

**\*ARTICLE I**

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**TITLE, AUTHORIZATION PURPOSE**

**Section 101 Title**

This Resolution shall be known as the Hiram Township Zoning Resolution.

**Section 102 Authorization**

The authority for establishing “The Hiram Township Zoning Resolution” is derived from Section 519.02 to 519.99, inclusive, of the Ohio Revised Code.

**Section 103 Purpose**

In order to promote and protect the health, safety and morals of the residents of the unincorporated area of Hiram Township, Portage County, Ohio and to insure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt a comprehensive plan of zoning which will regulate the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas which may be occupied, building setback line, size of yards, and other open spaces; the use of buildings and other structures and the uses of the land for trade, industry, residence, recreation, or other purposes and for such purposes to divide the unincorporated area of Hiram Township into districts or zone, and to provide for the administration and enforcement of such regulations.

## ARTICLE II

### GENERAL PROVISIONS

#### Section 201 Establishment of Districts of Zones

The unincorporated territory of Hiram Township, Portage County, Ohio, is hereby divided into districts or zones as follows:

OC District - Open Space and Conservation Areas shown on map, primarily along Camp, Eagle and Silver Creeks, and the Cuyahoga River.

RR District - Residential  
Remainder of the unincorporated area of Hiram Township not designated above or below.

I District - Industrial \*Amendment adopted 1/26/00

An area of 6.03 acres on North side of County Highway 224 and extending to Conrail right-of-way.

Hiram Zoning Commission adopted an amendment to the Zoning Resolution to rezone all Commercial properties and two industrial properties to a Rural Residential classification. The commission voted unanimously to rezone township lots 29 and 30, consisting of nine (9) acres and located on the south side of State Route 82 from Commercially zoned properties to Rural Residential zoned properties. **Amendment adopted 9/24/97.**

The commission voted unanimously to rezone township lot 46 from an Industrial zoned property to a Rural Residential zoned property. Lot is located on western boundary of Garrettsville Village on the north side of Hankee Road, south of the former Erie Lackawana Rail line. Two parcels are included in this zoning classification from Industrial to Rural Residential. Parcel one is 1.71 acres and carries an address of 7769 Hankee Road, Garrettsville, Ohio, 44231. Parcel two is 4.6 acres and carries an address of 7795 Hankee Road, Garrettsville, Ohio, 44231. **Amendment 9/24/97**

In lieu of the aforesaid amendment the commission held a public hearing January 19, 2000, and continued to January 26, 2000, board members voted unanimously to abolish the "C District – Commercial" description listed under Article II, General Provisions, Section 201. **\*\*Amendment adopted 1/26/00**

#### Section 201-1 Uniformity of Regulations

All regulations shall be uniform for each class or kind of building or other structure or use, throughout each district or zone.

## **Section 202 Zoning Districts Map**

The districts or zones and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Hiram Township, Portage County, Ohio." that map, together, with all notations, references, and other matters shown thereon is hereby attached to and made a part of this Resolution. Said map shall be maintained in the office of the Township Clerk, and shall show all amendments or changes made thereon.

### **Section 202-1 Interpretation of District Boundaries**

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

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

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

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

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

### **Section 202-2 Vacation of Public Ways**

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

### **Section 203 Supplementary Regulations Applicable to All Districts or Zones**

HOUSE TRAILERS, MOBILE HOMES or NON SELF-PROPELLED VEHICLES designed and constructed for use, intended use or possible use as a conveyance on public streets or highways, so designed, constructed, reconstructed or added to by means of portable accessories in such manner as will permit the occupancy thereof as a mobile home, shall, for residential purposes, be excluded from all districts of this Resolution.

## **Section 203-1 Uses Exempt from Regulations**

### **A. Agricultural Uses**

Nothing contained in these regulations shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incidental to the use of agricultural purposes of the land upon which said buildings or structures are located and no Zoning Certificate shall be required for such use, building or structure. Farm dwelling, however, shall conform to the regulations contained in this Resolution, For the purpose of this Resolution "agriculture" shall include farming, dairying, pasturage, agriculture, viticulture, animal and poultry husbandry; and forestry and forest products, but not include the commercial feeding to livestock.

### **B. Public Utilities and Railroads**

Nothing contained in these regulations shall prohibit the location, erection, construction reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility railroad, for the operation of its business.

## **Section 203-2 Required Compliances**

No building shall be erected converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by this Resolution not being specially permitted shall be considered prohibited until, by amendment, such use will be consistent with this Resolution.

## **Section 203-3 Prohibited Uses**

### **A. Nuisances**

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, water-carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands.

### **B. Manufactured Homes**

See Appendix for manufactured homes definitions.

## Section 203-4 General Regulation of Lots

### A. One Principal Building Per Lot

Every principal building shall be located on a lot having frontage on a public dedicated street or private street meeting minimum construction standards required for public streets, as specified by the Portage County Subdivision Regulations, or Portage County Engineer, if a subdivision is not created.

### B. Required Lots, Yards, and Open Space Unaffected By Change in Ownership

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

### C. Projections into Yard Areas

Every part of a required yard shall be open to the sky, unobstructed, except: accessory buildings in a rear yard, 2) parking of automobiles as regulated by Article III herein, 3) fences constructed in compliance with Section 203-5E of this Resolution. \* Additions, such as - but not limited to - pools, terraces, uncovered porches, platforms and ornamental features may project into the required side or rear yard clearance areas, provided these projections be distant at least twenty (20) feet from the adjacent lot line. \*Amended 8-13-88

All open, unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten (10) feet.

### D. Corner Lots

1. Required Yards Facing Street – Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.
2. Visibility at Corner Lots – No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that shade trees which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers are permitted.

### E. Substandard Lots

Any lot greater than five thousand (5,000) square feet in area but not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment, of which at least one-half (1/2) of said lots are of record or have been sold on land contract on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth, or width of said lot; provided however, that in no instance shall the

minimum dimensions of side and rear yards be less than ten (10) and thirty (30) feet respectively.

F. Outdoor Storage and Business Activities

Storage of materials, equipment, and supplies and displays of merchandise shall take place within a completely enclosed building except as otherwise provided in this Resolution.

**Section 203-5 General Regulation of Structures and Construction**

A. Construction Begun Prior to Establishment Zoning

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations and provided further that such building shall be completed within two (2) years from the date of passage of the regulations.

B. Construction Procedures

Before construction may begin on any accessory building the principal building must be completely finished with a copy of occupancy permit provided to the zoning inspector.

A letter from the Building Department Inspector stating that the principal building's construction has been inspected and is completed in accordance to these regulations must be presented to the Zoning Inspector prior to starting construction on any accessory building.

The rationale for this requirement is to ensure that principal buildings are constructed. Examples of only accessory buildings being constructed (when the Zoning Certificates were written for both principal and accessory buildings) have resulted in parcels of land containing only storage (accessory) buildings. The impact of this to the residential character of an area will be that the residential character is being transformed into a commercial area permitting the use of storage buildings throughout the countryside.

C. Permitted Height Exceptions

1. Except as specifically stated in other parts of these regulations, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein. No such structures may be erected to exceed more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structures have a total area greater than twenty-five (25%) percent of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

2. Public or semipublic buildings, when permitted in a district, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet if building is set back from each yard line at least one (1) foot for each foot of additional building height above the height line otherwise provided in the district in which the building is located.

D. Temporary Buildings - No building permit required.

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

E. Outdoor Advertising Signs      \*\*Amended 11/7/96

Outdoor advertising signs shall be classified as a business use and shall not be permitted in residential districts. Outdoor advertising signs shall be erected subject to provisions of Article IV. A zoning certificate shall be required.

F. Fences, Walls and Hedges

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three (3) feet in height. Fences, walls, and hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade, provided at least twenty-five (25%) percent of the vertical surface of any fence or wall, shall be open to light and air; and that any fence, wall, or hedge shall be well maintained, will be harmonious and appropriate in appearance with existing character of the immediate area in which it is located, and will not be hazardous or disturbing to existing or future neighboring uses.

Informal planting may be higher than six (6) feet.

Solid walls and fences shall conform to all required setback lines for yards.

No fence, wall or hedge shall be located in the road right-of-way. *Amended 5/17/05*

G. Accessory Buildings in All Districts

1. One permanent accessory building incidental to the principle use, and which does not include any activity conducted as a business may be erected or constructed in rear yard areas, providing the side yard width of thirty (30) feet and rear yard depth of fifty (50) feet is observed, and is not nearer the dwelling than twenty (20) feet. Maximum height twenty-five (25) feet.

*Amended 8/2/11*

### Maximum Foundation Sizes of Accessory Building – Amended 8-2-11

| Lot Size                              | Maximum Foundation Site | Maximum Height |
|---------------------------------------|-------------------------|----------------|
| Up to One-half acre                   | 200 Sq. Ft.             | 15'            |
| One-half to 1 acre<br>(Nonconforming) | 600 Sq. Ft.             | 20'            |
| Over 1 acre to 2-½ acres              | 900 Sq. Ft.             | 25'            |
| Over 2-½ acres to 5.0 acres           | 1200 Sq. Ft.            | 25'            |
| Over 5 acres or more                  | 2000 Sq. Ft.            | 25'            |

No accessory building may occupy not more than twenty-five (25%) percent of the rear yard area in any district. It may be located no nearer the main building than twenty (20) feet and the thirty (30) feet side yard and fifty (50) feet rear yard requirement is observed.

2. One structure, where allowed, without a permanent foundation, 200 square feet or less, with a maximum height of 15 feet on lots larger than one-half acre, meeting existing set back requirements. No permit required.

| Lot Size               | Maximum Foundation Site | Maximum Height |
|------------------------|-------------------------|----------------|
| Over one-half (½) acre | 200 Sq. Ft.             | 15'            |

Maximum One (1) accessory building is allowed on lots under one-half acre.

#### H. General Regulations for Swimming Pools

1. A zoning permit shall be required for all types of pools that are three hundred (300) square feet in area or with a depth at any point of two (2) feet or more.
2. The pool shall be used exclusively for the enjoyment of the occupants of the property on which it is located and their guests.
3. A pool may be located any where on the premises except in a front yard, and shall not be located nearer to the main building than ten (10) feet, or closer than fifty (50) feet to any rear property line, or closer than thirty (30) feet to the side yard property line.
4. An inground pool, or the entire property, on which the pool is located, shall be fenced or walled in such a manner as to prevent uncontrolled access by small children. Such fence or wall shall be a minimum of four (4) feet in height, and shall be maintained in good condition. All points of entry shall be equipped with self-closing or self-latching devices at the top of gates and made inaccessible to small children.
5. Pools of the above ground type, do not need to be enclosed by a fence or wall. However, the pool must have at least a height of four (4) feet above ground level or appropriate fencing to that height, including a gate at points of access to water, that makes the pool inaccessible to small children.



I. General Regulations for Mailboxes      *Entire "I" Amendment added 05/17/05*

All supports for mailboxes shall be of the "breakaway" type. Satisfactory supports shall be as follows:

1. Maximum 4" x 4" timber
2. Maximum 2-1/2" diameter standard, thin-walled steel pipe.

**Section 203-6 General Regulations for Parking and Loading**

A. Floor Area

For this purpose of these regulations floor area in commercial uses shall mean the area used for service to the public and excludes areas used principally for non-public purpose such as storage, incidental repair, processing, show windows, restrooms, and dressing rooms.

B. Parking Space

Each off-street parking space required shall be not less than two hundred (200) square feet in the area exclusive of access drives or aisles.

C. Parking Area Design

Such parking areas shall be of usable shape, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection, with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces; and to prevent bumper over-hang.

D. Entrances and Exits

Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections. There shall not be more than two (2) access ways abutting on any one (1) street. Such access ways shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of the street. Residential uses may have access ways of not less than eight (8) feet.

E. Off-Street Parking Facilities

Off-street parking facilities shall not occupy any part of any required front yard in OC and R Districts. In C and I Districts, open off-street parking facilities may be located in the required front yard provided that at least a twenty (20) foot wide landscaped

strip is located between parking area and the street right-of-way line. In all districts, open off-street parking facilities may occupy the required rear yard providing that a five (5) foot landscaped strip separates parking from all property lines abutting the rear yard, and side yards.

F. Location

The parking spaces required for dwelling units shall be located on the same lot as the principal use and parking spaces required for other uses shall be located on the same lot or within two hundred (200) feet of the use measured along lines of public access to the property.

G. Loading

Every building used for non-residential purposes that customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes.

H. NO BUILDING SHALL BE ERECTED, SUBSTANTIALLY ALTERED OR USE CHANGED UNLESS PERMANENTLY MAINTAINED OFF-STREET PARKING AND LOADING SPACES HAVE BEEN PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

## **ARTICLE II**

### **Section 204 R-R N.O.S.O. Subdivision Plan Review**

*Adopted 2/12/96*

#### **Section 204-1 Purpose**

The purpose of this section is to establish the procedures for R-R N.O.S.O. subdivision plan review, as well as provide general site planning guidelines. This is to assure that the elements required in this Resolution are present in a R-R N.O.S.O. subdivision plan and that 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 204-2 Creation of the Subdivision Plan Review**

Neighborhood Open Space Residential Planned Developments (see Section 303) are reviewed for approval by the Zoning Commission. This authority is derived from Ohio Revised Code Section 519.021.

For the purposes of this Section the Hiram Zoning Commission shall be called the plan review board.

### **Section 204-3 Developments Requiring Subdivision Plan Review**

The plan review board shall conduct a review for all R-R N.O.S.O. residential development plans to come before it, as set forth in this Section and all applicable sections of this Zoning Resolution.

### **Section 204-4 Pre-Application Meeting**

*Amended 1/13/04*

The applicant is to meet with the Plan Review Board prior to submitting an application. The purpose of this meeting is to discuss early and informally the purpose and effect of the R-R N.O.S.O. requirements and the criteria and standards contained therein; and to familiarize the applicant with any other planning documents, including the Hiram Communities Comprehensive Plan and the Portage County Subdivision Regulations.

As part of this informal meeting the applicant is to present to the Plan Review Board three (3) sketch plans, legibly drawn at a suitable scale and containing the following information:

- A. Sketch One, identification of existing vicinity characteristics to include:
  - 1. The location of the proposed subdivision in relation to existing major roadways in the neighboring area.
  - 2. The proposed subdivision in relation to existing community facilities (schools, fire and police stations, shopping centers, manufacturing establishments, residential developments, and parks and playgrounds) in the neighboring area.
  - 3. The location of the nearest sources for central water and sewer.
- B. Sketch Two, identification of existing site characteristics to include:
  - 1. Boundaries of the area proposed for development, dimensions and total acreage.
  - 2. Approximate locations of ridges, rock outcropping, steep slopes of 18% or more and other significant topographical features.
  - 3. Approximate locations of wetlands and potential wetlands (list source), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses.
  - 4. Approximate locations of all soils on the site classified by the soil survey of Portage County Ohio as being hydric or having hydric inclusions.
  - 5. Existing buildings, structures and other significant manmade features on the site and within 200 feet of the project boundary.

6. Approximate location of all wooded areas, tree lines, hedgerows, and specimen trees.
  7. Areas or structures of known or potential historical and cultural significance on the site and within 200 feet of the project boundary.
  8. Existing view sheds as identified in the Hiram Communities Comprehensive Plan and the identification of any scenic vistas.
- C. Sketch Three, identification of proposed development plan and potential impacts to existing site characteristics to include:
1. Approximate locations of building lots or areas to be residentially developed.
  2. Approximate locations of the restricted and/or common open space and any proposed recreational facilities.
  3. The general location of any existing and proposed public street right-of-way, private roadways, and common easements used for accessibility.
  4. The location of all natural features to be conserved and any required buffer areas.
  5. The location of all natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
- D. Applicant is to arrange a walkover of the parcel to be developed with the Plan Review Board.
- E. Upon completion of the pre-application meeting and favorable acceptance of the applicant's concept of the R-R N.O.S.O. subdivision the applicant may submit an application for such project incorporating the comments and suggestions of the Plan Review Board.

**Section 204-5 Procedures for Making Application**

*Amended 1/13/04*

- A. Applications for R-R N.O.S.O. subdivision plan review for planned developments may be obtained from the Hiram Township Zoning Inspector. Three copies shall be filled out. Applicant shall keep one (1) copy, return one (1) copy to Zoning Inspector, and return one (1) copy to chairperson of the plan review board. A copy of Section 303 R-R N.O.S.O. regulations should also be obtained.
- B. A standard fee for development plan review shall be charged to each applicant and shall accompany the application copy submitted to the plan review board chairperson and shall be payable to Hiram Township Trustees. The set fee amount shall be fixed by Hiram Township Trustees.
- C. The plan review board may cause special studies to be made or seek expert advice including local emergency services such as fire department or ambulance. The cost of securing expert advice or studies shall be borne by applicant, and shall generally

not exceed the sum of two thousand - dollars (2,000.00), that sum shall be on deposit with and payable to, Hiram Township Trustees, upon request of the plan review board. However, in exceptional situations where, in the judgment of the plan review board the scale or complexity of the development proposal warrants additional testing or review, the plan review board may request the trustees to set the deposit requirement to a greater amount.

#### **Section 204-6 Data Required with Application**

*Amended 1/13/04*

The R-R N.O.S.O. subdivision plan shall include:

- A. Drawings to a legible scale showing topographical features of the parcel, building placement, common open space areas, and shall include a circulation and parking plan, planting and landscaping plan.
- B. The following additional items:
  - 1. Elevation contours
  - 2. Location of wetlands and floodplains
  - 3. Boundaries of all soil types
  - 4. The location of all existing significant natural, geographical and/or unique features
  - 5. Proposed signage
  - 6. Grading and erosion control, surface drainage plan
  - 7. Results of septic percolation tests
  - 8. Existing structures
  - 9. Utilities plan
  - 10. Building lot layout

#### **Section 204-7 Administrative Review Process**

*Amended 1/13/04*

- A. Once a complete application for R-R N.O.S.O. subdivision plan review has been filed, the plan review board shall proceed as follows:
  - 1. Contact applicant within 30 days and set a date for a meeting to discuss the proposed project.
  - 2. After the initial meeting the plan review board may set date(s) for subsequent meeting(s) (such as site walkover or further discussions on the plan) at convenience of plan review board.
  - 3. The plan review board shall consider all pertinent objectives, uses, requirements, guidelines, and standards in determining whether or not to grant approval of a given R-R N.O.S.O. subdivision plan.
  - 4. Upon completion of a subdivision development plan acceptable to and approved by the plan review board, the applicant shall submit three (3) copies of detailed maps of finished plan of said development. The maps and other

related documents shall be signed by applicant or appropriate representative. The plan review board chairperson and at least two (2) additional members shall then sign the maps and the Certificate of Approval as a statement of acceptance and approval by Hiram Township. The signed copies of said approved development plan and the Certificate of Approval shall be distributed one to applicant, one to the Hiram Township Zoning Inspector and one to the plan review board.

5. If an R-R N.O.S.O. subdivision plan is approved, the applicant shall be so notified by first class mail.
  6. If an R-R N.O.S.O. subdivision development plan is disapproved, the applicant shall be so notified by first class mail with the reasons for disapproval. The plan may not be re-submitted to the plan review board for one (1) year from the official decision, unless revisions are made to address reasons for disapproval.
  7. Within sixty (60) days of the official submission date shown on the application for subdivision plan review, step 5 or 6 above shall occur or the plan review board shall notify applicant by first class mail of the reasons for and the number of additional days required.
- B. The Hiram Township Zoning Inspector shall be responsible for monitoring compliance with the subdivision plan approved by the plan review board.

**Section 204-8 R-R N.O.S.O. Plan Implementation Timing**

*Amended 1/13/04*

- A. Applicant shall obtain a zoning permit from the Zoning inspector within nine (9) months of the Certificate of Approval date. Failure to obtain the permit shall cause the approved subdivision development plan to be invalid and applicant must resubmit the subdivision development plan and application in conformity with the current Resolution.
- B. Road Construction shall be completed for the initial phase of the development within two (2) years of the date of approval or Certificate of Approval shall be null and void. Applicant may request in writing from the plan review board an extension of this time period, stating the reasons and additional time required for road construction.

**Section 204-9 Conformance to R-R N.O.S.O. Plan**

*Amended 1/13/04*

Subdivision 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 802-5.

## ARTICLE III

### DISTRICT REGULATIONS

#### Section 301 OC - Open Space and Conservation District

##### Section 301-1 Purpose

To preserve and protect areas of special environmental concern or of distinct geologic, topographic, botanic, historic or scenic value; to eliminate problems caused by development of areas that because of high seasonal water tables, shallow bedrock, poorly drained soils or other natural restrictions, are unsuited for such development; to provide areas of natural habitat for wildlife.

##### Section 301-2 Uses

*Amended 8/2/11*

Within an OC Open Space and Conservation 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 - Building Permit Required

1. Single-family dwelling; including home occupation. (See definition of home occupation.)
2. Hunting and game preserves and wildlife refuge.
3. One permanent accessory building incidental to the principle use, and which does not include any activity conducted as a business may be erected or constructed in rear yard areas, providing the side yard width of thirty (30) feet and rear yard depth of fifty (50) feet is observed, and is not nearer the dwelling than twenty (20) feet. Maximum height twenty-five (25) feet.

##### Maximum Foundation Sizes of Accessory Building – Amended 8-2-11

| Lot Size                              | Maximum Foundation Site | Maximum Height |
|---------------------------------------|-------------------------|----------------|
| Up to One-half acre                   | 200 Sq. Ft.             | 15'            |
| One-half to 1 acre<br>(Nonconforming) | 600 Sq. Ft.             | 20'            |
| Over 1 acre to 2-½ acres              | 900 Sq. Ft.             | 25'            |
| Over 2-½ acres to 5.0 acres           | 1200 Sq. Ft.            | 25'            |
| Over 5 acres or more                  | 2000 Sq. Ft.            | 25'            |

No accessory building may occupy not more than twenty-five (25%) percent of the

rear yard area in any district. It may be located no nearer the main building than twenty (20) feet and the thirty (30) feet side yard and fifty (50) feet rear yard requirement is observed.

4. One structure, where allowed, without a permanent foundation, 200 square feet or less, with a maximum height of 15 feet on lots larger than one-half acre, meeting existing set back requirements. No permit required.

| Lot Size               | Maximum Foundation Site | Maximum Height |
|------------------------|-------------------------|----------------|
| Over one-half (½) acre | 200 Sq. Ft.             | 15'            |

Maximum One (1) accessory building is allowed on lots under one-half acre.

5. Signs as regulated by Article IV hereof.

B. Conditionally Permissible Uses – Permit Required

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein, subject to sections 601-1 through 601-2A inclusive of Article VI. Other sections of Article VI referred to below:

1. Wireless Telecommunication Service Facilities subject to Section 601-2B, Subsection 9.

**Section 301-3 Area Yard and Height Regulations**

\*\*\* Amended 8-18-93

\* Amended 8-13-88

- A. Minimum Lot Area  
Five (5) acres.
- B. Minimum Lot Width at Building Line  
Three hundred (300) feet.
- C. Minimum Lot Width at Street  
\*Two hundred (200) feet except one hundred (100) feet on cul-de-sac turnaround, to be maintained from street to the building line.
- D. Minimum Front Yard Depth From Street Right-of-Way  
Eighty-five (85) feet. If there is no established street right-of-way, said line shall be deemed to be forty (40) feet from centerline of the road. Right-of-way to be verified by ODOT or County Engineer.
- E. Minimum Side Yard Width  
\*The width of the narrower of the two side yards shall not be less than thirty (30) feet.  
\*Amended 8-13-88
- F. Minimum Rear Yard Depth  
Fifty (50) feet.



G. Minimum Living Area Per Dwelling Unit

\*\*\*1. The minimum living area shall be:

\*\*\*a. Fifteen hundred (1500) square feet minimum living area for a two bedroom single family dwelling unit.

\*\*\*b. Eighteen hundred (1800) square feet minimum living area for a three bedroom single family dwelling unit.

\*\*\*c. Twenty-One hundred (2100) square feet minimum living area for a four bedroom or more single family dwelling unit.

\*\*\*2. Minimum living area per family shall not include porches, steps, terraces, breezeways, basements, or other attached structures not intended for human occupancy.

\*\*\*3. A residential building shall have a complete foundation installed to a depth below frost line, and must be at least one (1) story above ground level unless the residential building was designed as an earth shelter or earth berm building.

H. Maximum Height of Building

Thirty-five (35) feet.

**Section 301-4 Parking Requirements**

A. All dwellings shall provide parking space off the nearest street or road and outside the public right-of-way, together with means of ingress and egress thereto, for not less than two (2) autos per dwelling unit.

B. All roadside stands and conditionally permitted uses shall provide sufficient parking facilities outside the street right-of-way. Such parking areas shall be separated from adjoining lot lines by a twenty (20) foot strip of land.

**Section 301-5 District Description – Section title added by amendment 6/8/00**

OC DISTRICT 1 encompasses the area along Camp Creek in eastern Hiram Township. This area is subject to flooding, has wet organic soils, and soils with severe septic limitations due to slope, high water table, seasonal high water table, or slow permeability. (Information taken from OCAP map 'Limitations for Sewage Effluent Disposal,' 1980; Soil Survey of Portage County, 1978; and HUD-FIA Flood Hazard Boundary Map H, 1978). District 1 begins at the intersection of State Route 305 and State Route 88 west along the southern boundary of Lot 25 1104.08 then north to the north boundary of Lot 25 where it intersects Mumford Road then north on the east side of Mumford Road until Mumford intersects the 1,100' interval. This does not include the lumber mill buildings. The 1,100' interval travels northeast until reaching the Township boundary, then south to the point of origin, State Routes 305 and 88.

OC DISTRICT 2 comprises the area along part of Eagle Creek and its tributaries including the lower portion of Silver Creek, which is under the 1,050' elevation level or north of the Erie-Lackawanna Railroad lines. This area has an extended flood prone area, exceedingly steep slopes, some in excess of 66%, and severe limitations to septic effluent disposal because of slow permeability, steep slopes, high water tables and seasonal high water tables. (Information from OCAP map "Limitations for Sewage Effluent Disposal," 1980; Soil Survey of Portage County, 1978; and HUD-FIA Flood Hazard Boundary Map H, 1978). The eastern half of the north boundary of District 2 begins at the eastern boundary of Hiram Township at State Route 88 where it intersects the 1,050' contour interval, approximately 100' north of Pine Lake, then west at this interval until it intersects State Route 82, then west along State Route 82 until it picks up at the 1,050' interval again, then south and southwest to Asbury Road.

The western end of this district is outlined by the 1,100' interval beginning at Asbury Road and continuing west, around the "end" of Eagle Creek, then east to the Erie-Lackawanna line. The south boundary begins at the Village limits of Garrettsville and continues west along the Erie-Lackawanna Railroad until it intersects with 1,100' contour interval in Lot 49.

OC DISTRICT 3 contains three wetland areas between 1,110' and 1,150' in elevation. These areas flood and have organic muck soils (Carlisle), which are unsuitable for development. The surrounding areas outside of the proposed OC area are well drained soils and are suitable for farming or development. The southern most wetland (3a) is bounded by Schustrich on the south and by the 1,120' contour interval on all other sides.

The middle wetland (3b) straddles Limeridge Road and is delineated by the 1,110' contour interval.

The largest wetland (3c) is bounded by the 1,150' contour line from the point at which it intersects Limeridge Road, about 600' south of Pioneer Trail to the point at which it intersects Vaughn Road. Vaughn Road forms the west boundary for a distance of about 2,500' to a point 200' south of the unnamed small stream which crosses it. The boundary between Vaughn and Limeridge Roads is formed by the 1,140' interval where the stream is indistinct and wetlands occur. Where the stream is distinct, the boundary lies 200' south, southeast or south of it as appropriate. The boundary on Limeridge Road runs from the point at which the 1,140' contour interval intersects it, about 2,300' south of Pioneer Trail, north to the point where the 1,150' interval intersects it, about 600' south of Pioneer Trail.

OC DISTRICT 4 is contiguous to the Cuyahoga River and its flood plain. It is delineated by the 1,100' contour interval on both sides of the river. It is almost entirely within the flood prone area designated by HUD. The soils within this district are characteristic of flood plains; Holly, Tioga, and Orrville, and poorly drained low areas; Canadice, and Damascus. Chili soils occur also, mainly near Hiram Rapids.

OC DISTRICT 5 would protect Silver Creek, its flood plains and ravines. The 1,100' interval provides the boundary throughout. This area is characterized by numerous steep ravine slopes up to 40%, flood plains, areas prone to slippage (Ellsworth silt loam, 18-40% slopes, moderately eroded), areas prone to very severe erosion (Ellsworth silt loam, 2-6%, 6-12% and 12-18% slope, moderately eroded), and extremely slow permeability.

The numerous ravines provide picturesque views and secluded building sites attractive to some builders. The potential for septic contamination of Silver Creek and its tributaries follows accordingly. (Information taken from OCAP Map "Limitations for Sewage Effluent Disposal," 1980; Soil Survey of Portage County, 1978; and HUD-FIA Flood Hazard Boundary, 1978).

The west boundary begins at the north border of Hiram Township at the point where Allyn Road angles due east. This boundary follows the 1,100' contour meandering south to State Route 82, then east along State Route 82. The eastern boundary begins on State Route 82 about 550' west of Thrasher Road at the 1,100' contour, meanders north along this interval until reaching the northern boundary of the Township, to the point where Allyn Road angles northeast.

OC DISTRICT 6 encompasses an area that is wetlands and flooded woodlands. It is characterized by severe wetness and soils with slow permeability. (Information taken from U.S.G.S. Topographic Map, Garrettsville Quadrangle, 7.5 minutes, 1970; OCAP map "Limitations for Sewage Effluent Disposal," 1978; Soil Survey of Portage County, 1978, and field observation of flooded conditions, December 31, 1984).

The boundaries for this district begin at the northern boundary of Hiram Township, 700' west of Mumford Road. This boundary runs parallel to Mumford Road, 700' west of it until intersecting the 1,110' interval, following this contour to the boundary of District 5, following this boundary north to Udall Road, then northeast to the Township boundary.

## **Section 302 RR - Rural Residential District**

### **Section 302-1 Purpose**

The purpose of this district is to accommodate residential development at a low-density that will promote continuation of the predominately rural residential character of Hiram Township.

### **Section 302-2 Uses**

*\*\*Amended 8/2/11*

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

#### **A. Permitted Uses - Building Permit Required**

1. Single family dwelling including home occupation. (See definition of Home Occupation.)
2. One permanent accessory building incidental to the principle use, and which does not include any activity conducted as a business may be erected or constructed in rear yard areas, providing the side yard width of thirty (30) feet and rear yard depth of fifty (50) feet is

observed, and is not nearer the dwelling than twenty (20) feet.  
Maximum height twenty-five (25) feet.

Maximum Foundation Sizes of Accessory Building – Amended 8-2-11

| Lot Size                              | Maximum Foundation Site | Maximum Height |
|---------------------------------------|-------------------------|----------------|
| Up to One-half acre                   | 200 Sq. Ft.             | 15'            |
| One-half to 1 acre<br>(Nonconforming) | 600 Sq. Ft.             | 20'            |
| Over 1 acre to 2-½ acres              | 900 Sq. Ft.             | 25'            |
| Over 2-½ acres to 5.0 acres           | 1200 Sq. Ft.            | 25'            |
| Over 5 acres or more                  | 2000 Sq. Ft.            | 25'            |

No accessory building may occupy not more than twenty-five (25%) percent of the rear yard area in any district. It may be located no nearer the main building than twenty (20) feet and the thirty (30) feet side yard and fifty (50) feet rear yard requirement is observed.

3. One structure, where allowed, without a permanent foundation, 200 square feet or less, with a maximum height of 15 feet on lots larger than one-half acre, meeting existing set back requirements. No permit required.

| Lot Size               | Maximum Foundation Site | Maximum Height |
|------------------------|-------------------------|----------------|
| Over one-half (½) acre | 200 Sq. Ft.             | 15'            |

Maximum One (1) accessory building is allowed on lots under one-half acre.

4. Signs as regulated by Article IV hereof.

B. Conditionally Permissible Uses – Permit Required

The Zoning Board of Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to Sections 601-1 through 601-2A inclusive of Article VI and other Sections of Article VI referred to below:

1. Governmentally owned and/or operated recreational uses subject to Section 601-2B Subsection 1,2,3, and 5.
2. Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies and camps subject to Section 601-2B, Subsections 1, 2, 3, and 5, but excluding miniature golf courses, drive-in theatre and commercial amusement parks.
3. Public and parochial schools subject to Section 601-2B, Subsections 1, 2, and 3.
4. Churches subject to Section 601-2B and Subsection 1, 2, and 3.
5. Institutions for medical care - hospitals, clinics, sanitariums,

convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Section 601-2B, Subsections 1, 2, 3,4, and 5.

6. Cemeteries subject to Section 601-2B and Subsection 1, 2, 3, and 5.
7. Publicly owned and/or operated buildings and facilities other than those listed above are subject to section 601-2B, Subsections 1, 2, and 5.
8. \*\*Wireless Telecommunication Service Facilities subject to Section 601-2B, subsection 9.     \*\*Amendment 8/27/97
9. The creation of an irregularly shaped lot of 20 acres or more in size for a single-family dwelling, subject to Section 601-2B, Subsection 12. (*Amended 9/2/03*)

### **Section 302-3 Area, Yard and Height Regulations**

A. Minimum Lot Area

\*Two and one half (2 1/2) acres.

B. Minimum Lot Width at Building Line

\*\*\*Two hundred (200) feet.

C. Minimum Lot Width at Street

\*\*\*Two hundred (200) feet except one hundred (100) feet on cul-de-sac turnarounds, to be maintained from street to the building line.

D. Minimum Front Yard Depth From Street Right-of-Way

Eighty-five (85) feet. If there is no established street right-of-way, said line shall be deemed to be forty (40) feet from centerline of the road. Right-of-way to be verified by ODOT or County Engineer.

E. Minimum Side Yard Width

The width of the narrower of the two (2) side yards shall not be less than thirty (30) feet.

F. Minimum Rear Yard Depth

\*Fifty (50) feet.

\*\*\*G. Minimum Living Area Per Dwelling Unit

\*\*\*1. The minimum living area shall be:

\*\*\*a. Fifteen hundred (1500) square feet minimum living area for a two bedroom single family dwelling unit.

\*\*b. Eighteen hundred (1800) square feet minimum living area for a 3 bedroom single family dwelling unit.

\*\*c. Twenty-one hundred (2100) square feet minimum living area for a four bedroom or more single family dwelling unit.

\*\*\*2. Minimum living area per dwelling unit shall not include porches, steps, terraces, breezeways, basements, attached or built-in garages, or other attached structures not intended for human occupancy.

3. A residential building shall have a complete foundation, installed to a depth below frost line, and must be at least one story above ground level.

H. Maximum Height of Buildings  
Thirty-five (35) feet.

\*\*\*Amended 8-18-93

\*\*Amendment 8/27/97

\*Amended 8-18-88

**Section 302-4 Parking Requirements**

A. All dwellings shall provide parking space off the nearest street or road and outside of the public right-of-way, together with means of ingress and egress there to, for not less than two (2) autos per dwelling unit.

B. All roadside stands and conditionally permitted uses shall provide sufficient parking facilities outside the street right-of-way. Such parking areas shall be separated from adjacent lot lines by a twenty (20) foot strip of land.

**Article III**

Amended 2/12/96

\*Amended 1/19/00-Re-affirmed 6/8/00

Amended content and renumbered 04/18/06

**Section 303 Rural Residential Neighborhood Open Space Overlay Zone**

**Section 303-1 Purpose**

*Amended 4/18/06*

The intent of the R-R N.O. S.O. Zone is to permit residential development that results in an enhanced living environment through the preservation of agricultural opportunity, rural environment, scenic views, and landscapes. The provisions set forth encourage innovative and livable housing environments within residential areas through both permanent dedication of open space and a planned reduction of individual lot area requirements. \* The total number of dwelling units permitted shall not exceed the maximum number of dwelling units that otherwise would have been permitted by the underlying zoning district requirements, except as provided for in subsection 303-8, A-2 of this section (density bonus provisions).

**Section 303-2 Developments subject to these requirements** *Amended 4/18/06*

All applications for approval under this section shall be either a subdivision requiring platting as per Chapter 711 of the Ohio Revised Code and which will be consistent with the Portage County Subdivision Regulations or a condominium, which will be compliant with Ohio Revised Code Chapter 5311.

### **Section 303-3 Objectives**

*Amended 4/18/06*

The following objectives shall be considered for an R-R N. O. S. O. development.

- A. To provide an enhanced residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and other desirable features.
- B. To preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of the conventional style of residential development.
- C. \* To promote a more efficient and aesthetic use of open space by allowing reduced lot sizes.
- D. To allow a more flexible and economical residential layout and street design.
- E. To create a greater sense of unity and local neighborhood identity in one or more portions of the development.
- F. To assure the permanent preservation of open space, scenic views, rural lands and natural resources.

### **Section 303-4 Establishment of Overlay Zones**

*Amended 4/18/06*

- A. This is a floating overlay zone over the R-R and O-C Districts. The Open Space Overlay Zone requirements apply once the proposed Open Space development meets the overall housing density requirements as determined in the underlying R-R or O-C District, and once all approvals from local zoning are given as set forth in the Hiram Township Zoning Resolution including but not limited to *any* Development Plan Review requirements as set forth in Section 204. \* At the option of the applicant and with approval by the Zoning Commission, a density bonus of 10% may be allowed, based upon the general eligibility criteria of Section 303-8, A-2.
- B. The size of a tract of land proposed for a R-R N.O.S.O. development should be a minimum of 20 acres and shall not include any area within any existing public street rights-of-way. Parcels under 20 acres may be deemed appropriate based on individual merits provided that the project shall meet the minimum open space requirements pending approval of the Plan Review Board. *Amended 1-13-04*

### **Section 303-5 Uses**

*Amended 4/18/06*

Within a R.R. N.O.S.O. development, all buildings, structures, or premises shall be used or designed for the following uses:

A. Permitted uses:

1. Single family detached dwellings.
2. Parks and recreational facilities designed for passive recreational uses.
3. Restrictive open space as required by these regulations.
4. Common open space as required by these regulations.
5. Garage, attached, for two (2) vehicles minimum, and one (1) accessory building.
6. Signs, as regulated by Article IV hereof.

B. Conditionally permitted uses:

1. Parks and recreational facilities designed for active recreational uses.

### **Section 303-6 Area, Yard and Height Requirements**

*Amended 04/18/06  
08/02/11*

Lots, building structures shall be in compliance with the following development and site planning standards:

A. Lot requirements:

1. Building lots are not required. However, when lots for standard detached single-family dwellings are included as part of the development, such lots or sub-lots 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.

B. Setback from restricted open space:

The minimum setback from the restricted open space for all buildings and structures shall be 15 feet, except those buildings and structures in accordance with Section 303-11 C of these requirements.

C. Interior building setback/spacing regulations:

1. Developments with lot lines
  - A. Without central sewer



1. Minimum lot area without central sewer  
One and one half (1.5) acres, of which septic easement areas may be substituted for lot area up to one (1.0) acre with Portage County Health Department approval.
2. Minimum lot width at building line  
One hundred (100) feet.
3. Minimum frontage at street
  - A. Lots with partial or no frontage on a cul-de-sac circle: one hundred (100) feet.
  - B. Lots with total road frontage on a cul-de-sac circle: sixty (60) feet.
4. Minimum side yard width  
Width of the narrower of the two side yards shall not be less than fifteen (15) feet.
5. Minimum rear yard depth  
Fifty (50) feet.

B. With central sewer

1. Minimum lot area  
One (1) dwelling unit per .25 acres (maximum four (4) dwelling units per acre).
2. Minimum lot width at building line  
Sixty (60) feet.
3. Minimum frontage at street
  - A. Lots with partial or no frontage on a cul-de-sac circle: sixty (60) feet.
  - B. Lots with total road frontage on a cul-de-sac circle: forty-five (45) feet.
4. Minimum side yard width  
Width of the narrower of the two side yards shall not be less than ten (10) feet.
5. Minimum rear yard depth  
Twenty-five (25) feet.

C. No Accessory Buildings are permitted.

2. Developments without lot lines

A. Perimeter Building/Structure Spacing Requirement:

1. The minimum setback from the property's perimeter boundary line for

all buildings shall be fifty (50) feet.

2. Roadways may be located any distance up to the property's perimeter boundary line.
3. The minimum setback from the property's perimeter boundary line for a parking facility shall be ten (10) feet.

B. Interior Building/Structure Spacing Requirement:

1. The minimum separation between buildings:
  - a. Residential dwellings:
    1. Principal building: sixty (60) feet (all non-agricultural buildings).
    2. Accessory buildings: as specified in section 203-5.G.
  - b. Residential and recreational buildings:
    1. The minimum separation distance between all principal residential buildings and any recreational buildings shall be one-hundred (100) feet.

D. Minimum front yard depth from street right-of-way:

1. The minimum setback from a proposed local public road right-of-way shall be twenty-five (25) feet.
2. The minimum setback from the centerline of a private road shall be:
  - A. Fifty-five (55) feet if roadway design incorporates open ditching.
  - B. Fifty (50) feet if roadway design incorporates curb and gutter.

E. Accessory building spacing requirements:

*\*\*Amended 8/2/11*

1. One permanent accessory building incidental to the principle use, and which does not include any activity conducted as a business may be erected or constructed in rear yard areas, providing the side yard width of thirty (30) feet and rear yard depth of fifty (50) feet is observed, and is not nearer the dwelling than twenty (20) feet. Maximum height twenty-five (25) feet.

Maximum Foundation Sizes of Accessory Building – Amended 8-2-11

| Lot Size                              | Maximum Foundation Site | Maximum Height |
|---------------------------------------|-------------------------|----------------|
| Up to One-half acre                   | 200 Sq. Ft.             | 15'            |
| One-half to 1 acre<br>(Nonconforming) | 600 Sq. Ft.             | 20'            |
| Over 1 acre to 2-½ acres              | 900 Sq. Ft.             | 25'            |
| Over 2-½ acres to 5.0 acres           | 1200 Sq. Ft.            | 25'            |
| Over 5 acres or more                  | 2000 Sq. Ft.            | 25'            |

No accessory building may occupy not more than twenty-five (25%) percent of the rear yard area in any district. It may be located no nearer the main building than twenty (20) feet and the five (5) feet side yard and five (5) feet rear yard requirement is observed.

2. One structure, where allowed, without a permanent foundation, 200 square feet or less, with a maximum height of 15 feet on lots larger than one-half acre, meeting existing set back requirements. No permit required.

| Lot Size               | Maximum Foundation Site | Maximum Height |
|------------------------|-------------------------|----------------|
| Over one-half (½) acre | 200 Sq. Ft.             | 15'            |

Maximum One (1) accessory building is allowed on lots under one-half acre.

F. Minimum living floor area per dwelling unit shall be:

1. Fifteen-hundred (1500) square feet minimum living area for a two (2) bedroom dwelling.
2. Eighteen-hundred (1800) square feet minimum living area for a three (3) bedroom dwelling.
3. Twenty-one hundred (2100) square feet minimum living area for a four (4) bedroom or more dwelling.

G. All principal buildings shall have a complete foundation installed to a depth below frost line, and must be at least one (1) story above ground level, unless the principal building was designed as an earth sheltered or earth berm building.

H. Maximum building height:

1. Principal building: thirty-five (35) feet (all non-agricultural buildings)
2. Accessory buildings: as specified in section 203-5.G.

## Section 303-7 Parking Requirements

Amended 4/18/06

### A. Parking space requirements:

1. Each dwelling unit shall be provided with not less than three (3) off-street vehicle parking spaces.
1. All active recreational areas shall provide one space for every 250 square feet of area dedicated for the active use.

### B. Parking area requirements:

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking areas intended to serve a single-family residential dwelling:
  - A. A driveway shall be the preferred method to provide egress and ingress and off-street parking for a single residential dwelling.
  - B. The driveway shall provide access from the nearest street or road to the garage.
2. Parking areas intended to serve more than one residential dwelling and all non-residential uses

#### A. Parking area location:

1. All parking areas shall be located in the side or rear of buildings.
2. No part of any parking area shall be closer than twenty (20) feet to any building, unless separated by a landscaped buffer screen.
3. No parking area shall be located more than three hundred (300) feet from the principal use.

### C. Parking area landscaping:

All parking areas 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.

#### 1. Buffering and screening

- A. All parking lots require screening from public view either through walls, opaque fences, berming or landscape screening that will be at least six feet in height and provide at least 75% opacity within 2 years of installation.
- B. 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.

## 2. Parking lot interior landscaping

- A. 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, 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:

1. Planting islands to 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.
2. Provide landscaped islands a minimum of 9 feet wide between every 10-15 spaces that shall include shade trees. There shall be one shade tree planted and maintained on every island.
3. All trees shall be no less than 2" diameter as measured 12" above grade. Each tree shall be provided with at least 40 square feet of unpaved area around its trunk.

## B. General guidelines for all parking lots

1. 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.
2. Planted islands should be designed to allow vehicle doors to open.
3. Walkways

Parking areas should be provided with separate pedestrian walkways to allow the safe movement of people within the parking area. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of walkway locations within the lot and in providing erosion control and shade for the pedestrian.

## **Section 303-8 Subdivision Development Design Requirements** *Amended 04/18/06*

### A. Residential Density Standards

1. The total number of building lots permitted on a parcel to be developed as an R-R N.O.S.O. development shall not exceed the total number of building lots that would be permitted if the parcel were developed as a conventional subdivision, \* unless applicant meets the requirements of subsection 303-8, A-2.

#### \*2. Density Bonus Provisions

The density within an R-R N.O.S.O. development may be increased by up to a total of ten (10%) percent with the incorporation of any of the following features:

- \*a. Where topographical features and environmental constraints warrant the orientation and amount of street acreage to exceed more than ten (10%) percent of the total acreage of the site, the R-R N.O.S.O. development shall qualify for a ten (10%) percent density bonus.
  - \*b. Where dwelling units are setback from the road and out of public view, the R-R N.O.S.O. development shall qualify for a ten (10%) percent density bonus with the Plan Review Board having the final say.
3. In each case above, the permitted number of dwelling units is subject to all Hiram Township zoning requirements as well as the Portage County Health Department (PCHD) requirements for all developments utilizing on-site septic systems. The PCHD requirements for septic systems shall be addressed on a preliminary basis by percolation testing at least ten percent of proposed building sites, and by testing in those areas known to contain the least suitable soil types. These preliminary tests will facilitate the planning process, but again, PCHD requirements will govern the final number and location of the dwelling units and building lots based on percolation tests before the number and location of the dwelling units and building lots are given final approval.

#### \*B. Density Impact

The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, road, and utilities. Nor shall the proposed type and density of use place an unreasonable impact to the development site and/or surrounding land and/or property owners and the ecosystem. The Plan Review Board may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed density increases. An

unreasonable impact shall be considered an unmitigatable, significant adverse effect on the quality of the surrounding community and the natural environment. The applicant may be required to prepare a quantitative comparison of the impacts to assist the Zoning Commission in choosing a site development option.

### **Section 303-9 Restricted Open Space Requirements**

*Amended 4/18/06*

- A. Restricted open space, to be designated as Conservation Areas shall be calculated after subtracting ten percent for roadways from the total acreage of the parcel to be developed. Restricted open space shall comprise at least forty (40) percent of the net underlying R-R acreage after the roadway adjustment and at least fifty (50) percent of the net underlying O-C acreage after the roadway adjustment. In satisfying this requirement, such restricted open space shall not include any portions of individual building lots.
- B. Restricted open space shall be exclusive of all streets and non-recreational buildings. Significant natural areas and amenities such as tree stands, ponds, ravines and stream banks and channels should be left in their natural state and considered part of the required open space. The design of the restrictive open space area shall be governed by the following standards:
  1. Permanent bodies of water, wetlands and floodplains should comprise no more than twenty (20) percent of total required open space area. The Zoning Commission may increase this amount up to 30% depending on the environmental feature's utility as a recreational or open space asset to the R-R N.O.S.O. development.
  2. The creation of common open space  

Each development is required to set aside a minimum amount of restricted open space that shall be dedicated for public use or reserved for the common use of all property owners or tenants within the proposed development as common open space. At a minimum, 1/8 of the restricted open space area or an amount to ensure compliance with the Portage County Subdivision Regulations shall be dedicated as common open space. The land area devoted to common open space shall be suitable for both passive and active recreation and shall not be comprised of wetlands and floodplains.
  3. Restricted open space shall include to the extent possible, a combination of the most sensitive and noteworthy natural scenic and cultural features such as:
    - a) Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways
    - b) Prime farmland
    - c) Mature woodlands
    - d) Aquifer recharge areas
    - e) Highly permeable soils
    - f) Wildlife habitat areas

g) Historic, archaeological or cultural features

- C. An open space buffer zone shall be preserved on existing roads fronting or abutting the parcel to be developed. The buffer zone shall be a minimum of 100 feet back from the road right-of-way with each parcel shall be judged on its own merits. Parcels, which include existing natural features such as trees or hills alongside the roadways, will be allowed a minimum buffer zone. Parcels with unobstructed views and no natural existing features will be required to have a deeper buffer zone. The board has the discretion to require up to a 1,000-foot setback to minimize the perceived density of building lots. The depth of buffer zone shall be established early in the plan review process.
- D. An open space buffer zone at *least* fifty (50) feet wide shall be designed on the perimeter of the parcel to be developed abutting adjacent properties. Individual building lot boundaries shall not infringe into this buffer zone.
- E. Maintain or create an upland buffer of natural native species vegetation of at least the following depth adjacent to (from the typical high-water mark of) for all category 1, 2 and 3 wetlands. Individual building lot boundaries and/or any portion of septic systems shall not infringe into this buffer zone.
  - 1. Category 1 - Twenty-five (25) foot buffer required. Wetlands are categorized by low species diversity, no significant habitat, limited potential to achieve beneficial wetland functions, a predominance of non-native species, and/or hydrological isolation.
  - 2. Category 2 – Fifty (50) foot buffer required. Wetlands support moderate habitat or hydrological or recreational function but are generally without the presence of, or habitat for rare, threatened, or endangered species.
  - 3. Category 3 – Seventy-five (75) foot of wooded buffer and up to 100 foot of non-forested buffer required. Wetlands provide superior habitat and hydrological functions that contain habitat for rare, threatened, or endangered species such as mature forested wetlands, vernal pools, bogs and fens. Category 3 wetlands should receive the largest amount of buffer.
- F. Maintain or create an upland buffer of natural native species vegetation of at least twenty-five (25) feet in depth for all building lot lines and one hundred fifty (150) feet for all septic systems adjacent to (from the typical high-water mark of) surface waters, including creeks, streams, spring, lakes, and ponds.

**Section 303-10 Subdivision Design Guidelines**

*Amended Numbering 04/18/06*

The following guidelines apply to Neighborhood Open Space Planned Residential Developments with regard to the layout of building lots and open space:

- A. Protect and preserve all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction.
- B. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting parcels, streams and public streets, and to minimize the possibility of erosion.



- C. If building lots must be located on open fields or pastures because of greater constraints in all other parts of the site, they should be located on the least prime agricultural soils, or in locations at the far edge of fields, as seen from existing public roads.
- D. Development should be designed so that as much as feasible, building lot rear boundary lines do not abut one another. Views of open space from each building site should be preserved as much as feasible.
- E. Design around existing hedgerows and treelines between fields and meadows. Minimize impacts on woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands on highly erodible soils with slopes greater than ten (10%) percent should be preserved.
- F. Design around and preserve sites of historic, archaeological or cultural value, as needed to safeguard the character of the feature.
- G. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from existing public roadways.
- H. Single-loaded residential access streets are preferred in order that the maximum number of homes in open space developments may enjoy views of common open space. Where foreground meadows are created between existing public roadways and such single-loaded residential access streets, residences shall be located on the far side of the access streets as seen from the public roadways and shall front on the far side of the access streets as seen from the public roadways.
- I. The road design should incorporate as much as possible, commons or ovals rather than cul-de-sacs.
- J. Landscape common areas such as community greens, ovals, and cul-de-sac islands, and both sides of new streets with native specie shade trees.
- K. Avoid siting new construction on prominent open hilltops or ridges, by taking advantage of lower or shielded topographical areas.
- L. Preserve and maintain mature woodlands, existing fields, pastures, meadows, and orchards and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- M. Protect wildlife habitat areas or species listed as endangered, threatened or of special concern by the Ohio Department of Natural Resources, Division of Natural Area And Preserves.
- N. Provide open space that is reasonably contiguous.
- O. Street alignments shall follow natural contours and be designed to conserve natural features. *Amended 1/13/04*

- P. Locations of streets shall be planned to avoid excessive storm water runoff and the need for storm sewers. *Amended 1/13/04*
- Q. The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development. *Amended 1/13/04*
- R. Pedestrian circulation systems. *Amended 1/13/04*
1. A pedestrian circulation system shall be included in the 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 open space system and need not always be located along streets.
  2. Existing trails for which the public has the right of passage should be incorporated in the pedestrian circulation system.
- S. Signs: A maximum of one ground sign with landscaping per entrance to the parcel in accordance with Article IV. *Amended 1/13/04*
- T. All utilities in the subdivision shall be located underground.
- U. All private roadways shall be built to county road standards. *Amended 1/13/04*
- V. All private roadways that are dead-end must have adequate space for fire equipment to turn around at the end. *Amended 1/13/04*
- W. Berming *Amended 1/13/04*

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

1. The berms shall be located at least twenty-five (25) feet from all perimeter property lines.
2. Berms shall be located a sufficient distance from all buildings and structures to allow for proper drainage of storm water.
3. Applicant shall provide proof that placement of berms will not result in any type of flooding.
4. Berms shall generally vary in heights, width and length to create a free-form naturalistic effect.
5. The slope of a berm shall not exceed a 2.5:1 Ratio.

6. Berms shall be planted with ground cover and other plant materials to prevent erosion.
7. Berms and other plant materials used collectively, shall be viewed as a unified element and must be in compliance with all provisions of this resolution.
8. Cannot obstruct scenic views.

## **Section 303-11 Restricted Open Space Standards**

*Amended 04/18/06*

### **A. General Standards**

The restricted open space shall be designated conservation areas as determined in section 303-9.

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 wherever feasible.
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 appropriate agency/entity shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. Except as otherwise provided in this section, 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, other than for approved active recreational facilities;
  - 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 of lots within proposed development;
  - G. A minimum of 15 feet between buildings and restricted open space; and
  - H. Other small fragmented or isolated open space areas that have a dimension of less than 25 feet in any direction.
- 6. Any restricted open space intended to be dedicated as a common open space area for parks and recreational activities shall be of a usable size and shape for the intended purposes.
  - 7. The maximum percentage of total restricted open space area that may be developed for active recreation activities shall be five (5%) percent.
  - 8. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, 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.
  - 9. The restricted open space, including any recreational facilities that are proposed to be constructed, shall be clearly shown on all development plans.

B. Prohibition of further subdivision of restricted open space:

Restricted open space 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 counsel, and duly recorded in the office of the recorder of Portage County.

C. Use of restricted open space

1. Permitted Uses

Subject to other relevant provisions of this resolution, the following uses and improvements shall be permitted on restricted open space land: agriculture, horticulture, silviculture nurseries, aquaculture, passive recreation (including but not limited to picnic areas, bikeways, walking, hiking, horseback riding, sledding and skiing, but specifically excluding motorized vehicles and gun ranges) and other uses similar in character and potential impact, as determined by the homeowners association. Also included as permitted uses are water wells, septic disposal facilities, and storm water retention areas designed, landscaped, and

available for use as an integral part of the restricted open space. Application shall be submitted to the Zoning Inspector.

## 2. Conditional Uses

Uses and improvements on restricted open space lands requiring a Conditional Use Permit shall include those designed for active recreation such as playgrounds, playing fields or courts for organized sports, swimming pools, and any buildings, structures, supporting facilities, driveways, or parking areas proposed in relation to the foregoing. Application for a conditional use permit shall be submitted to the Board of Zoning Appeals

### D. Preservation of restricted open space

1. Restricted open space shall be set aside by the developer through irrevocable conveyances acceptable to the Plan Review Board. Forms of dedication for common open space shall include at least two (2) vehicles such as:
  - A. A recorded deed restriction, and
  - B. A permanent conservation easement to a charitable organization such as defined by the Ohio Revised Code.
2. Such conveyances shall assure that the restricted open space shall comply with the provisions of the R-R N.O.S.O. requirements in perpetuity.

### **Section 303-12 Ownership and Maintenance of Common Open Space** *Amended 4/18/06*

- A. The common open space shall remain undivided and undeveloped, and shall be held in common ownership by the Condominium Owners Association or a Homeowners Association.
- B. The Condominium Owners Association shall be formed and operated in accordance with the requirements as set forth in Ohio Revised Code Section 5311. The Homeowners Association shall be formed and operated under the following provisions:
  1. The developer shall provide a description of the association to the Plan Review Board including its bylaws and methods for maintaining the common open space.
  2. The Association shall be organized by the developer and be operated with financial subsidization by developer before the sale of any lots within the development.
  3. Membership in the Association is automatic (mandatory) for all purchasers of lots therein and their successors. Membership shares shall be defined within the Association bylaws. The conditions and timing of transferring control of the association from developer to lot owners shall be identified.

4. The Association shall be responsible for payment of all costs related to ownership of the common open space, including taxes, insurance fees, etc.
5. Association members shall share equitably the costs of maintaining such common open space. The Homeowners Association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.
6. The Association shall make provisions in the bylaws for necessary repairs or replacement of septic system leach fields located in the common open space.

#### C. Maintenance Standards for Common Open Space

1. The Condominium Owners Association or the Homeowners Association shall be responsible for raising all monies required for maintenance of the common open space. Failure to adequately maintain the common open space in reasonable order and condition constitutes a violation of this regulation.
2. In the event the Condominium Owners Association or a Homeowners Association fails to maintain the common open space in reasonable order and condition in accordance with the approved open space development plan, the township zoning inspector may serve written notice upon the owner of record, setting forth the manner in which said owner has failed to maintain the common open space in reasonable condition and directing the owner to remedy same within thirty (30) days.
3. Failure to achieve such remedy within the specified time shall be cause for action by the township in the same manner as other zoning violation claims.

### **Section 304 C - Commercial District**

#### **Section 304-1 Purpose**

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

#### **Section 304-2 Uses**

Within a C - 1 Commercial 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 - Building Permit Required
  1. Personal services, including dry cleaning and laundry agency (not including processing plant), barber and beauty shop, shoe repair shop, tailor and dressmaker.

2. Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat markets, confectionery, restaurant, soda fountain, tavern, and dairy store.
3. Food and drug stores, including supermarkets.
4. General merchandise stores including clothing and apparel store, furniture store, interior decorators, appliance store, florist and gift shop, hardware store, antique store.
5. Offices, including professional, financial, insurance, real estate, educational civic, social, labor, and non-profit organizations.
6. Hotels and motels.
7. Commercial recreation.
8. Signs as regulated by Article IV, hereof.
9. Single family dwelling including home occupations.

B. Conditionally Permissible Uses

The Zoning Board of Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to Section 601-1 through 601-2A, inclusive of Article VI, and other Sections of Article VI, referred to below:

1. Public and parochial schools subject to Section 601-2B. Subsections 1, 2, 3, and 5.
2. Churches subject to Section 601-2B, Subsections 1, 2, 3, and 5.
3. Institutions for medical care - hospitals, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic organizations subject to Section 601-2B Subsections 1, 2, 3, 4, and 5.
4. Publicly owned and/or operated buildings and facilities subject to Section 601-2B Subsections 1, 2, 3, and 5.

**Section 304-3 Area, Yard, and Height Regulations**

- A. Minimum Lot Area  
None
- B. Minimum Lot Width at Building Line  
One hundred (100) feet.
- C. Minimum Lot Width at Street  
One hundred (100) feet.

- D. Minimum Front Yard Depth from Street Right-of-Way  
Eighty-five (85) feet. If there is no established street right-of-way, said line shall be deemed to be forty (40) feet from centerline of the road.
- E. Minimum Side Yard Width  
None except there shall be a side yard of thirty-five (35) feet when adjacent to a residential district and on the side adjacent to the residential district only.
- F. Minimum Rear Yard Depth  
Forty (40) feet.
- F. Minimum Floor Area  
None
- H. Maximum Height of Building  
Thirty-five (35) feet.

### **Section 304-4 Parking and Loading Requirements**

#### A. Parking

Sufficient parking facilities shall be provided outside the street right-of-way, the nearest edge of such facilities shall be within two hundred (200) feet of the principal permitted use or building. Normally one parking stall should be provided for each one hundred and fifty (150) square feet of commercial floor area. All parking areas shall be separated from the street right-of-way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

#### B. Loading

Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

### **Section 305 I - Industrial District**

#### **Section 305-1 Purpose**

The purpose of this district is to provide for and accommodate industrial uses in the fields of repair, storage manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses.

#### **Section 305-2 Uses**

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

##### A. Permitted Uses



1. The manufacturing, assembling and storage of the following: canvas products, glass and optical products, jewelry, clocks, scientific and other precision instruments, sporting goods, toys and novelties, plastics, electric and electronic equipment, machine shop products, metal products, paper products, plastic products, textile products, wood products, rubber products.
2. Services including the following: automobile truck, farm machinery, and repair, cabinet and carpenter shops, dry cleaning and laundress, plumbing, heating, electrical repair and service shops, printing and publishing offices, building materials.
3. Warehousing in permanent buildings.
4. Signs as regulated by Article IV hereof. Permit required.

B. Conditionally Permissible Use

The Zoning Board of Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to Sections 601-1 through 601-2A, inclusive, of Article VI and other sections of Article VI referred to below:

1. Extraction of mineral resources

**Section 305-3 Area, Yard, and Height Regulations**

- A. Minimum Lot Area  
None
- B. Minimum Lot Width at Building Line  
One hundred fifty (150) feet.
- C. Minimum Lot Width at Street  
Sixty (60) feet.
- D. Minimum Front Yard Depth from Street Right-of-Way  
Eighty-five (85) feet. If there is no established street right-of-way said line shall be deemed to be forty (40) feet from centerline of the road.
- E. Minimum Side Yard Width  
Fifty (50) feet on each side, except where abutting a residential district, the side yard abutting such district shall be not less than one hundred (100) feet.
- F. Minimum Rear Yard Depth  
One Hundred (100) feet deep.
- G. Minimum Acreage  
None

- H. Maximum Height of Building  
Thirty-five (35) feet.

### **Section 305-4 Parking area Loading Requirements**

A. Parking

There shall be sufficient parking facilities outside the street right-of-way to meet all parking needs. In no event shall the number of parking spaces be less than one for each employee on the main shift. All parking areas shall be separated from the street right-of-way and from any abutting residential district by a twenty (20) foot strip of land, landscaped, and appropriately maintained.

B. Loading

Every building having five thousand (5,000) square feet or over gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length and fourteen (14) foot clearance. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

### **Section 305-5 Supplementary Regulations**

A. Outdoor Storage

Outdoor storage of building materials, construction equipment, and goods for distribution shall be permitted only if the outdoor storage area is at least two hundred (200) feet from the nearest residential district, or if the outdoor storage area is separated from the residential district by a six (6) foot high solid fence or wall.

## **ARTICLE IV**

### **SIGN REGULATIONS**

#### **Section 401 Purpose**

The purpose of this article is to provide for the use, location and size of signs, and to regulate their installation and maintenance. It is intended to provide for new and replacement signage that is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors and appropriately sized in its context. It is also intended to promote traffic safety and minimize the confusion and unsightliness of the use of an excisable number of signs, or signs of excessive size.

#### **Section 401-1 General Requirements for all Signs and Districts**

The regulations contained in this section shall apply to all signs and all use districts.

- A. All signs shall be setback a minimum of ten (10) feet from the public right-of-way, and shall follow side and rear yard setbacks for the district in which it is located.
- B. All signs shall be maintained in good structural condition and appearance. Except for banners, flags, temporary signs and window signs, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- C. Signs containing flashing or running lights giving the appearance of movement are prohibited.
- D. No signs shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- E. No sign shall be erected or placed so as to prevent free egress and ingress from any door, window, or fire escape, nor shall such sign be attached to any standpipe or fire escape.

#### **Section 401-2 Calculating Sign Area and Height**

Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multi-faced sign one side shall be included in the calculation of surface area.

The height of a sign is defined as the vertical distance measured from the base of the sign at normal grade or from the base of the building to which a sign is attached to the highest point of the sign.

**Section 401-3 Signs Permitted in R-R and O-C District**

Upon issuance of a zoning certificate, the following signs are permitted in all R-R and O-C districts. Temporary signs do not need a zoning certificate. All permanent signs shall be located on the premises they are intended to serve.

- A. Signs incidental to legal process and necessary to public welfare.
- B. Signs that identify or are in direct relation to the use of the premise.
- C. Signs advertising a home occupation.
- D. Signs appropriate to a public or semi-public building for the purpose of displaying the name, activity, or service therein provided.
- E. Temporary signs that are intended to be displayed for a limited time only shall include real estate availability signs, construction signs, special events signs, and signs and banners announcing grand opening events.
  - i) Temporary signs may be installed as window signs or lawn signs.
  - ii) All temporary signs shall be displayed for no more than six (6) months after placement, after which time they must be removed.
  - iii) All temporary signs shall be removed by the owner from the property on which the sign is located within seven (7) days after the event, sale of property, completion of construction and/or elections, etc.

| SIGN TYPE                  | A   | B   | C   | D   |
|----------------------------|-----|-----|-----|-----|
| Number Permitted Per Lot   | 1   | 1   | 1   | N/A |
| Maximum Area (Square Foot) | 6   | 6   | 6   | 25  |
| Illumination               | No  | No  | No  | Yes |
| Zoning Certificate         | Yes | Yes | Yes | Yes |
|                            |     |     |     |     |

## **Section 401-4 Signs Permitted in Industrial Districts**

Business signs are permitted only in an industrial district. Such signs are subject to the following regulations. A zoning certificate shall be required.

### **A. Location**

1. Business signs may be fixed flat against the wall of a building or may project, not more than four (4) feet, beyond the surface of the building or may be freestanding.
2. No business sign or outdoor advertising off-premise sign shall be erected closer than eighty (80) feet to any intersection with the exception of those signs incidental to legal process and necessary to the public welfare or those signs attached to a building or structure. They must be placed so as not to obstruct view or cause a traffic hazard.
3. All business signs or outdoor advertising off-premise signs erected within two hundred (200) feet of any intersection must be erected so as not to obstruct the view or cause a traffic hazard.

### **B. Number and Dimensions of Signs**

1. Every business establishment shall be permitted to have one (1) sign for each public right-of-way upon which the property fronts.
2. Business signs shall be no larger than twenty-five (25) square feet in area.
3. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building.
4. The maximum height of a freestanding business sign is eight (8) feet.
5. The number of outdoor advertising off-premise signs shall be limited to one (1) per lot.

### **C. Construction**

No business sign or outdoor advertising sign shall be constructed so as to be a nuisance or to be detrimental to the surrounding land uses.

### **D. Illumination**

1. Any business sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic, may not duplicate, in the electric light of such sign, any colors appearing in the traffic control signal.
2. Any illuminated business sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

**Section 401-5 Fees**

For the appropriate fees, see Section 801-4C.

**Section 401-6 Non-Conforming Signs**

Signs in existence prior to the effective date of this Resolution that violate or are otherwise not in conformance with the provisions of this article shall be deemed non-conforming. All such legal non-conforming signs shall be maintained in accordance with this article. The burden of establishing the legal non-conforming status of any signs shall be upon the owner of said sign.

**Section 401-7 Replacement of Damaged Non-Conforming Signs**

Legal non-conforming signs that are damaged or destroyed to an extent greater than one half of its estimated replacement cost may be replaced with one that either 1) is the same size and height, and has the same copy, as the original sign; or 2) conforms to this article.

## **ARTICLE V**

### **OIL AND GAS WELL REGULATIONS**

Adopted by the Board of Township Trustees August 22, 1983

Regulations removed September 14, 2004. Effective September 16, 2004

The state regulates all regulations pertaining to oil and gas wells and brine injection wells.

## ARTICLE VI

### CONDITIONAL ZONING CERTIFICATES

#### Section 601 Purpose

Rather than assign all uses to special individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will at the same time maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, etc.

Land and structure uses possessing these particular unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a "Conditional Zoning Certificate" with such conditions and safeguards attached as may be deemed necessary for protection of the public welfare.

#### Section 601-1 Procedure for Making Applications

##### A. Submission

Any application shall be submitted through the zoning inspector to the Board of Zoning Appeals on a special form for that purpose, the payment fee shall accompany each application, as indicated in Section 701-4B.

##### B. Data Required with Application

1. Form supplied by Zoning Inspector, completed by applicant.
2. Site plan, plot plan and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 601-2A - 601-2B, inclusive.



C. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Resolution.

Since each application for a Conditional Certificate shall be considered unique, no decision by the Board of Zoning Appeals shall be interpreted as establishing precedent, nor shall it have any bearing on the decision in any other case.

No decision made by the Board of Zoning Appeals shall constitute an amendment to or permanent reinterpretation of the Zoning Resolution in whole or in part.

D. Hearing

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

E. Issuance and Revocation of Conditional Zoning Certificate

Only upon conclusion of hearing procedures relative to a particular application, may the Board of Zoning Appeals issue a "Conditional Zoning Certificate." The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted.

F. Reapplication

No application for a "Conditional Zoning Certificate" that has been denied wholly or in part by the Township Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more after such denial, unless newly discovered evidence or proof of changed conditions that would be sufficient to justify reconsideration by the Board of Zoning Appeals.

**Section 601-2 Basis of Determination**

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

A. General Standards for All Conditional Zoning Certificates

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use in the proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Township comprehensive zoning plan of current adoption;
2. 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 a use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any personal property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
7. Will be consistent with the intent and purpose of this Resolution;
8. Will be in compliance with Portage County Subdivision Regulations, when applicable, the Board of Health standards and the County Building Code;
9. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
10. Will be developed with consideration given to minimum removal of trees and change of topography;
11. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

**B. Specific Regulations Pertaining to Certain Conditionally Permissible Uses**

1. All structures and activity areas shall be located at least sixty (60) feet from all property lines.
2. To secure the optimum effect of transition from a residential to a nonresidential district, the Zoning Commission, with the approval of

the Board of Trustees, shall have the power to determine the need for the amount of, plant materials, walls or fences or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

3. There shall be no more than one directional advertisement oriented to each abutting road identifying the activity.
4. Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.
5. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
6. Shall be enclosed by a fence six (6) foot or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand, gravel, or other material shall be removed or stored within sixty (60) feet of any lot line not owned or controlled by the developer or operator of said business or his agent, nor shall such extraction be conducted closer to any lot so that areas contiguous thereto do not have adequate lateral support.

All work conducted in connection with such operations shall be done between the hours of 8:00 a.m. and 8:00 p.m.

No rehabilitated slope shall exceed an angle with the horizontal of twenty-five (25) degrees.

All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave, or create spoil banks.

Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.

All operations employing the use of explosives shall be subject to inspection by the Township but shall not constitute approval nor render the Township liable for damages. In this regard, the owner, lessee, their agents or such other persons as might have control or

interest in such mineral extraction operations shall pay a reasonable cost of all Township inspections, if any be required, during said operations. A bond shall be filed with the Township Clerk on a form furnished by the Clerk; payable to the Township and conditioned by faithful performance of all requirements contained in this section. Township Trustees based upon current costs and the amount of area involved shall determine the amount of said bond.

7. There shall be no burning of refuse, garbage, or other waste materials.
8. The area of use shall be completely enclosed by a six (6) foot high fence with openings no greater than ten (10%) percent of the fence area.
9. Wireless Telecommunication Service Facilities are subject to the following conditions:
  - A. A proposed wireless telecommunication facility application is to include a plot plan at a scale of not less than one inch is equal to 100 feet and shall indicate the locations of all buildings and the uses of all buildings within 300 feet of the proposed facility. The applicant shall also include as part of the application, a landscaping plan that indicates how the wireless telecommunication facility will be screened from adjoining uses. All wireless telecommunication service facilities shall be designed to promote facility and site sharing.
  - B. All applications for wireless telecommunication service facilities, as part of the application review process, shall include a plan of 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's to prevent erosion.
  - C. 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.
  - D. New structures: Only monopole towers permitted. Wireless communication monopole towers constructed up to, but not including, two hundred (200) feet in height above the finished grade, unless a lesser height is technically feasible to service the geographical service area of the applicant and the transmission and receiving equipment is stored inside a building constructed for the purpose. All applicants shall be required to construct or locate a base tower structure foundation that is designed to be buildable up to, but not including, 200 feet above

the finished grade. Such structure shall be designed to have sufficient structural capacity to allow for at least three (3) providers to be located on the structure when constructed to the maximum allowable height. The wireless communication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment building large enough to accommodate on one (1) user, space shall be reserved on site for equipment building expansions to accommodate up to at least three (3) users. The maximum size of above ground equipment buildings is 300 square feet for one provider and in no circumstances more than 750 squared feet in total.

- E. Existing towers must be utilized, as multi-user wireless telecommunication 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 approached about the feasibility of collocation opportunities at their respective sites. The operators for the existing facilities shall be requested to respond in writing to the applicant and shall be presented to the Board of Zoning Appeals to aid in determining the need for a new wireless telecommunication tower/facility. Facilities that are not proposed to be multi-user sites shall provide written explanation why the subject facility is not a candidate for collocation.
- F. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any residential dwelling, road, highway, or property line, excluding any building or road that is necessary to the express use of the tower.
- G. An eight (8) foot high security fence shall be placed around the tower base.
- H. All towers shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- I. Underground equipment shelters are encouraged.
- J. No lighting shall constitute a nuisance and shall in no way impair safe movement or traffic on any street or highway; no lighting shall shine directly on adjacent properties. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless the FAA permits no other alternative.

- K. A Site location should be preferred that offers natural or manmade barriers that would lessen the impact of the wireless telecommunication service facilities on adjacent areas.
- L. The entire site must be appropriately landscaped to be harmonious with surrounding properties.
  - 1. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
  - 2. 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.
- M. 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.
- N. Access roads shall be maintained in a dirt free and dust free condition.
- O. Loudspeakers that cause a hazard or annoyance shall not be permitted.
- P. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical, interference or other causes.

#### 10. 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 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 Article IV 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.
- H. The operator must agree to annual inspections to ensure compliance with local zoning requirements.

#### 11. Mother/Father-in-Law Suites

##### A. Purpose

To provide flexible household living arrangements, expand affordable housing opportunities, and provide a variety of housing types to meet the needs of residents while maintaining the aesthetics and residential use compatible with homes in the neighborhood.

##### B. Establishment

A Mother/Father-in-Law Suite may be established by any one (1) of the following methods:

1. Alteration of interior space of an existing dwelling;
2. Conversion of an attic, basement, garage (if attached) or other previously uninhabited portion of a dwelling;

or

3. Adding an addition of a separate unit onto an existing dwelling.

##### C. Standards and Criteria

No Mother/Father-in-Law Suite may be established unless it complies with the following standards:

1. The Mother/Father-in-Law Suite shall be a complete, separate housekeeping unit (including kitchen and bathroom facilities) that functions as a separate unit from the original unit.
2. Only one (1) Mother/Father-in-Law Suite may be created within or added to an existing single-family residence.
3. The Mother/Father-in-Law Suite shall be a clearly subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet

or forty (40%) of the floor area of the principal dwelling unit.

4. The development standards, front yard, rear yard and side yard setbacks, and height limits for the attached Mother/Father-in-Law Suite shall be the same as those required for the principal single-family dwelling unit.
5. Owner-Occupancy: The principal single-family dwelling unit and the Mother/Father-in-Law Suite shall be under single ownership at all times. The property owner shall occupy the principal dwelling unit or the Mother/Father-in-Law Suite at all times. A notarized affidavit certifying that the owner is an occupant of either the principal or the Mother/Father-in-Law Suite shall be submitted as part of the application for a Conditional Zoning Certificate.
6. The Mother/Father-in-Law Suite shall be designed so that, to the degree reasonably feasible, that the appearance of the building remains that of a single-family residence. A Mother/Father-in-Law Suite shall have an interior entranceway from inside the principal dwelling unit. A separate outside entrance may be added. However, a separate entrance shall be located only on the side or rear of the principal building.
7. The Mother/Father-in-Law Suite shall be constructed in such a manner as to be compatible with the principal single-family residence and neighborhood in terms of design, height, material and landscaping.
8. The Mother/Father-in-Law Suite shall be constructed in accordance with the provisions of the Portage County Building Code.
9. The Mother/Father-in-Law Suite shall comply with applicable health standards and shall be approved by the Portage County Municipal Health Department.
10. One (1) additional off-street parking space shall be required for the Mother/Father-in-Law Suite. The additional space requirement may be met by using the garage, carport or driveway of the principal dwelling unit.



11. No Mother/Father-in-Law Suite may be established until an application for a conditional zoning certificate has been submitted and approved in accordance with the procedures of this section and other applicable provisions of this Resolution.

12. The application shall include a notarized letter from the property owner(s) stating that he/she/they will occupy either the principal or Mother/Father-in-Law Suite.

12. Irregularly shaped lot of 20 acres or more in size for a single family dwelling (*Amended 9/2/03, includes 12 plus A-G*)

- A. Lot must have a minimum of 100 feet of continuous frontage.
- B. Lot may not become narrower than 100 feet at any point.
- C. Lot must widen to a distance, which is equal to or greater than the underlying zoning district's (OC or RR) minimum lot width requirement.
- D. Lot must be of sufficient area to accommodate a single-family residential dwelling and meet all of the underlying district's setback requirements and this portion of the lot must equal or exceed the minimum acreage requirement of the underlying zoning district.
- E. The front yard setback for the dwelling must be equal to or greater than the required setback of the underlying district and is to be measured from the point where the lot widens to equal the underlying district's minimum lot width requirement.
- F. A dwelling unit proposed for this lot shall not be located directly behind another dwelling.
- G. 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 that is suitable for a residential dwelling.

**PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

**Section 601-A Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such 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 the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience, or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

**Section 601-A-1 Application and Standards For Variances**

- A. Variance from, the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:
1. Name, address, and phone number of applicants;
  2. Legal description of property;
  3. Description of nature of variance requested;
  4. A narrative statement demonstrating that the requested variance conforms to the following standards:
    - a. That special conditions and circumstances exist that are peculiar to the land, structure, or buildings involved and that are not applicable to other lands, structures, or buildings in the same district;
    - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
    - c. That special conditions and circumstances do not result from the actions of the applicant;
    - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the board makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the

standards and conditions imposed by subsection 4 of this section have been met by the applicant.

### **Section 601-A-2 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted shall be deemed a violation of this Resolution.

### **Section 601-A-3 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of a complete application for an appeal or variance from the Zoning Inspector or an applicant. *Amended 1/21/03*

### **Section 601-A-4 Notice of Public Hearing in Newspaper**

Before holding the public hearing, notice of such hearing shall be give in one or more newspapers of general circulation of the Township at least ten (10) days before date of said hearing. The notice shall set forth the time and place of the public hearing, and nature of the proposed appeal or variance.

### **Section 601-A-5 Notice to Parties of Interest**

Before holding the public hearing, written notice of such hearings shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

### **Section 601-A-6 Action by Board of Zoning**

Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

**NONCONFORMING USES**

**Section 701 Intent**

\*The purpose of this section is to provide for lots, uses of land, structures (to include signs), and uses of structures and land in combination that were lawful prior to adoption and the effective date of this Zoning Resolution and subsequent amendments thereto, but do not now conform to all these nonconformity's to continue until they are removed, but not generally to encourage their survival.

**Section 701-1 Regulations**

A. Nonconforming Lots of Record

Any lot of record or lot as to which a bonafide agreement of sale has been entered into prior to the effective date of this Resolution, where no adjoining land was under the same ownership or subject to the same or similar contract between the same parties on such date, may be used as a building site for a single family dwelling even if it is of lesser area, width, or depth than required by the regulations of the district in which it is located, provided that said building site is approved by the Portage County Health Department if it is to have on-site sewage disposal, or by the Portage County Sanitary Engineer if it is to be served by a central sanitary sewer system. Such construction on a nonconforming lot of record shall not be permitted if it will have an adverse impact on surrounding properties due to the nonconformity.

If such nonconforming lot abuts on any side, or rear, one or more parcels or other lots in the same ownership on the effective date of this Resolution or have been acquired since that time and prior to application for a zoning certificate, then such adjacent lot(s) shall be combined with the nonconforming lot to make it conforming.

No Lot shall be divided in any manner that creates a lot which does not meet zoning requirements for said lot.

B. Alterations & Extensions

A nonconforming structure may be altered, improved to decrease its nonconformity and may be enlarged or extended, but may not be enlarged or extended more than twenty (20) percent, one time only.

C. Displacement

No conforming use of land or structures shall displace in part or whole a conforming use, nor shall a nonconforming use replace another nonconforming use unless the Board of Appeals on appeal, determines that the proposed use is in less conflict with the character and use of the district and more appropriate than the existing nonconforming use.

D. Replacement \*Amended 11/7/96

\*Should a nonconforming structure be damaged by any means to an extent greater than fifty percent (50%) of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Resolution.

E. Discontinuance & Abandonment

Whenever a nonconforming use of a structure or land has been discontinued or abandoned for more than two (2) years, any further use of the land and/or structure shall be in conformity with the provisions of this Zoning Resolution.

F. Nonconforming Use of Land-Enlargement and/or Extension

No nonconforming use of land shall be enlarged, increased, or extended more than twenty (20) percent one time only.

G. Construction Approved Prior to Resolution or Amendments

Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Resolution and subsequent amendments thereto that create nonconforming uses, provided that the construction is commenced within ninety (90) days after the issuance of said certificate and that construction is carried on without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within one (1) year after the issuance of said building permit.

H. Repairs and Maintenance

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any portion of a building or structure declared unsafe by any official charged with protecting the public safety, upon order of such official.

I. Certificate of Nonconforming Use

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

1. In accordance with the provisions of this section, no use of land or structures shall be made other than that specified on the Certificate of Nonconforming Use unless said use shall be in conformance with the provisions of the Zoning District in which it is located.
2. A copy of each Certificate of Nonconforming Use shall be filed with the office of the Board of Appeals and a copy given to the Zoning Inspector.

## **ARTICLE VIII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 801 Administration**

##### **Section 801-1 Office of Zoning Inspection Created duties of Zoning Inspector**

The position of Township Zoning Inspector to be appointed by the Township Trustees is hereby established for the purpose of enforcing the zoning regulations. Assistant Zoning Inspectors may also be appointed, as the Trustees deem necessary, and shall perform the same duties as the Zoning Inspector or those duties designated by the Trustees. The Zoning Inspector shall perform the following duties:

- A. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violations, ordering the action necessary to correct such violation;
- B. Order discontinuance of illegal uses of land, buildings, or structures;
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- D. Order discontinuance of any illegal works being done;
- E. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of, and action on, zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

##### **Section 801-2 Proceedings of Zoning Commission**

The commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings shall be open to the public. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the commission.

##### **Section 801-3 Duties of Zoning Commission**

For the purpose of this Resolution the commission shall have the following duties:

- A. Initiate proposed amendments to this Resolution; and

- B. Review all proposed amendments to this Resolution and make recommendations to the Township Trustees.

#### **Section 801-4 Zoning Certificates Required**

Before constructing or altering any structure, or building, including accessory buildings and permanent signs, an application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following information:

- A. Secure a permit for connecting to sewer lines where available, if no sewers are available, secure from the Portage County Board of Health a sanitary permit containing specifications for the location and construction of septic tank, leach bed and overflow;
- B. Prepare drawing showing size of lot, location of proposed building and accessory building, if any;
- C. Submit a drawing showing foundation area and height of proposed building or buildings and stating the use intended;
- D. Attach these papers to a letter of application, accompanied by the proper fee, and requesting a Zoning Certificate.

#### **Section 801-5**

If the application is for changing the use, alterations to change the use, or structural alterations so as to change the foundation area, a drawing showing location on the lot and/or structural changes and use intended shall be submitted with application for a Zoning Certificate, accompanied by the proper fee.

- A. The Zoning Inspector shall, if the application is accompanied by the proper fee and the proposed location and use of building complies with the requirements of this Resolution, issue a Zoning Certificate within a period of not more than ten (10) days.
- B. The Zoning Certificate becomes void if the proposed construction, alteration or change of use provided therein is not commenced within one hundred and eighty (180) days or, if not completed within two (2) years after the date certificate is issued, a new permit and fee is required upon application.
- C. A fee shall accompany each application for a Zoning Certificate. This fee shall not be refunded if the certificate is refused.
- D. The Township Zoning Inspector shall make as many inspections as are necessary to establish the fact that construction, alterations or use for which a Zoning Certificate has been issued is in compliance with said certificate.

## **Section 801-6 Payment of Fees**

A. The following uses require a fee as established by the Board of Township Trustees:

1. Residential Dwelling
2. Mylar Signing
3. Additions
4. Accessory Buildings
5. Decks, Dishes, Pools, Fence, Minor Alterations
6. Zoning Book
7. Signs (Permanent)
8. Appeals
9. Commercial and Institutional Uses

B. When the Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures, or when the Board of Zoning Appeals has deemed it necessary to require special studies to be made, the applicant shall bear all direct and related costs.

## **Section 801-7 Board of Zoning Appeals**

There is hereby created a Board of Zoning Appeals that shall be appointed by the Township Trustees and shall have powers and follow procedures prescribed by Ohio Revised Code and by this Resolution.

The Board of Zoning Appeals, as hereinafter created, may authorize the issuance of such Conditional Zoning Certificates for any of the following uses in those districts designated and the following procedures should be followed in submitting a request for such a certificate.

### **A. Powers and Duties**

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25, inclusive of the Revised Code, or of this Resolution which is adopted pursuant thereof;
2. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;

To grant Conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution.



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

B. Appeals and Applications

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution and shall set forth the interpretation that is claimed by the Board, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Conditional Zoning Certificates, or Variances, together with all documents pertaining thereto.

**Section 801-8 Amendments**

- A. Amendments or Supplements to this Resolution may be initiated by:
1. Motion of the Township Zoning Commission.
  2. Passage of a resolution by the Board of Township Trustees.
  3. Filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
- B. Upon the adoption of such motion, certification of such resolution or filing of such application the Township Zoning Commission shall:
1. Set a date for public hearing, which date shall be not less then twenty (20) or more than forty (40) days after adopting, certifying, or filing the initiating action.
    - a. The Township Zoning Commission shall give notice of said hearing by publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of hearing. *Amended 1/21/03*

2. If the proposal is to rezone or redistrict less than ten (10) parcels of land, notice shall be mailed by first class mail to all property owners within, contiguous to or across the street or highway from the area proposed to be changed at least twenty (20) days prior to the date of hearing. Said notice shall be mailed to such owner at the addresses appearing on the current tax duplicate of the county. The failure of delivery of such notice shall not invalidate any amendment or supplement.
3. Within five (5) days after the adoption, certification or filing for amendment or supplement, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto, to the Regional Planning Commission.

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing on the proposed amendment or supplement. Failure of the Planning Commission to make a recommendation shall in no way invalidate the proposed amendment or supplement.

- C. After such hearing, the Township Zoning Commission shall within thirty (30) days, recommend approval or denial of the proposed amendment or supplement or the approval of some modification thereof and certify such recommendation together with the motion, resolution, application, the text and map pertaining thereto and the recommendation of the Regional Planning Commission to the Board of Township Trustees.
- D. The Board of Township Trustees shall upon receipt of such recommendation:
  1. Set a date for public hearing on such proposed amendment or supplement that shall be not more than thirty (30) days from receipt thereof.
  2. Give notice of such public hearing by publication in one (1) or more newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing.
  3. Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Zoning Commission, a unanimous vote of the Board shall be required.
- E. Effective Date, Referendum
  1. The amendment or supplement as adopted by the Board of Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after its adoption, 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 equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at

the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit amendment or supplement at the next primary or general election.

2. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement.
3. Upon certification by the Board of Election that amendment has been approved by voters, it shall be effective immediately.

## **Section 802 Enforcement**

### **Section 802-1 Violations**

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Resolution are claimed to be a nuisance per se.

### **Section 802-2 Inspection**

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions that are found to be in violation of this Resolution.

### **Section 802-3 Correction Period**

All violations shall be corrected within a period of thirty (30) days after written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.

### **Section 802-4 Penalties**

The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who shall assist in the commission of any such violation, and any person who shall violate any provisions of this Resolution or fail to comply therewith shall for each violation of noncompliance be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars. Each day such violation or failure to comply shall exist shall constitute a separate offense.

### **Section 802-5 Prevention of Violations**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Resolution or any land is or is proposed to be used in violation of Sections 519.01 to 519.99, inclusive of Ohio Revised Code, or if any regulations or provisions adopted by the Township Trustees or Township Boards, the prosecuting attorney, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to the 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, constructions, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

## **ARTICLE IX**

### **VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in parts or to be inapplicable to any person or situation, the effectiveness of such decision shall be limited to the provision or provisions that are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

## **ARTICLE X**

### **REPEALER**

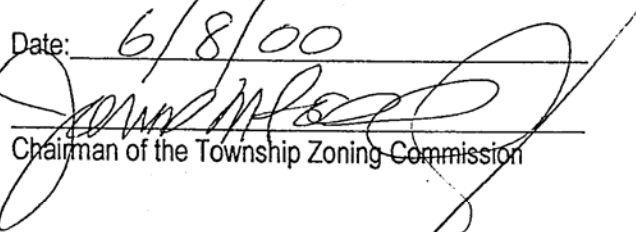
All existing Resolutions of Hiram Township, Portage County, Ohio, inconsistent herewith is hereby repealed.

ARTICLE XI

EFFECTIVE DATE

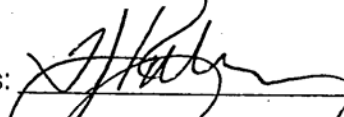
This Resolution shall take effect and be in full force and effective from and after the earliest period allowed by law.

Recommended by the Township Zoning Commission

Date: 6/8/00  
  
Chairman of the Township Zoning Commission

Adopted by the Township Trustees 7/25/2000

Date: Effective 8/25/2000

Trustees:   
Paul D. Luta  
E. E. Boense

Attest by the Clerk of the Township:

Raugh's Brewer  
Clerk

## DEFINITIONS

Accessory Use - A use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

Alley - A strip of land, dedicated to public user primarily to provide vehicular access to the side or rear of properties otherwise abutting on a street.

Alteration - As applied to a building or structure, is a change or re-arrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

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

*\*\*Amended 8/27/97*

Auto Graveyard - Synonymous to Junk Yard.

Basement - A story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

Bed and Breakfast — is an establishment within a private residence that offers sleeping accommodations to lodgers in 4 or fewer rooms for rent, in the innkeeper's principal residence and serves only breakfast (at no extra cost) to its lodgers.

Bedroom – Means any room within a dwelling that might reasonably be used as a sleeping room including but not limited to rooms designated as a den, office or study.

*\*\* Amended 7/2/97*

Building - Any structure having a roof supported by columns or by walls, including signs, billboards, tents, and lunch wagons, dining cars, camp cars, or other structures, whether stationary or removable, used for living or business purposes.

Building Height - The vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest roof peak. *\*\*Amended 8/2/11*

Building Line - A line parallel to the road right-of-way defining the location of the main building or structure with respect to the road, outside which no part of the foundation of the main building or structure projects.

Building, Principal - The building housing the principal activity performed on any lot.

Camper - See Recreational Vehicle.



## **DEFINITIONS, continued**

Common Open Space - The only required open space land area as it relates to a R.R. N.O.S.O. residential subdivision, that can be improved with man-made features, such as sewage service, storm water management, and/or water supply facility improvements, as well as facilities associated with active and passive recreational uses. Plotted common open space is part of the development and considered accessible by Homeowner Association members and if dedicated, it is accessible by the public. *Amended 9/14/04*

Condominium - Joint ownership of real estate, including land, structures, and improvements.

Condominium Property – Means and includes the land, together with all buildings, improvements, and structures thereon, all easements, rights, and appurtenances belonging thereto, and all articles of personal property that have been submitted to the provisions of Ohio Revised Code, Chapter 5311, which applies only to property that is specifically submitted to its provisions by the execution and filing for record of a declaration by the owner thereof. For purposes of these Regulations, the improvement of a parcel or parcels of land that is to be ultimately jointly-owned under a condominium declaration, is a subdivision under the terms of these regulations and, thereby, subject to all pertinent requirements and specifications herein prior to the actual recording at the applicable condominium declaration.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings that is bounded on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dumps - Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material, of any kind, junk, discarded machinery, vehicles, or parts thereof, offal, or dead animals.

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)

Dwelling, One Family - A detached building designed for or occupied exclusively by one family and complying with County Building Regulations.

Dwelling, Single-Family Detached - A dwelling consisting of a single dwelling unit only, separated from other unattached dwelling units by open space.

Dwelling, Two Family - A detached building designed for, or converted or occupied exclusively by two families, living independently of each other.

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 only one family.

## DEFINITIONS, continued

Family - One or more persons related by marriage or immediate blood relationship occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Foundation Size - Foundation size is the outside dimensions of structure.

*\*\*Added 8/2/11*

Garage Public - Any garage, other than a private garage, available to the public for storage, where repairs, rental(s), servicing, adjusting, or equipping of motor vehicles is permitted or where the sale of accessories and/or filling station service is permitted.

Gasoline Service Station - Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing greasing, washing, spraying dry cleaning or otherwise cleaning or serving such motor vehicles.

Grade, Finished - The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement. *\*\*Added 8/2/11*

Grade, Natural - The elevation of the undisturbed natural surface of the ground prior to any excavation or fill. *\*\*Added 8/2/11*

### How do I determine average finished grade?

Step 1: Provide an accurate drawing of the building footprint on the site. The drawing must show both the existing and proposed topography (using contour lines at 2' intervals).

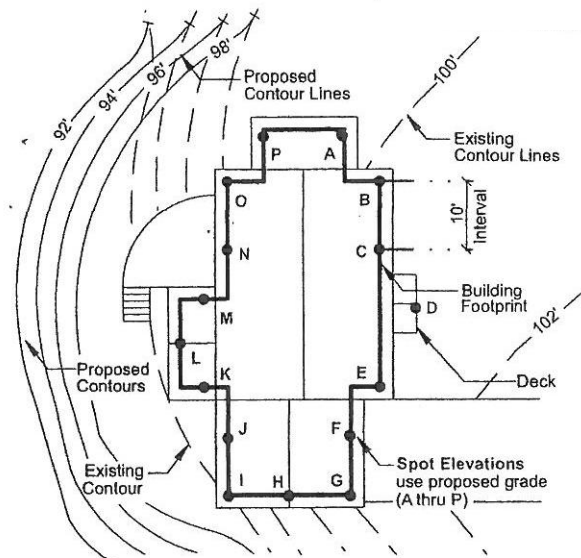
Step 2: Show points on the drawing every 10' around the building footprint. For each point, provide spot elevations of the topography as it will exist upon project completion.

Step 3: Add up all of the spot elevations, and divide by the quantity of those spot elevations. This gives you your average finished grade (Figure 1)

*Calculating the Average Finished Grade*  
(add all spot elevations)

$$\frac{A \text{ thru } P}{16} = \text{Average Finished Grade}$$

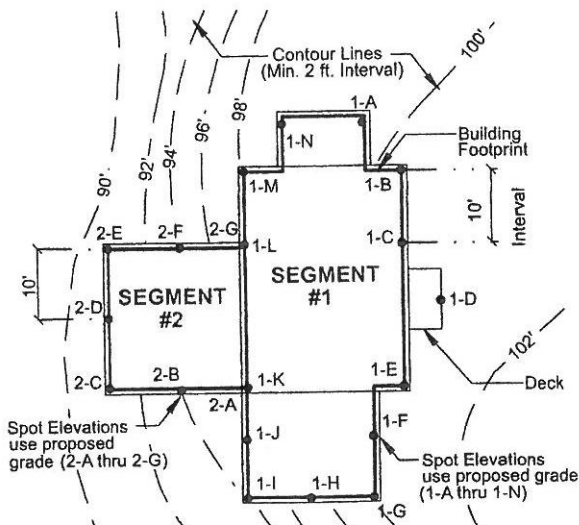
(divide by # of spot elevs.)



**Determining Average Finished Grade**

**Figure 1**

\*\*Added 8/2/11



**Determining Average Finished Grade**  
(Separate Building Segments)

**Figure 2**

### What if I have a sloping site and a building composed of building segments?

To determine average finished grade for each segment, refer to the scaled drawing of the building footprint on the site, which you have prepared, showing the spot elevations for finished grade at 10' intervals around the building. Do not provide spot elevations on the common wall between the segments. Locate and show on the plan the line or lines that distinguish each building segment. Number the segments. Starting with segment #1, add up all the spot elevations for that segment and divide by the quantity of the spot elevations for that segment. This gives you the average finished grade for segment #1 (Figure 2). Repeat the process for each numbered segment.

*Calculating the Average Finished Grade*  
(add all spot elevations)

$$\frac{1-A \text{ thru } 1-N}{14} = \text{Average Finished Grade}$$

(divide by # of spot elevs.)

Repeat for each building segment

\*\*Added 8/2/11

**Home Occupation** - Any office or customary home occupation in a house dwelling used as a private residence, providing such use does not involve any extension or modification of said dwelling that will alter its appearance as a dwelling, and providing such a use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this Resolution, and further providing that not more than twenty-five (25%) percent of said house dwelling is used by said resident for said office or home occupation.

**Junk Yard** - Any land or building used for abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or parts thereof. Two or more automobiles or trucks that are not in operating condition shall be deemed a Junk Yard.

**Loading Space** - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lot** - A piece, parcel or plot of land occupied or capable of being occupied by one or more buildings or uses customarily incident to it, including such open spaces as are

required by this Resolution and access to frontage on a public or private street built to public standards.

Lot, Depth of - The mean horizontal distance from the right-of-way line of street and rear lot line.

Lot, Frontage – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

*\*\* Amended 7/2/97*

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines defining the limits of a lot.

Lot, Minimum Area of - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street. *\*\* Amended 7/2/97*

Lot Types - *\*\* Amended 7/2/97.* Terminology used in this Ordinance (Resolution) with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees. *\*\* Amended 7/2/97*
2. Interior Lot – A lot with only one frontage on a street. *\*\* Amended 7/2/97*
3. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets, may be referred to as double frontage lots. *\*\* Amended 7/2/97*
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. *\*\* Amended 7/2/97*

Lot, Width of - The width measured along the building line.

Lot, of Record - A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of County or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds of Portage County.

Major Thoroughfare - A road defined as a major thoroughfare by the Regional Planning Commission or indicated as a major thoroughfare on the Land Use and Thoroughfare Map of current adaptation.

## **DEFINITIONS, continued**

Manufactured Home - A building unit or assembly of closed construction fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. *Amended 1/21/03*

Minimum Building-Setback Line - A line parallel to the street right-of-way line at such distance from the street right-of-line as required by the minimum front rear depth in the district that it is located. Where the right-of-line is not established, it shall be assumed to be sixty (60) feet in residential districts and eighty (80) feet in commercial and industrial districts.

**MINIMUM LIVING SPACE** - The total area of finished, above-grade residential space. It is calculated by measuring the outside perimeter of the structure and includes only finished, habitable, above-grade living space. Finished basements and unfinished attic areas are not included in total minimum living space. Areas below grade are not included in the area defined as living area but are noted separately, as are other areas of the residence such as porches, patios, garages (non-living areas). *\*\*Amended 8/2/11*

Mobile Home - 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, and does not qualify as a manufactured home as defined in Division C (4) of section 3781.06 of the Revised Code or as an industrial unit as defined in Division C (3) of section 3781.06 of the Revised Code. *Amended 1/21/03*

Modular Home - Factory-built housing certified as meeting the local and 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. *Amended 1/21/03*

Mother/Father-in-Law Suite - is a separate housekeeping unit, complete with its own sleeping, cooking, and bathroom facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Non-Conforming Use - A building, structure or use of land existing at the time of enactment of Resolution, and which does not conform to the use regulations of the district that it is located.

Nursing or Convalescent Home - Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Off-Premise Sign - A sign that advertises goods, services, or facilities that are not available on the premises where said sign is located. *\*Amended 7/2/97*

## **DEFINITIONS, continued**

Open Space - As it relates to a R.R. N.O.S.O. residential subdivision and is designated as either "restricted open space" or "common open space". The area is substantially open to the sky and may include natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities, as well as other improvements that the Zoning Commission deems permissible. Streets, parking areas and structures for habitation, and required side, front and rear yards shall not be included. The open space may be held by a public or private entity and is restricted from further development in perpetuity by a legal instrument, such as a conservation easement and is identified on the plat as specified in the R.R. N.O.S.O. residential subdivision requirements. *Amended 9/14/04*

Parking Space - An off street space or berth for the temporary parking of a vehicle for a period longer than required to load and unload persons or goods and having an area not less than two hundred (200) square feet, a width of not less than ten (10) feet and drives or aisles giving access thereto accessible from streets or alleys.

Permanent Foundation - A permanent masonry, concrete, or locally approved footing or foundation. *Amended 1/21/03*

Permanent Sign – Any sign except a temporary sign. Such signs are intended to be used indefinitely without change in the same state or place, and include identification signs, directory signs and parking control sign.

*\*Amended 7/2/97*

Public Utility - Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public, electricity, gas, steam, telephone, telegraphy, transportation, or water. For the purpose of this Resolution, wireless telecommunication services shall not be considered public utility uses, and are defined separately. *\*\*Amended 8/27/97*

Quarry - Any use of land for the removal of any mineral or material, including open or strip mining and shaft mining.

Rear Yard - Beginning with the rear most portion of the rear line of the permanent foundation. *Amended 1/21/03*

Recreation, Active - Recreation that involves the construction of permanently sited structures, parking areas and/or buildings.

Recreation, Passive - Recreation that involves the use of the existing natural features and resources of the land and may include improved walkways and sitting areas having a minimal impact to the environment.

Recreational Vehicle - Any vehicle designed and constructed for use, intended use or possible use as a conveyance on public streets or highways, so designed, constructed, reconstructed or added to by means of portable accessories in such manner as will permit the occupancy thereof as a recreational vehicle.

## **DEFINITIONS, continued**

Restricted Open Space - The open space area as it relates to a R.R. N.O.S.O. residential subdivision that is restricted from any improvements or newly created man-made features in perpetuity except those related to agriculture and passive recreation. Restricted open space is plotted as part of development and considered private property of the third party and not accessible by homeowner association members.  
*Amended 9/14/04*

Sign - Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public, from outside of a building or from a traveled way, which either conveys a message to the public or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, good, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise. *\*Amended 7/2/97*

Story, Height of - The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street, Private - A thoroughfare that affords principal means of access to abutting property but that has not been deeded to the public.

Street, Public - A public thoroughfare that has been dedicated or deeded to the public for public use and that affords principal access to abutting property.

Structure - Anything constructed or erected that requires location on the grounds including signs, and billboards, but not including fences or walls used as fences.

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

### Subdivision

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) 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, however, 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 or streets except private streets serving industrial structures; the division or allocation of land as open spaces 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 public facilities.

## **DEFINITIONS, continued**

Swimming Pool - For the purpose of this Resolution, is defined as a water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material and located out of doors, which has a square foot surface of three hundred (300) square feet or more, a depth at any point of more than two (2) feet, or both. Swimming pools shall not include fishponds, hot tubs or other similar items.

Tank - Storage - Is in reference to petroleum products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

Temporary Sign – A sign that is intended to be displayed for a limited time period not to exceed six (6) months. Such signs include real estate signs, political signs, construction signs and special event signs. *\*Amended 7/2/97*

Use - The principal purpose for which a lot, and/or the main building thereon is designed arranged, or intended and for which it may be used, occupied or maintained.

Width, Side Yard - The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

Wireless Telecommunication Service Facility - A facility, consisting of equipment, structures, parking area, and accessory development, involved in transmitting and/or receiving electromagnetic signals, *\*\*Amended 8/27/97*

Wireless Telecommunication 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. *\*\*Amended 8/27/97*

Wireless Telecommunication Tower – Any structure, including supporting lines, cables wires, braces, and masts, intended primarily for the purpose of supporting one or more antenna, or similar apparatus. *\*\*Amended 8/27/97*

Wireless Telecommunication Tower, Multi-User – A tower to which is attached the antennas of more than one wireless telecommunications service provider or governmental entity.  
*\*\* Amended 8/27/97*

Wireless Telecommunication Tower, Single-User - A tower to which is attached the antenna of a single user, although the tower may be designed to accommodate the antennas of multiple users as requested in this Resolution. *\*\* Amended 8/27/97*

Words Not Defined - Words not defined within this Zoning Legislation shall be defined as having their ordinary and common usage.

Yard Depth, Front - The perpendicular distance between street right-of-way line and the nearest portion of any structure existing or to be constructed. Where the right-of-



## **DEFINITIONS, continued**

way is not established it shall be assumed to be sixty (60) feet in residential areas and eighty (80) feet in commercial areas.

Yard Depth, Rear - The space between any portion of the building and the rear line and extending the full width of the lot.

Zone - Area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being uniform throughout the zone in which they apply.