

**CHAPTER 6  
REGULATIONS APPLICABLE TO ALL DISTRICTS**

**Section 600.00 Regulations Applicable to All Districts**

**Section 601.00 Purpose**

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

**Section 602.00 Uses Exempt from Regulations**

A. Agricultural Uses

1. Nothing contained in this Resolution shall prohibit the use of land, buildings or structures and/or the location or construction of buildings and structures for agricultural purposes, except as specified in Section 630.00.
2. A zoning certificate shall not be required for any agricultural use as specified in Subsection A.1. However, a signed affidavit stating that the purpose of the building is for agricultural use only is required, prior to construction. The affidavit must be signed by the Zoning Inspector.
3. Farm dwellings and other non-farm accessory buildings and structures shall conform to the requirements of the applicable zoning district.

B. Public Utilities and Railroads

Public utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. Wireless Telecommunications Service Facilities classified as a public utility located in any residential zoning district are subject to the provisions of Chapter 7 and Section 700.10.B.60, if applicable.

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

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

1. The use or storage of flammable or explosive materials is not adequately protected by fire fighting and fire protection equipment or by such safety devices as are normally required

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for such activities.

2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
5. Direct or reflected glare is present which is visible from any street or from any property.
6. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
7. Water pollution or containment is present in violation of the regulations of the Ohio Environmental Protection Agency.

### B. Assurance Requirements and Plans

Prior to the issuance of a Zoning Certificate the applicant may be required to provide written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes, operations entailed in certain uses or occupations shall comply with the requirements of this Resolution.

### C. Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall be subject to the enforcement procedures contained in Section 405.00 of this Resolution.

### D. Prohibited Uses

The following specific uses are prohibited in any zoning district:

1. Storage, sale, or manufacture of fireworks, or any other explosive.
2. Dumping, storing, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubbish or dead animals (except household pets in own yard), except as specifically permitted in Chapter 5 and except for composting yard wastes and kitchen scraps (no meat, dairy or fat wastes) if properly maintained. Guidelines of the Portage County Solid Waste District must be adhered to.
3. Use of any vehicle for dwelling unit purposes.
4. Junk motor vehicles, junk yards, auto graveyards or places for the collection of scrap metal, paper, rags, glass, or junk for sale, salvage, or storage purposes or for dismantling

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used vehicles, except as otherwise specifically permitted in Chapter 5.

5. Slaughter houses and fertilizer manufacturers.
6. Unless exempt as an agricultural use in compliance with all applicable state and federal regulations, the keeping, or maintaining of a wild and dangerous animal by any person shall be deemed a public nuisance due to the health and safety risk to the public and to domesticated animals, and such use shall not be considered an accessory use within any zoning district.

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**Section 609.00            Outdoor Furnaces**

A typical Outdoor Furnace burns wood or other materials to heat water or air that is piped underground to a nearby building and/or structure (i.e. residence, accessory building, swimming pool, hot tub) resulting in heat and/or hot water. An Outdoor Furnace resembles a small shed with a smokestack, and is located on the outside of the building or structure to be heated.

A number of studies recognized by the Environmental Protection Agency have determined that the emissions of particulate matter from an Outdoor Furnace can be a health hazard. These studies have indicated that the heavy smoke released close to the ground, where it often lingers, exposes people to health risks and the smoke is reported as causing other nuisances as well. Therefore, in order to mitigate the harmful effects associated with the use of an Outdoor Furnace, no person shall operate an Outdoor Furnace, except in full compliance with the following requirements:

- A. A zoning certificate is required.
- B. No person shall operate an Outdoor Furnace in such a manner as to create a nuisance.
- C. Minimum lot size shall be 1-1/2 acres.
- D. The Outdoor Furnace shall be located in the rear yard.
- E. The Outdoor Furnace shall be located at least 50 feet from the nearest property line.
- F. More than one building and/or structure on the site may be serviced from either a single Outdoor Furnace or by multiple Outdoor Furnaces. An Outdoor Furnace shall be located at least 25 feet from any building or structure on the lot that it is not providing service to.
- G. Time of Operation and Setbacks
  1. An Outdoor Furnaces may only operate between October 1 and April 14.

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2. If an Outdoor Furnace is to be operated year-round, then the Outdoor Furnace shall be placed no closer than 200 feet from the nearest building intended for human habitation, place of assembly, education, occupancy by the public that is located on the surrounding properties.

### H. Allowable Fuel Material

No person that operates an Outdoor Furnace shall use a fuel other than the following:

1. Clean dry wood that has no paint, stains or other types of coatings and wood that has not been treated with, but not limited to copper chromium arsenate, creosote or pentachlorophenol.
2. Wood pellets made from clean wood.
3. Home heating oil in compliance with the applicable sulfur content limit or natural gas may be used as starter fuel for dual-fuel for Outdoor Furnaces.

### I. Visible Emission Standards

1. No person shall cause or allow visible emissions from any Outdoor Furnace to exceed an average of twenty per cent opacity for six consecutive minutes in any one-hour period of normal operation.
2. No person shall cause or allow visible emissions from any Outdoor Furnace to exceed forty per cent opacity for twenty consecutive minutes during the startup period. This only includes initial firing of the Outdoor Furnace. This does not apply to refueling.

### J. Smoke Stack Height

All Outdoor Furnaces shall have a permanent smoke stack/chimney that is at least five feet higher than the peak of any roof within 150 feet of its location.

### K. Fencing Requirements

The Outdoor Furnace and the area containing the fuel materials shall be enclosed by a 6 ft. fence or landscaping and be completely screened from view of any public street right-of-way or from viewing of any adjoining property.

## **Section 610.00          General Regulations**

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

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

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

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### B. Usable Open Space

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

### C. Substandard Lots

See Section 620.00.

### D. Projections into Yard Areas

1. Terraces, porches, platforms or other ornamental features, whether covered or uncovered, which do not extend more than two (2) feet above the level of the ground, may project into a required side yard, provided these projections remain a distance of at least twelve (12) feet from the adjacent property lot line to allow passage of emergency vehicles and fire apparatus.
2. The ordinary projections of balconies, chimneys or flues, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

### E. Reduction of Area or Space

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

### F. Construction in Easements

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

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

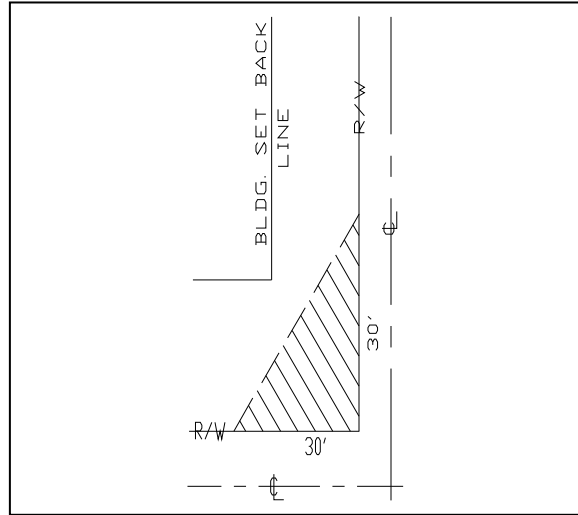
1. Required Yards Facing Streets

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

### 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.



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

Unless otherwise specified, any nonresidential building or use that is located or conducted on a commercially or industrially zoned parcel of land shall be no closer than forty (40) feet to any lot line of a residential district of which at least twenty (20) feet shall be landscaped with a vegetative buffer.

## Section 610.02 Principal Buildings

- A. Except as otherwise specified, all principal buildings, regardless of use, shall be located on a lot having the required frontage on a public street or private street built to Portage County Subdivision Regulations standards.
- B. Except as otherwise specified, no more than one principal residential building shall be permitted on any individual lot.
- C. Minimum Distance for Buildings Intended for Human Habitation from Oil and Gas Facilities:
  1. All buildings intended for human habitation, place of assembly, education or occupancy by the public shall be located at least 200 feet from any well head, separator unit, storage tank and tank battery.
  2. No habitual structure for human habitation, place of assembly, education or occupancy by the public shall be located within 25 feet of a plugged well.

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### D. Manufactured Homes

1. All manufactured homes shall be located on a permanent foundation in compliance with 1992 CABO 1 and 2 Family Dwelling Code and all Portage County Building Department Resolutions.
2. All Manufactured Homes shall be skirted from the ground to the floor with material that has no more than ten (10) percent openings to prevent small children and animals from crawling underneath.
3. A Manufactured Home not used as a dwelling shall not be permitted to remain on the lot.
4. A Manufactured Home may be permitted for use as a temporary building (home), subject to Section 611.00.

### Section 610.03      Regulations of Accessory Buildings and Structures

- A. Except as otherwise specified in this Resolution, all lots shall be permitted a maximum of two accessory buildings or structures, excluding attached and detached garages, in association with a principal building provided that:
1. A Zoning Certificate is required.
  2. The total combined gross floor area of the accessory building or structure shall meet the following requirements.
    - a. Accessory I – in all districts for lots up to two (2) acres in size, the aggregate gross floor area shall not exceed 1,200 square feet.
    - b. Accessory II - in all districts for lots greater than two (2) acres in size, the aggregate gross floor area shall not exceed 2,000 square feet.
  3. It shall not be located closer than fifteen (15) feet to any principal building and ten (10) feet from all other non-inhabitable buildings.
  4. It shall not exceed twenty-two (22) feet in height.
  5. It shall be located in the rear yard area of a lot and shall comply with all setback requirements of the zoning district.
  6. It shall not contain or be used as a dwelling unit.
  7. It shall be made of durable all-weather materials.
  8. If any dimension is greater than 12 feet by 16 feet and/or 192 total square feet, then it shall be placed on a permanent frost-free foundation.

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### B. Attached and Detached Garages

One attached or detached garage structure is permitted per principal residential dwelling unit. A detached garage shall not exceed 50% of the gross floor area of the principal residential dwelling on the lot.

### C. A temporary seasonal tent is permitted on any property in association with the principal residential building and does not require a Zoning Certificate for its use provided the following requirements are met:

1. A maximum of two (2) temporary seasonal tents are permitted on a parcel of land having a principal residential building on it.
2. A temporary seasonal tent shall be permitted for a maximum of one-hundred-twenty (120) days of any calendar year.
3. The total floor area of the temporary seasonal tent(s) shall not exceed a total of one-hundred-twenty (120) square feet.
4. A temporary seasonal tent shall be required to conform to all accessory structure setback requirements of the zoning district.
5. The temporary seasonal tent shall be used for recreational activities only and shall not be used as a storage facility

### **Section 610.04      Height Regulations**

Except as otherwise specified in this Resolution, the maximum building height shall be measured from finished grade to the eaves.

### **Section 610.05      Exception to Height Regulations**

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

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

### **Section 610.06      Fences, Walls and Hedges**

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

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yard provided:

- A. All fences, walls, hedges and berms or in combination must be located on and able to be maintained on the owners property. The use of berms shall be in compliance with the design requirements as specified in Section 1100.08.
- B. A Zoning Certificate is not required.
- C. All fences and walls or in combination shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences and walls shall be maintained in good safe condition at all times.
- D. All hedges and/or other vegetative plants shall be maintained in good condition at all times. All dead or diseased plants must be replaced or removed. Failure to replace or remove dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.
- E. Except as otherwise specified in this Resolution, fences, walls, hedges and berms or any combination along any side or rear property line of any property are permitted within any zoning district in accordance with the following standards:
  - 1. No fence, wall, hedge or berm or any combination shall exceed six feet, six inches (6'-6") in height above the finished grade in all zoning districts, except districts designated for industrial uses. Decorative posts shall not exceed a height of eight (8) feet.
  - 2. In districts designated for industrial uses, fences, walls, hedges and berms or any combination shall not exceed twelve (12) feet in height above the finished grade, including decorative posts.
- F. Fences, walls, hedges and berms or any combination shall be permitted within the front yard at a height that shall not exceed four feet - six inches (4'-6") in height above the finished grade of the front yard.
- G. No fence wall, hedge and berm or any combination can be located within a public right-of-way, nor can it be located in an area that will obstruct the sight triangle for any motorist or pedestrian.
- H. All fences, walls, hedges and berms or any combination and informal plantings shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections.
- I. Informal plantings (e.g. Deciduous or Evergreen trees) may be higher than six (6) feet in height.
- J. Fences or walls used for agricultural purposes are exempt from the requirements of this Section.

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### Section 610.07 Driveways

Driveways are permitted in any required side yard setback area or on the edge of any required side yard setback area in compliance with the provisions of Chapter 9.

### Section 610.08 Roadway Design

Any development may utilize either a public and/or private roadway network designed in accordance with the following specifications, unless otherwise specified in the Portage County Subdivision Regulations:

- A. Street alignments shall follow natural contours and be designed to conserve natural features.
- B. Locations of streets shall be planned to avoid excessive storm water runoff.
- C. 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.
- D. All roadways shall have a minimum improved surface of twenty-two (22) feet in width for the safe passage of emergency vehicles and fire apparatus.
- E. All roadways that are dead-end must have adequate space for all types of fire equipment to turn around at the end.

### Section 610.09 Parking and Storage of Vehicles and Trailers

- A. One commercial vehicle, to include commercial tractors, buses, semi-trailers, that is actively used in current occupation, may be parked on any property used for residential purposes providing it is either in a completely enclosed building or in a driveway that meets all setbacks. No motor vehicles or trailers of any types without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one boat and one unoccupied recreational vehicles may be stored in a yard of residentially zoned property if it has a current license and meets the requirements of this resolution for setbacks of structures.
- B. Inoperable Motor Vehicles
  - 1. Any junk motor vehicle or a collector vehicle meeting the requirements of a junk motor vehicle shall be stored in an enclosed garage or building.
  - 2. A junk motor vehicle means a motor vehicle that meets all of the following criteria:
    - a. Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of way of any road or highway, for forty-eight hours or longer;
    - b. Three (3) years old, or older;

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- c. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- d. Apparently inoperable;
- e. Having a fair market value of one thousand five hundred (1,500) dollars or less.

### Section 610.10 Swimming Pools

A private family swimming pool shall be permitted in accordance with the following requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. Temporary Pool, Wading/Kiddie – 18” in height or less in depth; cannot be erected before May 1<sup>st</sup> and must be dismantled by October 1<sup>st</sup>. If a temporary pool is left up beyond the above-mentioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No zoning certificate is required for a temporary pool.
- C. Pool, Above Ground, Temporary – A private above ground pool with the height of four (4) feet or less; cannot be erected before May 1<sup>st</sup> and must be dismantled by October 1<sup>st</sup>. If a temporary pool is left up beyond the aforementioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No Zoning Certificate is required for a temporary pool. The location must abide by the zoning regulations for set backs for structures.
- D. Pool, Above Ground and In Ground, Permanent – All permanent above ground and in ground swimming pools shall require a Zoning Certificate. The location must abide by the zoning regulations for set backs for structures. All above ground and in ground swimming pools shall require an entrance gate(s) that shall be equipped with self-closing and self-latching devices, which are maintained in good working condition and shall be entirely enclosed by a fence. The fence and gate shall be not less than four (4) feet and not over six (6) feet in height above ground level, commencing at grade level and extending vertically.

### Section 610.11 Storage, Utility and Trash Collection Areas

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

- A. The required screening may be accomplished by a continuous solid closed fence, masonry wall, earthen berm, hedging, evergreen plant materials or combination, which is high enough to effectively screen the above mentioned items from view.
- B. The design must allow convenient access for trash collection vehicles.

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- C. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- D. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.

**Section 611.00            General Regulations of Temporary Buildings, Structures and Uses**

**Section 611.01            Temporary Buildings**

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

**Section 611.02            Temporary/Replacement Housing**

The following requirements apply to temporary and replacement housing in the Township:

**A. New Construction**

A Zoning Certificate for residential construction may be issued for a second dwelling on approved lots, only upon the condition that the new dwelling will ultimately replace the existing dwelling upon completion of construction of the new dwelling, in accordance to the requirements of Section 611.02.B. 2, 3, 4, 5, 6, and 7.

**B. Repair/Reconstruction**

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

1. The Zoning Inspector shall take into consideration County Board of Health, local Fire Chief and/or Building Department recommendations in determining whether a dwelling is unfit for habitation due to catastrophic causes.
2. The applicant shall submit in writing the method to be used to remove the waste water from the temporary dwelling. If on-site sewage disposal is to be used then the applicant will need to submit evidence in writing that permission has been obtained from the Portage County Health Department.
3. A Zoning Certificate for temporary housing shall be issued for an initial term of one (1) year. Applicant must submit a work schedule for permanent dwelling construction within ninety (90) days of being issued a Certificate. Upon satisfactory proof of work in progress the Certificate may be renewed by the Zoning Inspector for an additional period of one (1) year. In no case shall the permitted use for temporary housing exceed a period

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of two (2) years.

4. A Zoning Certificate for temporary housing shall be separate from and have no bearing on any other Certificates or structures that may be required to conform to this Zoning Resolution.
5. All temporary housing shall be removed within thirty (30) days after the principal dwelling is fit for habitation or within thirty (30) days of the Zoning Certificate for temporary housing expiring, whichever shall come first.
6. The location of the temporary housing must meet all side yard requirements, but may encroach into the front or rear yard setback area by not more than fifty percent (50%) of that area.
7. Temporary housing shall be exempt from minimum square footage requirements.

### **Section 611.03      Temporary Medical Hardship Certificate**

A temporary Medical Hardship Certificate may be issued to allow the convenient provision for assisted health care needs of a person with a demonstrated health hardship by allowing the temporary placement of a manufactured home on a lot with an existing single-family residence. The Medical Hardship Certificate is temporary in nature and not intended to increase the residential density beyond the current zoning district requirements. Only a manufactured home is permitted to be placed on the property and no other type of dwelling unit will be permitted.

#### **A. Basis for Approval**

A temporary Medical Hardship Certificate may be granted by the zoning inspector to allow placement and occupancy of a mobile home or manufactured home on a lot with a single-family residence based on the following conditions:

1. The person with the medical hardship must either be one of the property owners or a relative of one of the property owners.
  - a. If the person with the medical hardship is one of the property owners, then the primary health care provider may reside temporarily in the mobile home or manufactured home and is not required to be a relative.
  - b. If the person with the medical hardship is a relative of one of the property owners, then the primary care provider must be a relative.
  - c. For the purposes of this section, a relative is defined as a spouse, grandparent, parent, child, brother or sister, either by blood or legal relationship.
2. The Applicant(s) shall be Required to Submit
  - a. A statement signed by a medical doctor that the person with the medical hardship is unable to adequately provide daily self-care needs based upon a diagnosis of the

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licensed physician.

- b. A signed affidavit stating that the manufactured home will be removed within 60 days of the medical hardship condition no longer existing or within 60 days of the temporary Medical Hardship Certificate's expiration date.
- c. The applicant(s) must submit a site plan containing the following information to ensure that the siting of the manufactured home shall meet all applicable setback requirements for the zoning district without a variance:
  1. The size and boundaries of the lot.
  2. The location of all existing buildings on the lot.
  3. Location of existing sewage disposal system, including leachfields.
  4. Location of the existing public or private water system, including wellheads.
  5. The proposed location of the mobile home or manufactured home on the lot (the mobile home should be placed to the rear of the primary residential dwelling whenever possible).
  6. The location of any wheelchair ramps to accommodate the health care needs of the proposed occupant (no other accessory structures are permitted).
- d. The applicant(s) must submit documentation that indicates approval of the water supply and sewage disposal systems for the manufactured home by the appropriate governmental agency.
- e. The manufactured home must remain in its transportable state. The manufactured home cannot be placed on a permanent foundation.

### B. Issuance of a Medical Hardship Certificate

A temporary Medical Hardship Certificate may be issued for a period of up to one (1) year. The temporary Medical Hardship Certificate is renewable for successive one (1) year periods upon written request by the applicant(s). A letter from a medical doctor must accompany the continuance request, which states the medical hardship and need still exists.

### Section 612.00 Parks for Passive Recreational Facilities

Parks may be established within the Township in accordance with the following requirements and all other applicable requirements of this Resolution:

- A. Parks intended for passive recreational uses, such as, but not limited to wildlife and nature preserves, picnic areas, walking, hiking, biking, horseback riding, sledding and skiing as well as other uses similar in character and potential impact may be located within any zoning district.

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- B. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
- C. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include effective security and safety lighting along pedestrian and bicycle routes and within parking lots and providing emergency telephone equipment when feasible.
- D. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 1200.10.
- E. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially any evening activities.
- F. It is desirable that parks and recreation areas be connected to residential neighborhoods and other areas of high usage with a multi-use circulation system designed to enhance transportation opportunities for pedestrians, cyclists, and other non-motorized users.

### **Section 613.00 Home Occupations**

Home occupations that are inconspicuous and incidental to the residential use of property are permitted in any residential dwelling without obtaining a Zoning Certificate, subject to the following requirements:

#### A. Permitted Home Occupations

1. Home Offices.
2. Telecommuting.
3. Tailor, dressmaker, milliner, and craft person, including weaving, lapidary, jewelry making, cabinetry and woodworking.
4. Repair services, including but not limited to: watch and clocks, small appliances, computers and electronic devices.
5. Assembly, packaging of goods for sale or distribution.
6. Retail sales of goods and services (i.e. web based businesses).
7. Other home occupations which have no customer or client visits

#### B. Prohibited Types of Home Occupation Businesses

Any uses that require client visits.

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### C. Operating Standards

1. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space (outdoor storage) shall be permitted.
2. The basis of calculation for total area that may be used for the home based business is twenty-five (25) percent of the gross floor area of the residential dwelling unit and up to an area that is equivalent to one-hundred (100) percent of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.
3. The home based business may employ any number of resident family members and shall employ no more than one non-resident employee on the premise. The number of non-resident employees working at locations other than the home based business is not limited.
4. The home based business shall be limited to the outdoor parking of one commercial vehicle. Any number of commercial vehicles may be parked/stored inside a completely enclosed building.
5. Any number of home employment occupations per dwelling unit and the associated accessory buildings are permitted, provided that all of the requirements stipulated herein shall be complied with collectively, as if determined for a single use on the site.
6. Performance standards of Chapter 12 shall be adhered to.

### **Section 614.00 Outdoor Congregation Areas**

A non-residential use that is legally permitted to conduct business within any zoning district may utilize outdoor tables or seating areas as part of its business activities, if said district allows for this use in compliance with the following requirements and all other applicable requirements of this Resolution:

- A. The outdoor congregation area shall be no larger than 50% of the ground floor area of the business, but in no case shall the outdoor congregation area exceed a total of 1,600 square feet.
- B. The outdoor activity must be located on the principal business's property, unless otherwise specified in the zoning district's requirements.
- C. The outdoor activities may include dining, informal gathering and festivities.
- D. In order to mitigate any nuisances, the outdoor congregation area may require screening.
- E. A Zoning Certificate is required.
- F. One (1) outdoor sandwich board sign is permitted per business and does not require a Zoning Certificate if in compliance with the following requirements:

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1. The sign shall not exceed three (3) feet in height as measured from ground level and two (2) foot in width as measured at ground level.
  2. The sign must be located within five (5) feet of the business activity.
  3. The sign shall only be displayed outdoors while the business is open.
- G. Outdoor lighting shall not cast any glare on adjacent properties, and shall comply with lighting standards of Section 1200.09.
- H. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring uses, especially any evening activities.
- I. When adjacent to a residential use or residential district the event shall not be operated prior to 9:00 a.m. in the morning nor after 10:00 p.m. in the evening.

### **Section 615.00 Home Day Care for Children and Adults**

- A. A Zoning Certificate is not required for this use.
- B. Any residence in any zoning district, except the General Industrial Zoning District (G-I) may be used for the purposes of providing a Type B Child Day Care Home for up to six (6) children at any one time.
- C. Any residence in any zoning district may be used for the purposes of providing an Adult Day Care Home for up to up to five (5) adults at any one time.
- D. Home day care facilities are not intended to provide overnight accommodations.

### **Section 616.00 Adult Family Home**

- A. A Zoning Certificate is required for this use.
- B. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- C. An adult family home may provide room and board, personal care, overnight accommodations, etc.
- D. Any residence in any zoning district, except the General Industrial Zoning District (G-I) may be used for the purposes of providing an Adult Family Home for up to up to five (5) adults at any one time.

### **Section 617.00 Residential Facility for Up to Eight Residents**

- A. A Zoning Certificate is required for this use.
- B. The site and structure shall meet the applicable state code requirements, including licensing

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requirements.

- C. The residential facility may provide room and board, personal care, overnight accommodations, etc.
- D. Any residence in any zoning district, except the General Industrial Zoning District (G-I) may be used for the purposes of establishing a residential facility for up to up to eight (8) residents.

### **Section 620.00          Non-Conforming Uses and Structures**

#### **Section 620.01          Purpose**

The purpose of this Section is to recognize the existence of uses of land, buildings, lots, structures, uses of structures, and uses of structures and land in combination which lawfully existed at the time of this Zoning Resolution enactment, or amendments thereto, but which would be prohibited, or would not conform with one or more of the regulations contained in this Resolution. Any nonconforming status shall only be continued in compliance with this section. Nonconformities may be continued until removed or abandoned. No nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the zoning district in which it is located without approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this resolution.

#### **Section 620.02          Buildings and Structures Under Construction**

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

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

#### **Section 620.03          Nonconforming Lots of Record**

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

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### A. Occupied Lots

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

### B. Single Nonconforming Lots of Record

If a nonconforming lot is in separate ownership and not contiguous with other lots in the same ownership, the following provisions shall apply:

1. Any lawfully existing lot recorded prior to the enactment of this Resolution, or amendment thereto, that does not comply with the minimum area requirements, may be developed for a permitted use, provided that:
  - a. The proposed use can be located on the lot in compliance with the front, side and rear yard setbacks.
  - b. The lot meets all other requirements of the district, except those that pertain to the lot area and lot width requirements.
2. The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for single vacant nonconforming lots that do not meet the criteria set forth in Subsection 1 above.

### C. Increasing Nonconformity of Lots

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

### D. Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of the passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

## **Section 620.04 Nonconforming Building or Structures**

Where a lawful structure/or building exists at the effective date of the adoption of this Resolution or amendments thereto, that could not otherwise be built under the terms of this Resolution, such building or structure may continue to be used or occupied by a use permitted in the district so

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long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

### A. Maintenance and Repair

A nonconforming building or structure shall be maintained and repaired provided that the cubic/content area existing when it became nonconforming shall not be increased. Nothing in these Regulations shall prevent the strengthening or restoring to safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

### B. Additions, Alterations, and Reconstruction

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

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

### C. Change in Principal Use of Building

The principal use in a nonconforming building may be changed to any other use permitted in the district so long as the new use complies with all of the requirements of this Zoning Resolution, except the requirements that the building did not conform to prior to the change in use.

### D. Restoration of Damaged Building or Structure

If a nonconforming building or structure is damaged or destroyed by any means, it may be restored or reconstructed to its original footprint and floor area provided that:

1. The expense of such work does not exceed fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred.

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2. If the restoration/reconstruction exceeds fifty (50) percent of the replacement cost of the building, then it shall only be restored/reconstructed in conformity with the regulations of this Resolution.
3. A zoning certificate shall be applied for and issued within one year of destruction/damage.

### E. Moving of Structures

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

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

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

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

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

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

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

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

A nonconforming use that has been discontinued for a period of two (2) or more continuous years shall be deemed abandoned, except when government action impedes access to the premises, and shall thereafter be used in conformity with the regulations of the district in which it is located.

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

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

- A. No use of land, buildings or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless the use shall be in compliance with the requirements of the zoning district in which the property is located.

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- B. A copy of each “Certificate of Nonconforming Use” shall be retained by the Zoning Inspector and who shall maintain a record of all such certificates.
- C. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming, or other facts that substantiate the nonconformity. The purpose is to protect owners of lands/structures that are or become nonconforming.

### Section 630.00      Agricultural Uses

#### A. Farm market/Winery

Farm market/roadside stand or a Winery may be located on a premise for the purpose of selling primarily agricultural products, in accordance with the following requirements:

1. There shall only be one (1) farm market/roadside stand or winery. A winery may have several structures.
2. The structure(s) shall comply with side yard and rear yard setback requirements of the district.
3. The structure(s) shall be located at least thirty (30) feet from the road right-of-way.
4. If the structure is located in the front yard area of the premises, the height of the structure shall not exceed thirty-five (35).
5. If the structure is not located in a setback portion of the lot, the structure’s height shall not exceed the principal building height requirements of the district.
6. The floor area of a farm market/roadside stand shall not exceed fifty (50) percent of the principal building’s gross floor area or one-thousand (1000) square feet, whichever is less. A winery sales structure may be up to 2,000 square feet of floor area.
7. At least fifty percent (50%) of the gross income of the farm market/roadside stand must be derived from produce raised on the farm owned or operated by the market operator.
8. Adequate ingress and egress and parking facilities are provided to allow cars to get off of the street and be able to turn around without creating a safety hazard or blocking oncoming traffic.
9. Signs as regulated in Chapter 10.

#### B. Agriculture in Subdivisions

In a platted subdivision approved under Ohio Revised Code Sections 711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under Ohio Revised Code Section 711.131 that are contiguous to one another, or some of which are contiguous to

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one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road can be regulated.

In such areas, on lots comprised of five (5) acres or less, agriculture uses shall comply with the following requirements:

### 1. Accessory Buildings Used for Agricultural

Accessory buildings used for agricultural purposes shall comply with the requirements as set forth in Subsection 610.03.

### 2. Animals

- a. On lots of less than one (1) acre livestock dairying and animal husbandry poultry are not permitted. However, bee keeping and animals being raised for recognized youth programs (i.e. 4-H, FFA) that do not have a mature weight of over 20 pounds and are for a project which is to be completed in less than twenty-four (24) months are permitted. All state, county and local health and safety requirements must be followed and no nuisance shall be created for neighboring property owners or residents within the Township. This includes the proper disposal of waste and control of odor and noise.
- b. On lots of one (1) acre up to five (5) acres including animal and poultry husbandry shall be permitted provided care of the animals complies with all state, county and local health and safety requirements and the animals do not create a nuisance for neighboring property owners or residents within the Township. This includes the proper disposal of waste and control of odor and noise.

### 3. Shelter for Animals

The following regulations are established for the keeping of animals in accordance with Section 630.00.C.2.b.

- a. Whenever one (1) or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
- b. The area of the accessory building which is intended to provide shelter for one or more animals shall not exceed three (3) percent of the lot area.
- c. Animal shelters and enclosures must be maintained and well drained away from the building lot area and animals to prevent ponding of water, insect breeding areas, and health hazards for animals and humans. The premises and shelters shall conform to the sanitary code of the Portage County Health District.
- d. Animal shelters shall be located no closer than:
  1. Sixty (60) feet to street right-of-way.

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2. Twenty-five (25) feet to a side or rear lot line.
  3. One-hundred (100) feet from any water well.
4. Fencing of Animals

Whenever one (1) or more animals are kept outdoors on a lot, the following regulations are established for the keeping of animals in accordance with Section 630.00.C.2.b.

a. Fencing for Large Animals

1. A fence shall be required for large animals weighing 400 pounds or more, such as, but not limited to, horses, mules, donkeys, swine, cattle, buffalo, alpacas, and llamas.
2. A letter from the OSU Extension Office shall be provided by the applicant stating that the intended fenced area will provide at least the minimum grazing area of two (2) acres for grazing livestock in compliance with the latest “animal units” per acre standards set forth by OSU Extension Service, based on the applicant’s intended use and types of pasture grasses to be planted.

b. Fencing for Small Animals

1. A fenced area shall be required for small animals weighing 399 pounds or less, such as, but not limited to, poultry, goats, sheep, mini breeds of horses, cattle and swine.
2. The applicant shall provide a fenced grazing area of at least one (1) acre in size.

### **Section 660.00      Ponds or Lakes**

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

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