>A. Residential Uses</b>	
1. Single-Family, Two-Family & Three Family Dwellings	2 spaces for every dwelling unit.
2. Multi-Family (1 Bedroom)	1.5 spaces for every dwelling unit.
3. Multi-Family (2 Bedroom)	2 spaces for every dwelling unit.
4. Multi-Family (3 Bedroom)	3 spaces for every dwelling unit.
5. Multi-Family (4 Bedroom)	4 spaces for every dwelling unit.
6. Bed & Breakfast Establishments	1 space for every guest room, plus the requirements for a normal residential use.
<b>B. Retail Business Uses</b>	
1. Appliance, Furniture, Household Goods Sales and Repair	1 space for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 600 sq.ft. of floor area
2. Convenience Stores	1 space for every 250 sq.ft. of floor area.
3. Restaurants (fast food or carry out)	1 space for every 50 sq.ft. of floor area.
4. Convenience Stores with gasoline pumps	1 space for every 250 sq.ft. of floor area, plus the parking requirements of Gas Stations.
5. Food or Grocery Stores	1 space for every 200 sq.ft. of floor area.
6. Gas Stations	2 spaces for each island of pumps, plus 2 spaces for each service stall, plus 1 space for each two employees.
7. Restaurants (dine in)	1 space for every 3 seats and 1 space for every 3 employees.
8. Restaurants (fast food or carry out)	1 space for every 50 sq.ft. of floor area.
9. Shopping Center (Comprised of more than one business use)	
a. Less than 15,000 sq.ft. of floor area	5 spaces per 1,000 sq.ft. of floor area.
b. Between 15,001 and 600,000 sq.ft. of floor area	4 spaces per 1,000 sq.ft. of floor area.
c. More than 600,000 sq.ft. of floor area	5 spaces per 1,000 sq.ft. of floor area
10. All uses not listed	1 space for every 200 sq.ft. of floor area.
<b>C. Service Uses</b>	
1. Barber and Beauty Shops	1 space for every 150 sq.ft. of floor area.
2. Bicycle, Camper, Motor Vehicle, and RV Sales and Service	1 space for every 200 sq.ft of floor area, plus 1 space for each additional 3,000 sq.ft. of gross land area.
3. Catering	1 space for every 250 sq.ft. of floor area.
4. Financial Institutions	1 space for every 200 sq.ft. of floor area.

Type of Use (Table 900.03E)	Number of Spaces Required
<b>C. Service Uses (cont)</b>	
5. Hotel/Motel	1 space for each guest room, plus 1 space for each employee.
6. Indoor Storage Facility	1 space for every 15 storage units.
7. Motor Vehicle Repair Facility	2 spaces for each service stall, plus 1 space for each two employees.
8. All uses not listed	1 space for every 250 sq.ft. of floor area.
<b>D. Office Uses</b>	
1. Business and Professional	5 spaces for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 300 sq.ft. of floor area.
2. Medical and Dental	4 spaces for each doctor on staff, plus 2 spaces for every employee.
<b>E. Health Medical and Care Facilities</b>	
1. Children's Day Care and Nursery School Facilities	1 space for every 10 clients based on the facilities maximum capacity.
2. Assisted Living Facilities, Convalescent Centers, Nursing Homes and Geriatric Centers	1 space for every 5 beds, plus 2 spaces for each 3 employees and 1 space for each doctor on staff.
3. Health Clinics	4 spaces for each doctor on staff, plus 2 spaces for every employee.
4. Hospitals and Sanitariums	1 space for every 2 beds, plus 2 spaces for each three employees.
5. Funeral Homes, Mortuaries	1 space per for every 100 sq.ft. of floor area of rooms used for services.
<b>F. Public, Education, and Utility Uses</b>	
1. Churches and Places of Worship	1 space for every 5 seats in main auditorium.
2. Colleges, Universities, Vocational Schools	1 space for every 5 students based on the maximum number of students the facility is designed to accommodate, plus 2 spaces for each 3 employees.
3. Elementary, Junior High School	2 spaces for each classroom.
4. High School	1 space for every 8 students.
5. Libraries, Art Galleries, Museums	1 space for every 800 sq.ft. of floor area.
6. All uses not listed	1 space for every 250 sq.ft. of floor area.
<b>G. Recreational and Social Facilities</b>	
1. Amusement Parks (Indoor and Outdoor)	3 spaces for every 1,000 sq.ft. of floor area, plus 3 spaces for every 1,000 sq.ft. of gross land area.
2. Archery Range	1 space for every 2,000 sq.ft. of gross land area.
3. Auditoriums, Gymnasiums, Convention Centers and other Places of Assembly	The number of required spaces shall equal 40% of the seating capacity of the facility.
4. Bowling Alleys	4 spaces per alley plus 1 additional space for each two (2) employees.
5. Dance Halls, Skating Rinks	10 spaces for every 1,000 sq.ft. of floor area.
6. Golf (miniature)	2 spaces per hole.

Type of Use (Table 900.03E)	Number of Spaces Required
<b>G. Recreational &amp; Social Facilities (cont)</b>	8 spaces per green.
7. Golf (nine holes or more)	
8. Handball, Racquet, Squash, and Tennis Courts and Clubs	4 spaces per court plus additional spaces required for affiliated uses (e.g. restaurant).
9. Parks and Playgrounds	Parks and playgrounds over one acre: one space for each picnic table or 12 spaces for each acre of formal park area, whichever is greater.
10. Swimming Pools	1 space for every 75 sq.ft. of water area plus 1 space for every 5,000 sq.ft. of gross land area.
11. Theaters	1 space for every 5 seats
12. All uses not listed	1 space for every 250 sq.ft. of floor area
<b>H. Uses in Combination</b>	100% of the individual use that requires the greatest number, plus 50% of the spaces required by the other uses.
<b>I. Industrial Uses</b>	2 spaces per five (5) employees. The total number being the total number of employees on any two consecutive shifts having the largest number of employees.

**Section 900.04 Paving Requirements**

Except for single-family and two-family residences, the required number of parking and loading spaces set forth in these sections, together with driveways, aisles and other circulation areas shall be improved with asphalt or concrete paving, except as specified in Section 900.05.

**Section 900.05 Optional Porous Material Surface Parking Areas**

In order to reduce storm water runoff from a site, an area of the parking surface equal to a maximum of 50 percent (50%) of the required parking spaces may be improved with porous materials in accordance with the requirements of Section 900.06.

**Section 900.06 Design Requirements for Porous Material Parking Surfaces**

- A. The materials used shall be capable of supporting the weight of the anticipated traffic and present no additional safety risks, as compared to those of a paved surface.
- B. The area designated for porous materials shall not be used for the required parking spaces of disabled drivers or bicyclists.
- C. The porous surface parking areas shall be clearly designated by appropriate signage and striping.

**Section 900.07 Drainage Requirements**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 900.08 Maintenance Requirements**

The owner of the property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

**Section 900.09 Lighting Requirements**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lighting used to illuminate a parking lot shall be in compliance with Section 800.10.

## **Section 1000.00 SIGNS**

### **Section 1000.01 Purpose**

The purpose of this Section is to provide for the regulation of type, location, illumination and size of signs in each district and to achieve, among others, the following objectives:

- A. To maintain the residential character of the residential district by permitting only nameplates and signs relating to development, rental or sale of properties in such districts.
- B. To establish reasonable control on the use of signs in the business and light industrial districts so as to promote a harmonious appearance and safe environment.
- C. To provide for the safety of pedestrians and the motoring public through elimination of any conflict between advertising and traffic control signs.

### **Section 1000.02 Limitation of These Regulations**

The provisions of this section shall not amend or in any way interfere with other codes, rules or regulations governing traffic signs within the Township. The display of official public notices, and the flag, emblems or insignia of an official government body shall not be governed by the provisions of these regulations.

### **Section 1000.03 Measurement Standards**

The sign height shall be measured from the average ground elevation between the sign supports or base of a freestanding sign to the highest point of the sign structure. The maximum square foot area of a sign shall include the entire surface visible from a public way from any one direction. Signs shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a wall sign shall be the smallest rectangle which encloses all of the material affixed to, or incorporated in, the building wall.

### **Section 1000.04 General Regulation of Signs**

All signs in all districts are subject to the following regulations:

- A. No sign shall be erected closer than one hundred (100) feet to any intersection centerline with the exception of those signs incidental to the legal process and necessary to the public welfare or those signs attached to a building or approved structure.
- B. All signs erected within two hundred (200) feet of any intersection centerline must be erected so as not to obstruct traffic sight lines at street intersections.

- C. No sign shall be located in a public right-of-way with the exception of those residential nameplates that are attached to a mailbox or its supporting structure.
- D. Signs visible from a street or highway shall not contain symbols or lights which may resemble highway traffic or directional signals.
- E. Signs which are illuminated, other than neon, shall use indirect lighting only. The source of light shall not be visible from the street and no flashing, revolving or intermittent illumination shall be employed.
- F. Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness as to cause reasonable objection from adjacent residential districts.
- G. All signs and sign structures shall be maintained in a safe condition so as not to pose a hazard to passing pedestrians or motorists.
- H. No advertising signs shall be erected or maintained on trees or utility poles or painted or drawn on rocks or other natural features in a public right-of-way.
- I. Portable signs, illuminated or non-illuminated, are not permitted in any district.

#### **Section 1000.05      Signs in Residential Districts**

Only the following types, sizes, and locations of signs shall be permitted in the residential districts:

- A. One nameplate, in addition to mailbox identification, indicating the occupant's name and house number, not exceeding five (5) square feet in area, may be located on any building or lot, but not less than five feet (5') from any side lot line and outside the street right-of-way line, except where the nameplate is part of the mailbox or its supporting structure.
- B. One (1) non-illuminated real estate sign advertising the sale, rental or lease of the premises on which the sign is displayed shall be permitted. For large lots one (1) non-illuminated real estate sign advertising the sale, rental or lease of the premises on which the sign is located shall be permitted for each one hundred seventy five (175) feet of road frontage. In both cases, the sign(s) shall not exceed eight (8) square feet in area nor be placed less than one hundred seventy five (175) feet apart, and shall be located outside the road right-of-way.
- C. Signs incidental to the legal process and necessary for the public welfare and safety.
- D. Property Use Control signs, visible from the road, not exceeding one (1) square foot in area, shall be permitted for each two hundred feet (200') of road frontage or fraction thereof, not to exceed a total of two (2) square feet. The signs shall be located outside the road right-of-way line. (Example: "No Trespassing", "No Hunting", etc.)
- E. Each real estate subdivision may have one (1) non-illuminated project sign, not exceeding thirty-two (32) square feet in area, provided such sign is located not less than one hundred

(100) feet from any occupied residence and not less than thirty (30) feet from the nearest road right-of-way line. Project signs may only be displayed during active selling of lots or while the subdivision is under construction. Permits for such signs shall be for a period not exceeding one (1) year, however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within thirty (30) days after the sale of the last parcel of land or the abandonment of the subdivision.

- F. One (1) ground sign with a surface area not exceeding sixteen (16) square feet and eight (feet) in height which identifies the use of the premises for each of the following types of conditionally permitted uses in the Residential Districts:
  - 1. Cemetery
  - 2. Church and other places of religious worship
  - 3. Private or governmentally owned and/or operated park, playground, golf course, and riding academy
  - 4. Institutions for medical care, hospitals, clinics, convalescent homes, philanthropic institutions, child care centers, educational institutions, funeral homes and mortuaries
  - 5. Governmentally owned and/or operated buildings or facilities
- G. No advertising sign, except in direct relation to the use of the premises, shall be permitted on the premises.
- H. One (1) non-illuminated advertising sign, no larger than two (2) square feet, is allowed for home-based businesses.

#### **Section 1000.06      Signs in Commercial Districts**

- A. Only the following use type signs are permitted:
  - 1. Business signs directing attention to the business establishments on the premises
  - 2. Professional nameplates and identification signs
  - 3. Real estate and project signs of a temporary nature
  - 4. No advertising sign, except in direct relation to the use of the premises, shall be permitted on the premises
- B. Only the following structural type signs are permitted:
  - 1. Wall or single faced sign: A business sign integral with the exterior face of an exterior wall of a building, or attached to the wall and parallel with the wall, and projecting not more than twelve (12) inches.
  - 2. Window sign: A sign painted, attached or affixed to the surface of windows or doors of a building.
  - 3. Ground signs: A free standing sign, permanently installed in the ground with a surface area not exceeding twenty (20) square feet and eight (8) feet in height, built low to the

ground so that no more than three (3) feet of open space exists between the bottom of the sign and the surrounding grade.

4. Multiple business grouping ground signs: For integrated groupings of businesses, a larger sign may be permitted. This sign shall not exceed eight (8) feet in height and thirty-two (32) square feet in area. The lettering of individual business names on the sign shall be no less than three (3) inches in height.
  5. Pole signs: The erection of pole signs is not permitted.
- C. Signs not attached to a wall or affixed to windows or doors of a building shall have the following limitations:
1. Such signs shall be outside the street right-of-way, at least fifty (50) feet back from any adjoining Residential District, and at least twenty (20) feet from either side lot line.
  2. No more than one (1) ground sign, not exceeding eight (8) feet in height, shall be permitted per lot or site regardless of the number of activities or businesses existing on that lot or site.
  3. No more than one (1) ground sign identifying a complex of two (2) or more businesses shall be permitted.
- D. Wall signs shall have the following limitations:
1. No wall sign shall cover more than 24" of vertical wall space. In width, no wall sign shall exceed 80% of the width of that portion of the building that is being identified, advertised or occupied. 20% of the building width is to remain open and unoccupied with at least 10% on either end. The sign shall be on the front of the building.
  2. Buildings facing more than one (1) right-of-way may have one (1) wall sign facing each right-of-way. Wall sign sizes shall be determined by Section 1000.06.D.1.
  3. Wall signs shall not extend above the roof peak.
- E. Temporary signs shall have the following limitations:
1. Temporary project signs shall not exceed thirty-two (32) square feet in area.
  2. The following supplemental regulations shall apply to the temporary project signs:
    - a. Only one (1) temporary project sign shall be permitted on the lot occupied by the building or use being promoted or if announcing a proposed building or a building under construction.
    - b. Such project sign shall be located not less than two hundred (200) feet from the nearest residential lot line and outside the street right-of-way line.
    - c. Permits for such signs shall be for a period not exceeding one (1) year. However, such permits may be renewed while construction is pursued diligently.

- d. Project signs shall be removed within fourteen (14) days of the commencement of the intended use.
3. Other temporary signs announcing sales, new products or special business events may be permitted in addition to the maximum gross area of a permanent business sign and may be inside windows and doors and on the exterior of the building, provided the total square footage of all temporary signs does not exceed twenty percent (20%) of the maximum area of permanent signs permitted for each business establishment.

### **Section 1000.07 Signs in Light Restricted Manufacturing or Industrial Districts**

A. Only the following use type signs are permitted:

1. Service, industrial, nameplates, and identification signs
2. Real estate and temporary project signs
3. No advertising signs, except in the direct relation to the use of the premises shall be permitted on the premises

B. Only the following structural type signs are permitted. (see Section 1000.06 (B.1-B.3) for definitions)

1. Wall or single face signs
2. Window signs
3. Ground signs, multiple grouping ground signs

C. Signs not attached to a wall or affixed to windows or doors of a building, shall have the following limitations:

1. Such signs shall be at least thirty-five (35) feet back from the street right-of-way.
2. Such signs shall be at least one hundred (100) feet from adjoining Residential Districts and at least twenty (20) feet from either side lot line.
3. No more than one (1) ground sign, not exceeding eight (8) feet in height and thirty-two (32) square feet in area, shall be permitted per lot or site regardless of the number of activities or businesses existing on that lot or site.
4. No more than one (1) ground sign identifying a complex of two (2) or more businesses shall be permitted.

D. Wall signs shall have the following limitations:

1. Wall signs shall be the smaller of seventy-five (75) square feet or 15% of the area of the surface of the building on which the sign is located.

2. Only one such wall sign per building is permitted, except that multiple tenant buildings may have one such sign per tenant. In this case, the total area of all such signs shall not exceed 1.5 times that allowed for a single tenant of the same building.
  3. Wall signs shall not extend above the roof peak.
  4. Buildings facing more than one (1) right-of-way may have one (1) wall sign facing each right-of-way. The wall sign size shall be determined by Section 1000.07.D.1.
- E. Temporary signs shall have the following limitations:
1. Temporary signs shall not exceed thirty- two (32) square feet in total area.
  2. The following supplemental regulations shall apply to temporary project signs:
    - a. Only one (1) temporary project sign shall be permitted on the lot which is occupied by the building or use being promoted or if announcing a proposed building or a buildings under construction.
    - b. Such project signs shall be located not less than two hundred (200) feet from the nearest Residential lot line and outside the street right-of-way line.
    - c. Permits for such signs shall be for a period of one (1) year. However, such permits may be renewed while construction is pursued diligently.
    - d. Project signs shall be removed within fourteen (14) days of the commencement of the intended use.

### **Section 1000.08      Signs Excluded from These Regulations**

The following signs are hereby designated as “exempt signs” and as such, are subject only to the regulations contained in this section.

- A. Political signs, provided that such signs shall not be placed on or over any public property or any public right-of-way and shall not constitute a safety hazard to pedestrian or vehicular traffic.
- B. Signs used for safety purposes relative to the repair and maintenance of streets, sidewalks or utilities in a public right-of-way.
- C. Signs, public notices and historical markers erected or required by governmental bodies or authorized for a public purpose by any law, statute or ordinance.
- D. Religious or other holiday lights and decorations containing no commercial message when displayed during the appropriate time of year.
- E. Governmental flags. Such flags shall not be flown from a pole that is more than forty (40) feet in height.

- F. Address numbers not to exceed two (2) square feet in area.
- G. Nameplates not to exceed two (2) square feet in area.
- H. Memorial signs, tablets, plaques, building markers or cornerstones not to exceed six (6) square feet in area and that are permanently affixed to the building or premises.
- I. Parking control signs and fire lane signs intended to prohibit or impose conditions upon parking pursuant to State Law not to exceed four (4) square feet.

### **Section 1000.09      Non-Conforming Signs**

A sign conforming to the regulations prevailing on the effective date of the Zoning Code, but which does not conform to the regulations of this or a subsequent amendment shall be construed as a legal non-conforming sign. Non-conforming signs may be maintained provided structural parts are repaired or restored to a safe condition, if required.

### **Section 1000.10      Permits**

- A. A permit shall be required, except for signs referenced in Section 1000.08, to erect or place a new sign or to relocate, alter or illuminate a previously non-illuminated sign according to the following schedule:
  - 1. Residential Districts (Section 1000.05): If the sign exceeds five (5) square feet in area.
  - 2. Commercial Districts (Section 1000.06): All outdoor signs require permits. A permit shall not be required for placing permanent or temporary signs on the surface of windows or glass in doors, however, such signs may be ordered to be removed if the maximum gross area permitted is exceeded.
- B. Each application shall be accompanied by drawings or sketches to scale showing:
  - 1. The design and layout proposed, including the dimensions, total area and character of the sign.
  - 2. The method of illumination, if any.
  - 3. The exact location of the sign in relation to the building and property.



## **Section 1100.00 DEFINITIONS**

### **Section 1100.00      General Interpretation**

For the purpose of this Resolution, certain words shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
2. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
3. The present tense includes future tense, the singular number includes the plural, and vice versa.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “plat” or “parcel.”
6. Any word or term not defined herein shall be given a meaning found in the latest publication of Webster’s Dictionary.
7. References to specific sections of the Ohio Revised Code or other statutory or regulatory edicts or proclamations shall be understood to extend to successor citations should the specific numbers involved be changed or altered through the amendment process.

### **Section 1100.01      Words, Terms or Phrases**

The following listed words, terms, or phrases are defined as follows.

*Note: When (RRNOSO) appears at the end of a term, it is particularly applicable in Rural Residential Neighborhood Open Space Overlay developments.*

**Abandonment:**

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or re-arranging a facility or during normal periods of vacation or seasonal closure.

**Abutting:**

Having property or district lines in common.

**Acre:**

Shall be considered to be forty three thousand five hundred sixty (43,560) square feet.

Access:

A pathway permitting ingress and egress.

Accessory Structure/Use:

A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent or purpose to the principal building or principal use served; d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and e) is located on the same lot as the principal building or use served.

Addition:

Any construction which increases the size of a building.

Adult Care Facility:

An Adult Care Facility provides accommodations and supervision to three to sixteen (3-16) unrelated adults, at least three of whom are provided personal care services. (See ORC 3722.01)

Adult Day Care:

(See Day Care, Adult)

Adult Entertainment:

Reference Ohio Revised Code: 503.51; 503.52; 503.53; 519.02; and 2907.40

Adult Family Home:

A residence or facility that provides accommodations and supervision to three to five (3-5) unrelated adults, at least 3 of whom require personal care services. (See ORC 3722.01)

Adult Group Home:

A residence or facility that provides accommodations to six to sixteen (6-16) unrelated adults and provides supervision and personal care services to at least three unrelated individuals. (See ORC 3722.01) (Also see Adult Care Facility, Adult Family Home)

Affordable Housing:

Housing that is affordable to low to moderate income households as defined by the U.S. Department of Housing and Urban Development (HUD).

Agricultural Tourism:

Agricultural tourism means the practice of visiting an agribusiness, horticultural or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, or a companion animal or livestock show for the purpose of recreation, education or active involvement in the operation other than as a contractor or employee of the operation.

1. Agriculturally related products: Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-base desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the

farm and agriculture and value-added agricultural products and on-site production.

2. Agriculturally related uses: Those activities that predominately use agricultural products, buildings, or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
3. Farm market, on-farm market, roadside stand: The sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
4. Non-agriculturally related products: Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries.
5. Non-agriculturally related uses: Activities that are part of an agricultural tourism operation's total offerings, but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc. and are subject to special permit.
6. Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready not all year round.
7. Seasonal sign: A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.
8. U-pick: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the tree or plant.
9. Value-added agricultural product: The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.
10. Winery: The retail and or manufacturing premises of a small winemaker or winemaker licensee as defined by the Ohio Board of Liquor Control.

Agriculture:

For the purposes of this Resolution, "Agriculture" shall include farming; ranching; aquaculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, horses and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; production of field crops, tobacco, fruits, vegetable, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agri-tourism or Ag-tourism:  
(See Agricultural Tourism)

Airport:

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Aisle:

A passageway between areas of seating or vehicle parking spaces.

Alley:

(See Street)

Alterations:

Any change, addition, modification in construction or occupancy of an existing structure.

Alteration, Structural:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.

Amendment:

A change in an adopted plan for site plans or to the Zoning Resolution.

Amusement Arcade:

A building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained.

Annexation:

The incorporation of land from an unincorporated area to a municipality.

Antenna:

Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to, directional antennae, such as panels, microwave dishes, and omni-directional antennae, such as whip antennas.

Apartment:

One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.

Apartment Building:

A building or structure arranged, intended and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Applicant:

Owner of record or his agent duly authorized in writing by the owner of record.

Appurtenance:

An addition or projection above or beyond the principal building, but upon the same foundation.

Aquifer:

A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area:

An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Assisted Living Facility:

A combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational and other facilities, and separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Association:

A legal entity operating under recorded land agreements or contracts through which each unit owner in a development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining open space and other common areas and providing services needed for the development. An association can take the form of a Homeowners' Association, Community Association, Condominium Association or other similar entity. (RRNOSO)

Attached:

Having a shared wall(s) and roof with another accessory or main building or structure.

Auditorium:

A room or space used, or intended to be used, at any time for assemblage.

Authority:

A qualified and legally approved official.

Auto Graveyard:

An area on which two or more vehicles are parked which are not in operating condition, are not properly housed in a building or do not bear a current valid license.

Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement Sales:  
(See Sales, Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement)

Automotive Repair:

The repair, rebuilding, reconditioning or servicing of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles. (See Garage, Service Stations)

Automotive Wrecking:

The dismantling or wrecking of used motor vehicles, manufactured homes, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar:

1. Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and from which minors are excluded by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25% of the gross receipts.
2. Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Base Flood:

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base Flood Elevation (BFE):

The water surface elevation of the base flood in relation to a specified datum, usually the national Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988.

Basement:

A story all or partly underground but having at least one half (1/2) of its height below the average level of the adjoining ground.

Bed and Breakfast Establishments:

A house, or portion thereof, where short term lodging rooms and breakfast are provided for payment. The operator of the inn lives on the premises.

Bedroom:

A room in a dwelling unit planned and intended for sleeping, usually separated from other rooms by a door.

Berm:

A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water.

Bituminous (Bitumen):

Impregnated with, infiltrated by, or containing Bitumen; such as asphalt, crude petroleum or tar.

**Blight:**

Unsanitary conditions including the accumulation of debris, litter, rubbish; fences and building conditions characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged and any other similar conditions of disrepair and deterioration.

**Boarding House, Lodge:**

A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for unrelated persons. These uses shall also be characterized by the joint use by the inhabitants of at least one of the following: kitchen area, dining room, restroom, bath area. (Also see Rooming House)

**Buffer:**

An area of land located between land uses of different character that is intended to mitigate the negative impacts of the more intense use. (RRNOSO)

1. **Land Use:** Land area used to separate or visibly shield and/or screen one use from another. (RRNOSO)
2. **Riparian:** A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks, limit erosion, filter stormwater and provide habitat. (RRNOSO)
3. **Wetland:** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands. (RRNOSO)

**Building:**

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**Building Envelope**

The area of a lot that encompasses all of the development. In a conservation development it is the area within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the Township Zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street. (RRNOSO)

**Building Height:**

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

**Building Setback Line:**

A line parallel with and measured from the front lot line defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Resolution.

**Building, Principal:**

A building which is the main or principal use on the lot.

Business:

1. Convenience: Commercial establishments which cater to and can be located in close proximity to, or within residential districts, without creating undue vehicular congestion, excessive noise or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry outs, dry-cleaning and laundry pickup facilities and grocery stores if less than ten thousand (10,000) square feet in floor area. Uses in this classification tend to serve day to day needs in the neighborhood.
2. Farm-Related: (See Farm-Related Business)
3. General: Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores and discount stores.
4. Office Type: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.
5. Services: Any profit making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes and business.
6. Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale for use in the fabrication of a product or for use by a business service.

Camp/Campground:

A tract of land, including its area of land and/or water, which is intended for recreation and vacation purposes, on which are located temporary or permanent buildings, recreational vehicles, trailers, tents, cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal lodging.

Car Wash:

An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

Carry Out Restaurant:

(See Restaurant, Fast Food)

Cemetery:

Land used, or intended to be used, for the burial of the human or animal dead and dedicated for

cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Central Sewer System:

A public utility sewage disposal system to which individual units are connected.

Central Water System:

A public utility water distribution system to which individual units are connected.

Channel:

A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day Care Center:

Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this Zoning Resolution, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Day care centers located in dwelling units shall not be permitted pursuant to this Zoning Resolution.

Child Day Care:

(See Day Care, Child)

Church:

An institution that people regularly attend in order to conduct religious services, meetings and other activities. The term “church” shall not carry a secular connotation and shall include any building in which the religious services of any denomination are held.

Clinic:

A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, usually on an outpatient basis.

Club:

An organization of persons for special purposes for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, and excluding churches, synagogues or other places of worship.

Cluster Development:

(See Conservation Development)

Commercial Entertainment Facilities:

Any profit-making activity which is generally related to the entertainment field, such as movie theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

Commercial Vehicles:

Any vehicle used or designated to be used for business or commercial purpose that includes but is not limited to a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck semi-tractor or semi-trailer.

Common Drive:

(See Driveway, Common)

Common Land, Common Area:

A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development. (RRNOSO)

Community Center:

A place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Composting:

The controlled biological decomposition of organic solid wastes under predominately anaerobic conditions. The end product is used for fertilizing and conditioning soil.

Comprehensive Plan:

(See Plan, Comprehensive)

Conditional Use:

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

Condominium:

A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the project and it is submitted to the provisions of Ohio Revised Code Chapter 5311.

Congregate Care or Living Facility:

Any residential facility in which the operator provides personal services, except skilled nursing services, for seventeen (17) or more persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.

Conservation Development:

A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources. (RRNOSO)

Contiguous:

Adjacent to and touching at or along some point or boundary.

Corner lot:

(See Lot types)

Cul-de-sac:

(See Street)

Cultural Resources:

Sites, structures and artifacts which are associated with our heritage. Their significance is archaeological, historical, aesthetic, or architectural, or they may have local cultural significance.

Day Care, Adult:

A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Day Care, Child:

1. Type A day care home: A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age. In counting children, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. Type A day-care homes do not include child day camps. (ORC Section 5104.01)
2. Type B day care home: A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time. In counting children, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Type B day-care homes do not include child day camps. (ORC Section 5104.01)

Dead-end Street:

(See Street)

Dedication:

The transfer of property from private to public ownership.

Density:

A unit of measurement: The number of dwelling units per acre of land.

1. Density, Gross: The total number of dwelling units divided by the total project tract/lot area, expressed as gross dwelling units per acre.
2. Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract of land upon which the dwelling units are proposed to

be located and including all land areas associated with the dwelling units such as common open space, parking areas and associated recreational facilities within the area. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets, non-residential structures, land uses and accessory facilities and areas not related to the residential development.

Density Bonus:

An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower income housing, as provided for in the Zoning Resolution.

Depth, Lot:

(See Lot, Depth)

Detached:

Any accessory or principal building that does not share a common wall and roof with any other accessory or principal building.

Dewatering:

The withdrawal of ground water from an aquifer or saturated zone.

District:

An area within the Township with identified geographic boundaries on the Official Zoning Districts Map within which certain zoning or development regulations of this Resolution apply.

Drainage Systems:

Drainage systems are natural or man-made systems that drain/remove excess water from an area.

1. Surface: Naturally situated topographic and surface features such as swales, gullies, creeks, streams, rivers, and certain wetlands, or man-made features such as ditches, channels, catch basins, and/or retention, sediment, and/or detention ponds, designed or situated to allow water to drain from any area into another area.
2. Subsurface: Subsurface drainage systems are usually man-made and installed for the primary purpose of removing excess water from an area. These systems include “field tile” made from any material, French drains of stone, gravel, or sand, driveway culverts, culverts under public roadways and thoroughfares installed or constructed to carry and/or to control runoff water.

Drive-in Facility:

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premise, received and taken from the premise in a motor vehicle, or to be entertained while remaining in an automobile.

Drive-in Restaurant:

(See Restaurant, Drive-in and Restaurant, Fast Food)

Driveway, Common:

In a conservation development, a private way which provides vehicular access to at least two (2) but not more than four (4) dwelling units. (RRNOSO)

Dwelling:

Any building or structure (except a manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, but does not include hotels, or motels.

(See Factory Built Housing)

1. Industrialized Unit: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit, but not a mobile home.
2. Multi-Family: A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, including apartments, group homes, row houses and condominiums.
3. Single-Family Attached: Dwelling units structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services and attached garages.  
(RRNOSO)
4. Single-Family Cluster: A building designed and used exclusively by one (1) family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.  
(RRNOSO)
5. Single-Family Detached: A building designed or used exclusively for residential purposes by one (1) family, situated on a parcel having a front, side and rear yard.
6. Town House: Three (3) or more one (1) family dwelling units, each having access on the first floor to the ground with common walls separating the dwelling units.
7. Two Family: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling Unit:

Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by one family.

Earth Products:

Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including but not limited to clay, silt, peat, diatomaceous earth, sand, gravel, stone, metallic ores, shale, and soil.

Easement:

Authorization by a property owner for the use by another and for a specified purpose of any designated part of the owner's property.

Easement, Conservation:

A legal interest in land which restricts development and other uses of the property for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by ORCS 5301.67 through 5301.70. (RRNOSO)

Emergency Shelter/Mission:

A facility providing temporary housing and/or ancillary services for one or more individuals who are otherwise homeless and/or indigent or needy.

Essential Services:

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage and communication systems and accessories thereto, such as poles towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation. (Also see Public Service Facility)

Facade:

The exterior wall of a building exposed to public view or that wall viewed by persons outside the building.

Factory Built Housing:

Factory built housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory built housing" shall include the following:

1. Manufactured Home: Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. Modular Home: Factory built housing certified as meeting the Local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
3. Mobile Home: From Section 4501.01 of the Ohio Revised Code, a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on

a permanent chassis, is transportable in one or more sections, but does not qualify as a certified Manufactured Home (ORC Sec. 3781.06.C4)

Family:

One (1) person; a group of persons related by blood, marriage, or legal adoption; or a group of unrelated individuals living together as a single housekeeping unit in a dwelling unit, living in a domestic relationship based upon a domestic bond; as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, sorority, hotel, motel or dormitory.

Farm:

A parcel of land used for agricultural purposes, including related structures thereon.

Farm-Related Business:

A business operated on a farm parcel related to or supportive of agricultural activities, such as farm implement repair, family crafts, sale of farm supplies. Farming shall remain the primary use.

Fast Food Restaurant:

(See Restaurant, Fast Food and Restaurant, Drive-in)

Federal Emergency Management Agency (FEMA):

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fence:

A barrier constructed to enclose an area for protective and/or screening purposes.

Flea Market:

A building, buildings or open area in which stalls or sales areas are rented or otherwise provided and set aside, which are intended for use by various individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade, not to include private garage sales.

Flood or Flooding:

A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, and/or unusual and rapid accumulation or run-off of surface waters from any source.

Flood Hazard Area, Special:

Also known as "Areas of Special Flood Hazard," it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99 on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited

to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Flood Insurance Rate Map (FIRM):

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing & Urban Development has delineated the areas of special flood hazard.

Flood Plain:

(See Flood Hazard Area, Special)

Floodway:

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis.

Floor Area:

(Also see Floor Area reference in “Off-Street Parking and Loading,” Section 900.02)

1. Living: The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use as habitable space. Porches, terraces, garages or other spaces not in compliance with building code specifications for habitable space are also excluded as living floor area.
2. Non-Residential Building: (used in calculation of parking requirements)  
The sum of the floor area of the specified use excluding stairs, washroom, elevator shafts, maintenance shafts and room, storage spaces, display windows, measured from the interior faces of exterior walls.

Food Processing:

The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.

Footcandle:

The luminance on a surface of one square foot in area on which there is uniformly distributed a light flux of one lumen.

Garage, Private:

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Public:

A principle or accessory building other than a private garage used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station:

Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, where in addition, the following services may be

rendered and sales made wholly within the building:

1. Sales and service of spark plugs, batteries, and distributor parts
2. Tire servicing and repair, but not recapping or re-grooving
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like
4. Radiator cleaning and flushing
5. Radiator repair
6. Greasing and lubrication
7. Providing and repairing fuel pumps and lines
8. Minor servicing, and repair of carburetors
9. Adjusting and repairing brakes
10. Minor motor adjustment not involving removal of the head or crankcase
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations
12. Provisions of road maps and other informational material to customers
13. Provision of restroom facilities
14. Warranty maintenance and safety inspections

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding and storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

Gas:

All natural gas and all other fluid hydrocarbons not defined as oil, including condensate.

Glare:

A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

Grade:

1. Finished: The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
2. Natural: The elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

Hazardous Substances:

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club:

Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons and weight control establishments.

Home-Based Business and/or Occupation:

An accessory use of residential property which is an activity, profession, occupation, service, craft or revenue enhancing hobby clearly incidental and subordinate to the use of the premises as a dwelling and such accessory use does not change the residential character of the buildings, site or neighborhood.

Home Office:

An accessory use in which work for compensation is undertaken, including but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes or e-mail; preparing or maintaining business records, word and data processing; and telephone, mail order and off premise sales.

Homeowners Association:

A private, nonprofit corporation or association of homeowners for the purpose of owning, operating and maintaining various common properties. (Also see Association)

Hospital:

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel, Motel, Apartment Hotel:

A building in which lodging or boarding are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house or dormitory.

Household Pet:

Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and rodents.

Impervious Surface:

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Impound Lot:

Short term storage (not to exceed sixty (60) days) of motor vehicles as described in ORC 4501.01(B).

Improvement, Public:

Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established. (RRNOSO)

In situ:

At the permitted site.

Industrial Park:

A planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Industry:

1. Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials; a use engaged in the storage of or manufacturing with flammable or explosive materials; storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
2. Light: A use engaged in the manufacture of goods from predominantly previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Institution, Educational, Religious, or Charitable:

Buildings and/or land designed to aid individuals in educational, religious, charitable or other such pursuits.

Institution, Human Care:

A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

Junk:

Waste, discarded or salvaged materials, such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels and other similar type materials.

Junk Shop, Junk Buildings, Junk Yards:

Any area of at least seventy five (75) square feet of land, buildings, or structures, whether for private or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags,

rubber cordage, barrels, etc. are sold, stored or processed; any land used for storing or keeping of two (2) or more junk motor vehicles in the open on any premises for more than seventy-two (72) hours.

Junk Vehicles:

Any motor vehicle that meets the following criteria:

1) Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; 2) is inoperable; or, 3) is unlicensed.

Kennel:

Any lot or premises on which two (2) or more dogs are bred for sale or for hunting or are boarded.

Land Trust:

A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or easements under ORCS 5301.68.

Landfill:

Environmentally acceptable disposal of waste on the ground. Sanitary landfills are where non-hazardous waste is spread in layers, compacted, and covered with earth at the end of each working day. Secure landfills (also called sanitary landfills) are those where hazardous waste is disposed of by burial, in holes or trenches in ground lined with impervious plastic sheeting to prevent leakage or leaching of dangerous substances into soil and water supply.

Landscaping:

The aesthetic improvement of property through the installation of plant materials, berming, walls, fences and other decorative features.

Lattice antenna:

Any self-supporting structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

Laundry, Self Service:

A business that provides home type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Loading Space, Off-Street:

Space logically and conveniently located for bulk pickups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

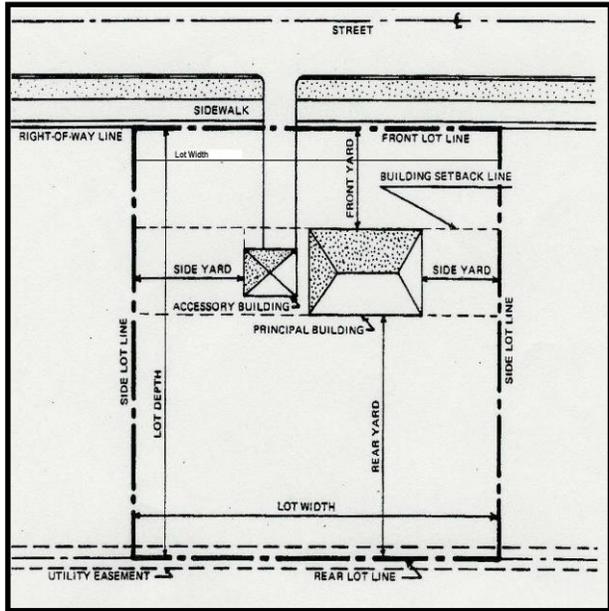
Location Map:

(See Vicinity Map)

Lot:

A lot is a parcel of land sufficient in size to meet minimum zoning and subdivision requirements for use, coverage and area, and to provide yards and other open spaces as are herein required and having its principal frontage on a public street or private street built to Portage County Subdivision Regulation standards. In a conservation development, the lot may or may not have frontage on a dedicated street.

1. Area: (See Minimum Area)
2. Coverage: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, driveways, roads, sidewalks and any area of concrete or similar impervious material. The percent of lot coverage is usually expressed as a ratio of impervious surface to the total lot size.
3. Depth: The mean horizontal distance between the right-of-way line and the rear lot line.
4. Frontage: The horizontal distance measured between the side lot lines at the street right-of-way corresponding to the curve of the right-of-way.
5. Minimum Area (size): The area of a lot which is computed using the legal description.
6. Width: The horizontal distance between the side lot lines measured along a line parallel to the road right-of-way at the building setback line.

Lot Line(s):

The lines defining the boundaries of a lot.

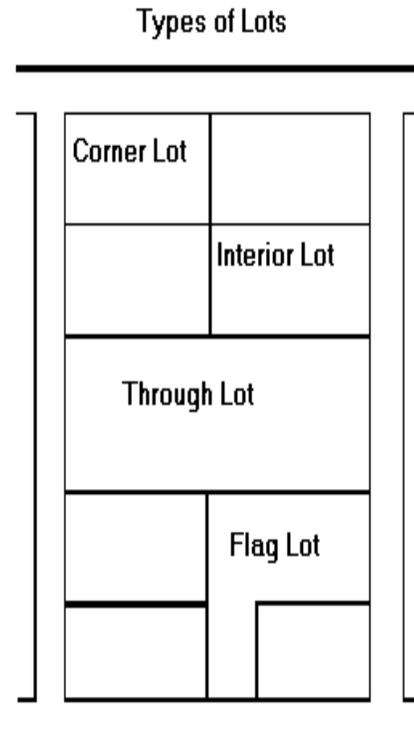
1. Front: The line separating the front of the lot from the street it faces
2. Rear: The rear property line of a lot is the lot line that is opposite of the front property line.
3. Side: Any lot line that is not a front or rear lot line. On a corner lot, a side lot line may be adjacent to a street.

Lot of Record:

A lot which is recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date of this Zoning Resolution.

Lots, Types of:

1. Corner Lot: A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.
2. Interior Lot: A lot with frontage on only one (1) street.
3. Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Maintenance Guarantee:

A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Resolution or to maintain such improvements over a specified, agreed upon period of time.

Maintenance and Storage Facilities:

Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan:

(See Plan, Major Thoroughfare).

Manufactured Home:

(See Factory Built Housing)

Manufactured Home Park:

Any site or tract of land under single ownership upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Extractive:

Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resources or earth products.

Manufacturing:

1. Heavy: Manufacturing uses which are generally major operations and extensive in character. They require large sites, their own storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as noise, vibration, dust, and glare, but not beyond the district boundary.
2. Light: Manufacturing uses that are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust. They operate and store materials within enclosed structures and generate little industrial traffic and no nuisances.

Marquee:

Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

Massage Parlor:

An establishment where massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Mini-Storage Facility:

A building or group of buildings containing varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

Mobile Home:

(See Factory Built Housing)

Mobile Home Park:

(See Manufactured Home Park)

Modular Home:

(See Factory Built Housing)

Monopole:

Any support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Motel:

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel. (Also see Hotel)

Motor Vehicle:

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.

1. Commercial: Any motor vehicle designed to be used for business or commercial purposes and includes, but is not limited to: a bus, cement truck, commercial tree trimming equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck or other commercial type vehicle licensed by the State of Ohio as a commercial vehicle or truck.
2. Inoperable: 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.
3. Junk: (See Junk Vehicle)

Mulching Facility:

A mulching facility is a compost processing center for grinding natural wood and other organic materials and operates for the controlled biological decomposition of such organic materials; the facility mechanically reduces the size and makeup of such organic materials for resale as mulch and related products. A facility engaged solely in the storage and sale of mulch and compost without on-site processing is not a mulching facility under this definition.

Natural Feature:

An existing component of the landscape maintained as a part of the natural environment that contributes beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, and the reduction of climatic stress and energy costs. (RRNOSO)

Nightclub:

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term “cabaret”. (Also see Bar)

Nonconforming:

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated and are therefore incompatible.

Nudity or State of Nudity:

The appearance of a bare human body.

Nuisance:

Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

Nursery:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

Nursing Home:

1. Institutional: A state licensed home or facility for the care and treatment of people on a long term basis.

2. Non-institutional: A facility licensed or certified to provide domiciliary care for nine (9) to sixteen (16) individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Office:

A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Office Park:

A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics and compatibility.

Open Space:

An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools and tennis courts, and any other recreational facilities. Streets, parking areas, structures for habitation and required side, front and rear yards shall not be included.

1. Common: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.
2. Restricted: Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and is restricted from further development according to the provisions of Section 401. (RRNOSO)

Ohio Revised Code (ORC):

The Ohio Revised Code contains all acts passed by the Ohio General Assembly and signed by the governor.

Outdoor Storage:

The keeping of any goods, junk, material, merchandise or vehicles in an out-of-doors place for more than twenty four (24) hours.

Overburden:

All of the earth and other materials that cover a natural deposit of minerals or such earth and other materials after removal from their natural state in the process of surface mining.

Overlay District:

A district established by the Zoning Resolution where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

Park:

A public or private area of land, with or without buildings, developed either for passive or active recreational uses. The development may include but shall not be limited to walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, etc. The term “park” shall not include zoos, travel trailer parks, amusements parks, or vehicle, equestrian or dog racing facilities.

Parking Lot:

An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking, Shared:

The development and use of parking areas on two (2) or more separate properties for joint use by the businesses on those properties.

Parking Space (off-street):

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle with room for opening doors on both sides.

Parties in Interest:

Includes the applicant and the property owners contiguous to the property lines of the subject property as they appear on the current county tax map.

Personal Services:

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

Plan:

1. Comprehensive: A plan, or any portion thereof, adopted by the appropriate authorities, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.
2. Development: A proposal including drawing(s) and map(s) for a development, prepared in accordance with these regulations, illustrating the proposed design, layout, and other features pertinent to improvement of the site.
3. Major Thoroughfare: A Plan adopted by the Planning Commission or other authority indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.
4. Site: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Depending on requirements, it may include property boundaries, proposed streets, building sites, open space, buildings, major landscape features (natural and man-made) and locations of proposed utilities.

Planned Unit Development:

A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDs are developed according to detailed site plans and may incorporate a mix of land uses as allowed by this resolution. PUDs are utilized to provide flexibility in the design of development and as a means to preserve more open space and other amenities in a community.

Planning Commission, Regional Planning Commission:

The public body empowered by statute to prepare plans; in Portage County it is the Portage County Regional Planning Commission.

Plat:

A map of a subdivision.

Pollution:

The contamination or other alteration of the physical, chemical or biological properties of any land, air or water or the discharge of any liquid, gaseous or solid substance into/on the land, air or water that will or is likely to create a nuisance or render such land, air or water harmful, detrimental or injurious to public health, safety or welfare, unsuitable for domestic, commercial, agricultural, recreational or other beneficial uses, or harmful to livestock, animals or aquatic life.

Primary Use:

First in order of uses of a lot or structure. (Also see Principal Use)

Principal Building:

A building in which is conducted the primary use of the lot on which it is located.

Principal Use:

The primary use and chief purpose of a lot or structure. (Also see Primary Use)

Print Shop:

A retail establishment that provides duplicating services using photocopy, scanning, blueprint, offset printing or other reproduction equipment, including collating of booklets and reports.

Professional Activities:

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

Professionally Drawn:

Plans that are prepared by a professional engineer, architect, or surveyor, as applicable and which shall have their respective seals on the plans.

Public Service Facility:

The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures 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. (Also see Essential Services)

Public Uses:

Public parks, schools, administrative and cultural buildings and structures, not including public lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Utilities Commission of Ohio (P.U.C.O.):

The Public Utilities Commission of Ohio sets rates and revenues for various public utilities in the State of Ohio.

Public Way:

Any sidewalk, street, alley, highway or other public thoroughfare or other portions of the land which the general public or a public entity has a right to enter and use for travel, or which are dedicated, whether improved or not.

Quasi-Public Use:

Churches, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

Recreation:

1. Active: Recreational activities that require physical alteration to the area where they are performed. This type of recreation may involve high vehicle trip generation and has the potential for greater nuisance to adjacent properties due to noise, light, odor or glare. Such areas are intensively used and include but are not limited to playgrounds, tennis and other court games, baseball and other field sports, golf courses, swimming pools and may include lighted facilities. (RRNOSO)
2. Passive: Non-intensive, non-motorized recreation requiring minimal alteration of existing topography and vegetation. Such passive recreation may include but is not limited to hiking, bicycling, picnicking, bird watching, horseback riding and other similar activities that have minimal impact on natural resources.

Recreational Facilities:

Public or private facilities that may be classified as either “passive” or “active” depending on the scope of services offered and the extent of use. Passive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Active facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums, bowling alleys, and tennis courts.

Recreational Vehicle:

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and is classified as follows:

1. Fifth Wheel Trailer: A vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan and that is designed to be towed by a vehicle equipped with a fifth wheel hitch ordinarily installed in the bed of a truck.
2. Motor Home: A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consumption of food, and for sleeping.
3. Travel Trailer: A non-self propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet or as otherwise defined by the Ohio Revised Code, exclusive of bumper and tongue or coupling. Tent-type fold-out camping trailer is also included.
4. Truck Camper: A non-self propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. A truck camper does not include truck covers that consist of walls and a roof that do not have floors and facilities enabling them to be used as a temporary dwelling.

Recreational Vehicle Park:

Any lot or land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Collection Point:

An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public area such as in churches and schools.

Recycling Facility:

A building in which recyclable materials are processed for sale; materials are collected in enclosed containers.

Research Activities:

Research, development and testing related to chemical, pharmaceutical, medical, electrical, transportation, and engineering processes or methods. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration, radiation or odor shall be detected outside of said building.

Residential Care Facility:

(See Congregate Care or Living Facility)

Residential Structure:

(See Dwelling)

Rest Home:

(See Nursing Home)

Restaurant:

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

1. Drive-in:

An establishment that delivers prepared food and/or beverages to the customers' motor vehicles regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles for consumption either on or off the premises.

2. Fast Food:

An establishment that offers quick food service which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Retirement Facility:

A facility providing living quarters, either owned or rented to persons age fifty-five (55) years of age or older. Such facility may be a single structure or a group of structures and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests.

Right-of-way:

A strip of land occupied or intended to be occupied by a street, sidewalk, highway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Ringlemann Chart:

A chart, published by the U.S. Bureau of Mines, used in making subjective estimates of the amount of solid matter emitted by smoke stacks; the observer compares the grayness of the smoke with a series of shade diagrams formed by horizontal and vertical black lines on a white background. (U.S. Bureau of Mines Information Circular #8333)

Riparian:

Of or relating to or located on the banks of a natural watercourse, such as a river or stream, or sometimes of a lake.

River Bank

(See Stream, Bank)

Road:

(See Street)

Roadside Stand:

A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are primarily produced on the premises.

Rooming House:

A residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests. (Also see Boarding House, Lodge)

Rural Character:

An atmosphere of a community that is characterized by:<sup>1</sup>

1. *Rural Views*: Long, wide open views, created by unobstructed fields backed by woodlands. Fences and hedgerows typically define field edges. Buildings are clustered in the midst of a field or near the backdrop of woodlands. Fields and woodlands are separated from the road by ditches and fences. There is a roughness against the edge of the road in the form of wild grasses and flowers and older trees. The view down the road may be enclosed with overarching trees, or winding as it follows natural contours. It is often open and undulating, revealing property lines of original farmsteads. Clustered towns or villages may be viewed in the distance, providing a sense of orientation to the viewer.
 
2. *Traditional Settlement Patterns*: Buildings are grouped in the midst of wide open spaces. “At any scale, a person has a sense of moving through large areas of open space and then coming to a settlement pattern. This pattern is repeated over and over again. At the scale of the farmstead, a house, barn and several outbuildings are grouped together in the midst of wide-open spaces—fields, orchards, or wooded areas. At a larger scale, a crossroads settlement may consist of a few compactly sited homes and local stores. A town or village center is at the heart of a rural community. A core commercial and business district is surrounded by a few blocks of small in-town residential lots. The edge of town is clearly defined by a return to large areas of open space.... A strong separation of uses common to suburban areas is not practical for rural lifestyles.”<sup>2</sup>


Drawing by Center for Rural Massachusetts
3. *Large Areas of Undeveloped Land*: Rural areas also have “large areas of undeveloped land that have several characteristics in common: in order to continue in their existing function they must be of a certain size and configuration; and they require a buffer of distance or vegetation to separate them from development.”<sup>3</sup>

<sup>1</sup> Country Side Program, Conservation Resource Development Manual, (Western Reserve Resource Conservation and Development Council, 1998) p.p. 1A-1, 1A-2.

<sup>2</sup> Ibid. p. 1A-2.

<sup>3</sup> Ibid.

4. *Historic Structures and Landscapes*: Rural character includes the man made structures and plantings that have in the past and continue to contribute to a community's heritage. These features include farmsteads, town halls, older homes, stone walls, hedgerows, mature stands of trees, and commercial storefronts.

Sales, Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement:

The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work, except incidental warranty repair of same, to be displayed and sold on the premises.

Screening:

A method of visually shielding or concealing an abutting or nearby use from an adjacent site. Screening techniques include fences, walls, hedges, berms or other features. (See also Buffer)

Seat:

For purposes of determining the number of off-street parking spaces for certain uses; the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews or space for loose chairs.

Secondary Use:

Next in importance to primary or principal use.

Self-Service Station:

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self-Service Storage Facility:

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

Setback:

The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.

Sewers, On-site or Home Sewage Disposal Systems:

A septic tank or similar installation on an individual lot which utilizes bacteriological processes or other approved processes for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health department or other officials having jurisdiction.

Sexually Oriented Businesses:

(See Adult Entertainment)

Shopping Center:

A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk:

That portion of the road right-of-way, outside the paved surface of the road, which is improved for the use of pedestrian traffic.

Sign:

Any display, figure, painting, drawing, placard, poster, or other device visible from a public way which is designated, intended, or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object, or product. It may be a structure or any part thereof, or may be attached to, painted on, or in any other manner represented on a building or other structure.

1. Animated or Moving: A sign that uses movement, lighting or special materials to depict action or create a special effect to imitate movement.
2. Area: That area within a rectangular form or within a combination of geometric forms comprising the sum of all of the display area of the sign except frames and structural members not being used for advertising.
3. Awning, Canopy, or Marquee: A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning or marquee.
4. Billboard: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premise on which the sign is located. (Also see Sign, Off Premise)
5. Directional: Signs that are designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas.
6. Directory: A sign or group of signs either attached to the building or freestanding that lists the names, uses or locations of various businesses or activities conducted within a building or group of buildings and intended to provide on-site directions.
7. Electronic Message Board: Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.
8. Face: The area or display surface used for the message.
9. Free Standing, Ground and Pole: A sign supported by uprights or braces, placed on or in the ground.
10. Height: The vertical distance from the average ground elevation between the sign supports or base of a freestanding sign to the highest point of the sign structure.
11. Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

12. Informational: Signs that are used to direct traffic flow, to indicate parking areas, or to provide other essential information to guide vehicular or pedestrian traffic flow. (Also see Signs, Directional)
13. Lighting Device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
14. Off Premise: Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
15. On Premise: Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
16. Planter or Monument: A free standing sign that utilizes plants, (the majority of which are evergreen) and stone, wood or other building materials to screen the supporting structure of the sign that is designed to enhance the appearance of the building and premises and the community in general as well as to identify and advertise.
17. Pole: A free standing sign that is designed to be mounted on a pole or other similar structure that is itself not an integral part of or attached to a building or other structure.
18. Portable: A sign that is not permanently affixed to a building, other unmovable structure or the ground.
19. Projecting: Any sign which projects from the exterior of a building.
20. Roof: Any sign erected upon, against or directly above a roof or roof eaves or on top or above the parapet.
21. Temporary: A sign intended for use for a limited period of time.
22. Wall: A sign painted on or attached to the wall of a building with the exposed face of the sign in a plane parallel to the plane of the wall.
23. Window: A sign painted, stenciled or affixed on a window.

#### Small Energy System

A small energy system is a renewable energy system designed to serve the energy needs of a single subject property. A small energy system is to be an accessory use of the property. A small energy system should not have the ability to generate more than 100kW per day.

1. Solar Energy System: A small solar energy system is any solar collector or other solar device, or any structural design feature, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity. The small solar energy system may be mounted on a building or on the ground, and is not the primary use of the property.
2. Wind Energy System: A small wind energy system consists of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power. The purpose of a small wind energy system is to be an accessory use of the property.

Solar Energy

Solar energy means radiant energy (direct, diffuse, and/or reflective) received from the sun.

Solar Energy, Dual Purpose

Dual purpose solar energy is solar energy collected to create energy from structures that are generally permitted. Examples are fences, walls or roofs. Included uses would be exterior lighting for patios or walkways. Dual purpose structures should look primarily like fences, walls, or roofs and should blend into the landscape. The appearance of the structure should be commonly recognizable with the production of electricity interwoven or embedded into the structure, not to dominate the appearance.

Standard Temperature and Pressure (STP):

A standard set of conditions for measurement. STP is set by industry standards authorities and allows uniform comparisons between sets of data.

Story:

That part of a building between the surface of a floor and the ceiling immediately above.

Story, Half:

Any top story whose floor area exclusive of storage space is 75% or less of the floor area immediately below.

Stream:

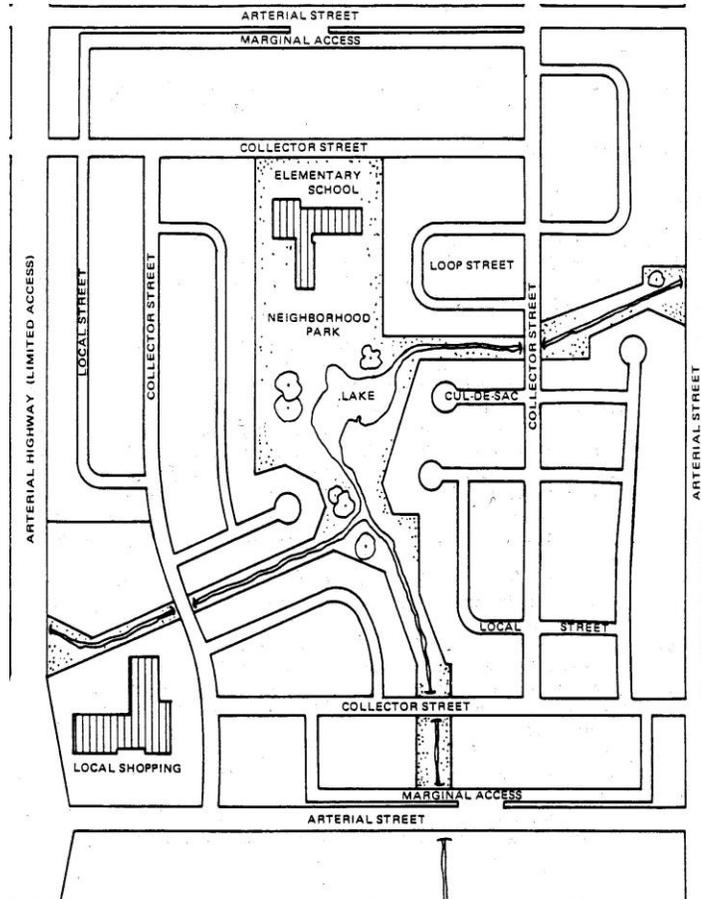
1. Bank: The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines. (RRNOSO)
2. Intermittent: Channels that naturally carry water part of the year and are dry the other part.
3. Perennial: A natural waterway that contains water throughout the year except in severe drought.

Street or Road:

A thoroughfare. A street or road shall comply with all applicable requirements of this Resolution and the Portage County Subdivision Regulations when applicable:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street:** A street having only one (1) outlet for vehicular traffic.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A street intended to serve as direct or indirect access to residential lots, which begins and terminates on the same street or highway, but not at the same location.
8. **Marginal Access Street:** A local or collector street parallel and adjacent to an arterial or collector street providing access to abutting properties and protection from arterial or collector streets traffic.
9. **Private Street:**  
A local private way which provides vehicular access to residential structures that is not and will not be dedicated to public use, but which is owned and maintained by an association.
10. **Public Street:** A thoroughfare dedicated and accepted by the County, Township or Village, which provides access to abutting property.



**Classification of the Thoroughfare System**

**Structure:**

Anything man-made or natural, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include roads, buildings, walls, fences, and signs.

Subdivision (ORC 711.001B):

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted, or:
2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except a private street serving industrial structures; or the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

Swimming Pool

An in-ground or above-ground structure, chamber or tank containing water for swimming, diving or wading.

1. Commercial/Private Club: A pool as defined above constructed by an association of property owners or by a private club or association for use and enjoyment by members and their families.
2. Family: A pool as defined above used exclusively by the residents and their nonpaying guests of the dwelling unit.

Temporary Building:

A building constructed or placed for a limited stipulated time.

Temporary, Seasonal Tent:

A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for temporary recreational use.

Temporary Shelter:

A building operated under the full time supervision of a nonprofit agency in which emergency lodging and meals are provided for a short period of time, generally not more than thirty (30) days.

Temporary Use:

A use established for a short period of time with the intent that such use will terminate automatically upon expiration of the fixed time period.

Through Lot:

(See Lot Types)

Tower:

A building or structure that is relatively high for its length and width, either standing alone or

forming a part of another building. The purpose of said tower is the reception and/or transmission of audio, video, cellular, and like signals, including power generation.

Towing Business:

A business engaged in the moving of disabled or wrecked vehicles, enforcement towing and providing emergency road service.

Tract:

A single, individually taxed parcel of land appearing on the tax list.

Transient Vendor:

Any person who leases titled motor vehicles, titled water craft or titled outboard motors or in the usual course of business transports inventory, stocks of goods or similar tangible personal property to a temporary place of business in an area in which he has no fixed place of business, for the purpose of making retail sales of such property or goods.

Transitional Use:

A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Director:

The Director of the Ohio Department of Transportation.

Truck Terminal:

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use:

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Utility:

Any closely regulated agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar services. (For the purpose of the Resolution, wireless telecommunication services shall not be considered public utilities and are defined separately.)

Variance:

A variance is a modification of the strict terms of the relevant regulations where such modification 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 the regulations would result in practical difficulty or undue hardship.

Veterinary Animal Hospital or Clinic:

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirmed or injured animals, and those who are in need of medical or surgical attention; may include overnight accommodations on the premises for the treatment, observation and/or recuperation of treated animals. It may also include boarding that is incidental to the primary activity.

Vicinity Map:

A drawing located on a plat, plan or other document which sets forth by dimensions, labels, symbols and other graphic elements, the relationship of the proposed site, subdivision or development to other nearby developments, landmarks or community facilities and services in the general area in order to better locate and orient the area of interest.

Viewshed or View Shed:

A notable area that can be seen from the point at which one inspects. (RRNOSO)

View Shed, Scenic:

An area which has unique and pleasing views that are determined to be desirable to maintain in their present condition.

Walkway:

A public way four (4) or more feet in width for pedestrian use only which may or may not be located within the street right-of-way. (RRNOSO)

Warehouse:

A building used primarily for the storage of goods and materials.

Warehousing and Distribution:

A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waters of the Township:

All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the township or any portion thereof.

Wetlands:

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

Wind Energy Turbine

A wind energy turbine is mechanical equipment which is used to convert the kinetic energy of the wind through the rotation of the mechanical equipment to facilitate the generation of electricity.

Wireless Telecommunication:

1. Facility: A staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or groups of antennas, transmission cables and equipment enclosures, and may include an antenna support structure. The following non-exclusive list shall be considered a wireless telecommunications facility: new and existing antenna support structures, replacement antenna support structures, collocations on existing antenna support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities.
2. Services: Licensed wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.
3. Tower: Any structure including supporting lines, cables, wires, braces and masts intended primarily for the purpose of supporting one (1) or more antenna or similar apparatus.
  - a. Multi-user: A tower to which is attached the antennas of more than one (1) wireless telecommunication service provider or government entity.
  - b. Single user: A tower to which is attached only the antenna of a single user, although the tower may be designed to accommodate the antenna of multiple users as indicated in the Resolution.

Yard:

Any open space located on the same lot as a building that is unoccupied and unobstructed from the ground up except for accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

1. Front: A yard extending between side lot lines across the front of a lot and from the front lot line or road right-of-way to the front of the principal building.
2. Rear: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
3. Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate:

A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

Zoning Inspector:

The person designated by the Mantua Township Trustees to perform the task of zoning enforcement.

Zoning Map:

The official zoning district map which shows the boundaries of districts within Mantua Township.



## **APPENDICES**



## Appendix A

### PLANT GUIDE FOR LANDSCAPING AND SCREENING

#### A. Recommended Shade Trees suitable for Street Trees, Parking Lots, Buffers and Screens

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Acer rubrum	Red Maple	
Celtis occidentalis	Hackberry	
Cladastris lutea	Yellow Wood	
Corylus colurna	Turkish Filbert	
Ginkgo biloba	Ginkgo	(male only)
Gleditsia triacanthos, inermis & cvs	Thornless Honeylocust	
Koelreuteria paniculata	Golden Rain Tree	
Liquidamber styraciflua	Sweet Gum	
Platanus occidentalis	Sycamore	
Quercus bicolor	Swamp White Oak	
Quercus borealis	Scarlet Oak	
Quercus imbricaria	Shingle Oak	
Quercus phellos	Willow Oak	
Quercus prinus	Chestnut Oak	
Quercus rubra	Red Oak	
Robinia pseudoacacia	Black Locust	
Sopohora japonica	Japanese Pagodatree	
Tilia americana	American Linden	
Tilia cordata & cvs.	Little Leaf Linden	
Tilia tomentosa	Silver Linden	
Ulmus sp. & cvs.	Elm	(Species with high resistance to Dutch Elm Disease)
Zelkova serrata	Japanese Selkova	

**B. Recommended Shade or Canopy Trees suitable for Property Line Buffers and Non-vehicular Use Areas Only**

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Acer saccharinum	Silver Maple	(Large over-extending limbs open areas only)
Acer saccharum	Sugar Maple	
Betula lenta	Sweet Birch	
Betula nigra	River Birch	
Carya ovata	Shagbark Hickory	
Carya sp.	Hickory	
Fagus grandifolia	American Beech	
Fagus sylvatica	European Beech	
Fraxinus Americana	White Ash	
Juglans nigra	Black Walnut	
Liriodendron tulipifera	Tuliptree	
Meta sequoia glypostroboides	Dawn Redwood	
Ostrya virginiana	Hop Hornbeam	
Phellodendron amurense	Amur Cork Tree	
Plantanus acerifolia	London Plane	
Prunus virginiana	Chokecherry	
Quercus alba	White Oak	
Quercus coccinea	Scarlet Oak	
Quercus palustris	Pin Oak	
Quercus vellutina	Black Oak	
Sassafras albindum	Sassafras	

**C. Recommended Ornamentals suitable for Property Line Buffers or Site Element Screens (10-30 feet at maturity)**

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Amelanchier canadensis	Serviceberry	
Carpinus carolinia	Ironwood	
Cercis candensis	Red Bud	
Chioanthus virginicus	Fringetree	
Cornus florida	Flowering Dogwood	
Cornus kousa	Japanese Dogwood	
Cornus mas	Cornelian Cherry	
Crataegus sp. & cvs.	Hawthorns	
Eleagnus augustofolia	Russian Olive	
Halesia carolinia	Silverbells	
Hammamelis virginiana	Witch Hazel	
Koelreuteria paniculata	Golden Raintree	
Laburnum vossi	Goldenchain	
Magnolia soulangeana	Saucer Magnolia	
Magnolia virginiana	Sweetbay Magnolia	

Malus sp.	Crab Apple Species	(apple scab resistance variety only)
Oxydendrum arboreum	Sourwood	
Prunus sargentii	Sargent Cherry	
Prunus serrulata cv Kwanzan	Kwanzan Cherry	
Pyrus calleryana cv Bradford	Bradford Pear	
Pyrus calleryana cv Redspire	Redspire Pear	
Rhus glabra	Smooth Sumac	
Rhus typhina	Staghorn Sumac	
Sorbus aucuparia	European Mountain Ash	
Styrax japonica	Japanese Snowbell	
Syinga amurensis japonica	Japanese Tree Lilac	

**D. Large Deciduous Shrubs suitable for Property Line Buffers or Site Element Screens (not clipped hedges) – Mature height between 5 and 15 feet**

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Aronia arbutifolia	Black Chokeberry	
Calycanthus floridus	Sweet Shrub	
Cephalanthus occidentalis	Buttonbush	
Clethra acuminata	Summersweet	
Cornus serica	Red Osier Dogwood	
Enkianthus campanulatus	Redvien Enkianthus	
Euonymous alatus	Burning Bush	
Forsythia sp.	Forsythia	
Fothergilla major	Large Fothergilla	
Ilex verticilsata	Winterberry	
Lindera benzoin	Spicebush	
Lonicera spp. (shrubbery variety)	Honeysuckle Bush	
Myrica pennsylvania	Bayberry	
Philadelphus spp.	Mock Orange	
Pysocarpus opulifolius	Common Ninebark	
Sambucus canadensis	Elderberry	
Spirea nipponica	Snow Mound Spirea	
Vaccinium corymbosum	Blueberry	
Viburnum dentatum	Arrow Wood	
Viburnum lentago	Nannyberry	
Viburnum prunifolium	Black Haw	
Viburnum spp.	Other large Viburnums	
Viburnum trilobum	American Cranberry	

**E. Deciduous or Evergreen Shrubs suitable for Clipped Hedges in Property Line Buffers or Site Element Screens (6-20 feet at maturity)**

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Acanthopanax pentaphyllum	Five Leaf Aralia	
Aronia arbutifolia	Chokeberry	
Berberis sp.	Barberry Sp.	
Cornus mas	Cornelian Cherry	
Cotoneaster salicifolia	Willowleaf Cotoneaster	
Euonymous alatus	Winged Euonymous	
Euonymous fortuneii vegetus sarcoxie	Big Leaf Wintercreeper	
Ilex crenata compacta	Compact Japanese Holly	
Ilex glabra	Inkberry	
Ilex crenata hetzi	Hetz Holly	
Juniperus chinensis pfitzeriana compacta	Compact Pfitzer Juniper	
Ligustrum ibolium	Ibolium Privet	
Lonicera fragrantissima	Winter Honeysuckle	
Philadelphus lemionei	Mock Orange	
Ribes alpinum	Current	
Taxus baccata	English Yew	
Taxus brownii	Brown's Yew	
Taxus canadensis	Canada Yew	
Taxus densiformis	Dense Yew	
Taxus media Hatfieldi	Hatfield Yew	
Viburnum dentatum	Arrow Wood	
Viburnum lentago	Nannyberry	
Viburnum opulus	European Cranberry Bush	
Viburnum prunifolium	Black Haw	
Thuja sp.	Arborvitae	

**F. Evergreen Shrubs suitable for Site Element Screens**

<u>Botanic Name</u>	<u>Common Name</u>	<u>Comments</u>
Azalea-evergreen species	Azalea	must reach 3-foot height
Chamaecyparis obtusa	Chamaecyparis	
Chamaecyparis pisifera	Chamaecyparis	
Ilex crenata "hetzi"	Japanese Holly	
Ilex glabra	Inkberry	
Ilex mesevvea	Blue Holly Series	
Juniperus virginiana	Eastern Red Ceder	
Kalmia latifolia and cvs	Mountain Laurel	
Leucothoe fontanessiana	Leucothoe	
Pieris floribunda	Mountain Andromeda	

Peiris japonica	Japanese Andromeda
Rhododendron sp.	Various Large Rhododendrums
Taxus sp.	Yew
Thuja Sp.	Arbovitae
Viburnum rhyzidophillum	Leatherleaf Viburnum

### G. Evergreen Trees suitable for Property Line Buffers or Site Element Screens

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Abies concolor	White Fir	
Ilex opaca	American Holly	
Picea abies	Norway Spruce	
Picea omorika	Siberian Spruce	
Picea pungens	Colorado Spruce	
Pinus strobus	White Pine	
Pinus thunbergii	Japanese Black Pine	
Pseudotsuga menziesii	Douglas Fir	
Tsuga canadensis	Canadian Hemlock	
Tsuga caroliniana	Carolina Hemlock	

### H. Canopy Trees suitable for Storm Water Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding  
 + = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Acer rubrum	Red Maple	+
Acer saccharinum	Silver Maple	*
Betula nigra	River Birch	*
Fraxinus americana	White Ash	*
Ilex opaca	American Holly	*
Liquidamber styraciflua	Sweet Gum	+
Nyssa sylvatica	Black Gum	*
Quercus phellos	Willow Oak	*
Quercus bicolor	Swamp White Oak	+
Quercus pallustris	Pin Oak	*
Taxodium distichum	Bald Cypress	+

### I. Deciduous or Evergreen Ornamental Trees suitable for Stormwater Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding

+ = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Amelanchier canadensis</i>	Shadbush	*
<i>Carpinus carolinia</i>	Ironwood	*
<i>Chloanthus virginiana</i>	Fringetree	*
<i>Magnolia virginiana</i>	Sweetbay	*
<i>Salix caprea</i>	Willow	+
<i>Salix discolor</i>	Willow	+
<i>Thuja occidentalis</i> cv <i>nigra</i>	Arborvitae	*

### J. Deciduous or Evergreen Shrubs suitable for Stormwater Detention Basins

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Aronia arbutifolia</i>	Red Chokeberry	+
<i>Caly canthus florida</i>	Sweetshrub	*
<i>Cephalanthus occidentalis</i>	Button Bush	+
<i>Clethra alnifolia</i>	Summersweet	+
<i>Cornus amomum</i>	Silky Dogwood	+
<i>Cornus serica</i>	Red-Stem Dogwood	+
<i>Hammamelis virginiana</i>	Witch Hazel	*
<i>Ilex glabra</i>	Inkberry	+
<i>Ilex verticillata</i>	Winterberry	+
<i>Lindera benzoin</i>	Spice Bush	*
<i>Myrica cerifera</i>	Southern Bayberry	*
<i>Myrica pennsylvanica</i>	Northern Bayberry	+
<i>Rhododendron nudiflorum</i>	Pinxterbloom Azalea	+
<i>Rhododendron viscosim</i>	Swamp Azalea	+
<i>Sambucus canadensis</i>	Elderberry	*
<i>Viburnum cassanoides</i>	Witherod	*
<i>Viburnum dentatum</i>	Arrow Wood	*
<i>Viburnum lentago</i>	Nannyberry	*
<i>Viburnum tribolum</i>	American Cranberry	*

### K. Herbaceous Perennials suitable for Stormwater Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding

+ = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Aster novae angliae</i>	New England Aster	*
<i>Chrysanthemum leucanthemum</i>	Ox-Eye Daisy	*
<i>Echinacea purpurea</i>	Purple Cornflower	*
<i>Eupatorium dubium</i>	Jo Pye Weed	*+
<i>Eupatorium fistulosum</i>	Hollow Joe Pye Weed	*+
<i>Hemerocallis</i> sp.	Day Lily	*
<i>Hesperis matronalis</i>	Dames Rocket	*
<i>Hibiscus moscheutos</i>	Rose Mallow	+
<i>Iris pseudocaris</i>	Yellow Iris	*+
<i>Iris versicolor</i>	Blue Flag	+
<i>Lobelia cardinalis</i>	Cardinal Flower	*+
<i>Lobelia siphilitica</i>	Blue Lobelia	*+
<i>Monarda didyma</i>	Bee Balm	*
<i>Panicum virgatum</i>	Switchgrass	*+
<i>Phalaris arundinacea</i>	Canary Reed Grass	*
<i>Rudbeckia</i> sp.	Black Eyed Susan	*
<i>Scirpus acutus</i>	Hard Stem Bullrush	+
<i>Spartina alternifolia</i>	Cordgrass	+
<i>Typha angustifolia</i>	Narrowleaf Cattail	+
<i>Typha latifolia</i>	Common Cattail	+
<i>Veronia noveboracensis</i>	New York Iron Weed	*+



## Appendix B

### DESIGN GUIDELINES

#### A. Purpose

The purposes of this section are to:

1. The purpose of this Section is to establish procedures and standards to serve as a guide for the design, location, and relationship of new development with respect to adjacent properties and the already existing development within Mantua Township. .
2. To aid in maintaining a sense of the physical aspects of Mantua Township. Pertinent to the physical appearance is the design of the site, buildings, structures, planting, signs, street hardware, and other objects that are observed by the public. These standards are not intended to restrict innovation or variety or to dictate a particular architectural style, but rather to assist in focusing on design principles which can produce creative solutions that will result in a satisfactory and complimentary visual appearance within the township, preserve property values, and promote the public health, safety and welfare.
3. To aid in maintaining a sense of the physical aspects of rural areas and rural character of the Mantua Township. Pertinent to the physical appearance is the design of the site, buildings, structures, plantings, signage and other features observed by the public.
4. To retain remaining examples of physical design and construction in the township that reflects its heritage, history, culture and architecture, while encouraging revitalization and infill development of Mantua Township.

#### B. Design Guidelines and Standards

The following guidelines are intended to give general and specific guidance to the form and appearance of development within the Township. These guidelines and standards are to serve as the guidelines for the appropriate community design.

##### Relationship to Adopted Plans and Policies

1. The plan shall conform to and reflect all Township plans and policies; all community master plans or comprehensive plans; and other adopted plans or policies related to the development of the Township.
2. The plan shall conform to all Federal, State, Regional, and County adopted rules, regulations, plans and/or policies that relate to the development and redevelopment of the Township.
3. The plan shall conform to the statement of intent for the zoning district in which it is located.

### **C. Objectives of the Design Criteria**

The quality of the Township will be maintained by preserving and respecting its historic buildings and structures, pattern and scale of development, building profiles and significant features, both natural and manmade, and by ensuring compatible development, which correspondingly enhances the community's heritage, culture and rural/small town character. The preservation of historic buildings and significant features are of primary importance. Preservation and conservation of historic buildings and structures as well as other significant features associated with the site need to be an integral part of any project's design. The removal or alteration of historic buildings or structures or significant features should only take place after all other alternatives have been considered.

The objectives of the design guidelines and standards are to evaluate the relationship of the proposed development's features in order to minimize the possibility of adverse impacts upon surrounding properties and the community. The overall design of the project should show the following:

1. That a proper relationship exists between thoroughfares, driveways, and parking areas to ensure pedestrian and vehicular safety.
2. That the design of the buildings is developed with consideration to the adjacent properties in terms of building height, material, and overall character.
3. That the building's location and placement should be developed with consideration given to minimizing the removal of trees and change of topography.
4. That the on-site vehicle circulation is designed to ensure adequate access for fire and police protection.
5. That the project's design provides for adequate screening of the site, parking lots, and service areas from surrounding properties by landscaping.

### **D. Design Elements**

#### **1. Building Design Standards**

Building design should be appealing and compatible with surrounding buildings in terms of massing, roof shapes, heights, and window proportions. The exterior form of the building should be emphasized through variations in horizontal and vertical orientation, colors, textures, and materials.

##### **a. Scale, Height, and Mass**

1. The scale, height, and mass of structures should be related to, and compatible with, its site and with the use, scale, and architecture of the buildings that have a

functional or visual relationship to the proposed structure. For instance, taller buildings should be stepped down to lower buildings along the property periphery. Where structures out of scale with surrounding land uses are unavoidable, it is preferred that landscaping techniques be utilized to give the appearance of a reduction in building height to a scale more compatible with neighboring buildings.

2. It is generally desirable for the building to be composed of either one primary form that is carved into or added upon it to give the building some distinction.
3. Another approach is to create a composition of distinct forms and connect them through common elements such as bands of material, window rhythm, etc. This is especially important when you have large buildings such as industrial structures.
4. Using office spaces, loading areas, entrances, etc. to break up large facades is quite effective.
5. Small areas can receive distinctive treatments in color, canopies, awnings, columns, and the like to break down the over bearing nature of the building.
6. Roof shapes and pitches for additions should be compatible with those of the main building and should match neighboring structures as to pitch and general proportion.

b. Colors and Materials

The exterior colors and materials used on a building should complement the surrounding buildings and blend with the natural setting. The use of natural materials and earth tones is highly desirable. However, bright colors may be appropriate for some structures.

c. Lighting of Building and Signs

1. External lighting should enhance the building's design and landscaping, as well as, provide for safety and security. External lighting shall be designed to function without creating glare on adjoining properties and/or streets.
2. External lighting of signs is preferred.

d. Compatibility with Neighboring Buildings and Structures

Structures should relate in size and general appearance to adjacent buildings and to the local neighborhood. A building's design, architectural features, and landscaping are ways by which a proposed building can be made aesthetically compatible with neighboring properties.

e. Public Spaces

Formal and informal outdoor places for the public to congregate should include access to, and protection from the sun, wind, and rain. The area should be landscaped utilizing shade trees to whatever extent possible. Public spaces should be designed in a manner to provide a strong connection to the surrounding neighborhood and the street (if located in close proximity to the roadway).

f. Intrusive Impacts

The design of any proposed development should include techniques to minimize visual and auditory intrusion impacts. The development should be designed in such a manner as to contain any potential nuisances, and to protect individual occupants from any potential nuisances originating from adjoining lots. Design should incorporate the mitigation of any potential noise impact on sleeping quarters through building layout and/or orientation on the site. Landscaping arrangements can work well as sound insulation materials.

g. Additions and Accessory Structures

Any proposed building additions and accessory structures should be compatible with the original structure(s), so that the result appears to be an integrated whole. Moreover, design specifications should ensure that the buildings and/or structures blend with the natural terrain and vegetation of the site.

h. Residential Conversions to Other Uses

Any residential dwelling converted to another use should retain its residential appearance in order to be compatible with the surrounding residential neighborhood. Conversions should be done in manner so that the only the exterior resembles a commercial use by means of screening walls, awnings, new windows and doors, landscaping, walkways, and permissible signage.

2. Energy

Buildings should be designed to minimize reliance on mechanical heating and cooling through insulation and design. All proposed buildings should be designed and oriented to make use of sunlight for direct heating, solar water heating, and illumination, whenever possible. Also, natural ventilation and shading should be used to help keep buildings cool. Site layout, building design, and landscaping should all be coordinated to maximize energy conservation.

3. Existing Structures

All of the existing structures on a property proposed for development should be examined regarding their potential value for continued use. Any structure in good condition, which provides potential housing, architectural significance, or historic value, should be considered for the following options (in the order given):

1. The structure should be integrated into the plans for the proposed development;
2. The structure should be moved to another site where it might be utilized;
3. The structure should be materially recycled; or
4. The structure should be demolished.

Reduction of parking, setback or other requirements may be considered if it would facilitate preservation of a structure. Projects using existing structures of historic or architectural value should respect the traditional exterior style of the building.

#### 4. Landscaping

Landscaping must be included on all development plans in accordance with Section 700.00 of this Resolution. The landscaping must relate to the whole development. The landscaping should be integrated with the building's design to enhance the appearance of the project. Landscaping is also used to soften any adverse impacts of the buildings and any paved surfaces.

In addition, landscaping is important in controlling ground erosion, managing storm water runoff, and enhancing energy conservation strategies. The landscaping should consist of a combination of trees, shrubs and ground cover. The landscaping of any project should blend with the existing vegetation on nearby properties (if the neighboring vegetation is healthy and in compliance with these requirements). Moreover, innovation in landscape designs and choice of plants is encouraged to serve both aesthetic and functional purposes.

#### 5. Pedestrian and Bicycle Enhancements

The advancement of pedestrian and bicycle facilities to enhance non-motorized transportation opportunities should be incorporated in all development plans. The community's primary objective is to link residential areas, commercial and employment centers, and parks and open space areas with improvements that can be safely used by residents and tourists for non-motorized transportation and recreational purposes.

