

CHAPTER 320
Planned Residential Development Regulations

Table with 4 columns: Regulation Number, Description, Regulation Number, Description. Rows include 320.01 Purpose, 320.02 Approval of planned residential developments, 320.03 Minimum project area, 320.04 Dwelling types, 320.05 Density and open space regulations, 320.06 Development standards, 320.07 Open space requirements, 320.08 Street and drive requirements, 320.09 Supplemental requirements, 320.10 Standards and criteria for common areas, 320.11 Phased development, 320.12 Plan approval.

SECTION 320.01 PURPOSE. (Revised 5/24/07)

Planned Residential Development regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative Planned Residential Developments (PRD). It is intended that PRDs will utilize innovations in the technology of land development that are in the best interests of the Township and which are consistent with the residential objectives in the Comprehensive Plan to preserve sensitive natural areas that contribute to the character of Rootstown Township. In order to accomplish this purpose, these regulations provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units.

These regulations are designed to achieve, among others, the following objectives:

- A. To conserve natural historic and cultural features of the site, which contribute to the rural character of Rootstown Township.
1. Large, aggregated, undeveloped land areas;
2. Scenic vistas and rural views;
3. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows, and rock outcroppings;
4. Visually appealing topography such as hills and undulating terrain, vegetative screens such as woodlands and hedgerows and/or open space areas comprised of pastures and meadows;
5. Significant historic features such as stone walls, old buildings, old barns and foundations, heritage trees, etc.;
B. To maximize the preservation of the community's natural resources by:
1. Conserving areas of prime agricultural soils, to the extent possible;

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2. Avoiding development on and destruction of sensitive natural resource areas such as wetlands, natural ponds, marshes, floodplains and larger wooded areas;
  3. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, steep sloped, rock outcroppings and streams);
  4. Reducing the amount of disturbed land, the conservation of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and
  5. Reducing the volume and improving the quality of storm water runoff from expected development.
- C.* To ensure the economical and efficient use of land and reduce infrastructure costs through unified development, such as encouraging traditional rural settlement patterns characterized by clusters of compact groupings of development.
- D.* To ensure the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas.
- E.* To ensure that Planned Residential Developments are compatible with surrounding neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with the regulations.
- F.* To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- G.* To establish a review process that maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
- H.* To allow for more efficient use of the land than is generally achieved through conventional development practices.
- I.* To ensure that the proposed Planned Residential Development complies with the objectives of Rootstown Township as expressed in the Rootstown Township Comprehensive Land Use Plan.

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- J.** Any deviations in construction from the originally submitted plan shall be resubmitted to the Zoning Department for review by the Zoning Commission, pursuant to Section 620.10, as amended. *(Added) 10/25/16*

**SECTION 320.02 APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS.**

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed PRD giving particular consideration to ensure that:

- A.* Buildings and uses within the proposed development shall be located so as to reduce any adverse influences and to protect the residential character of areas adjacent to the development;
- B.* Significant buffer zones with adequate landscaping shall be provided between the proposed development and adjacent residential areas and existing road right-of-way; *(Revised 5/24/07)*
- C.* The bulk and height of buildings within the proposed development are compatible with the surrounding development;
- D.* Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are so designed as to have access to public streets which minimize traffic hazards, or congestion;
- E.* The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the residential character of areas adjacent to the development.

**SECTION 320.03 MINIMUM PROJECT AREA. *(Revised 5/24/07)***

The area proposed to be developed as a Planned Residential Development shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PRD boundaries. The gross area of a tract of land a PRD shall be:

- A.* 25 acres in an O-C District.
- B.* 20 acres in an R-1 District.
- C.* 20 acres in an R-2 District.
- D.* 5 acres in an R-V District.

Parcels under the minimum acreage requirement may be deemed appropriate based on individual merits as determined by the zoning commission, provided that the proposed development shall meet the setback and open space requirements.

**SECTION 320.04 DWELLING TYPES. (Amended 1/26/08) (Amended 10/13/15)**

The types of dwelling units that may be included as part of a PRD are listed below in Schedule 320.04, and are noted by the letter “P” for the district in which the PRD is located.

**Schedule 320.04**

	<b>O-C</b>	<b>R-1</b>	<b>R-2</b>	<b>R-V</b>
A. Standard detached single-family on lot	C	C	C	C
B. Cluster detached single-family	C	C	C	C
C. Attached single-family		C	C	C
D. Maximum number of units permitted to be attached		4	6	6

**SECTION 320.05 DENSITY AND OPEN SPACE REGULATIONS. (Amended 1/26/08)**

A. Maximum Density. The total number of residential dwellings permitted on a parcel to be developed as a PRD subdivision development shall not exceed the total number of residential dwellings that would be permitted if the parcel was developed as a conventional subdivision in the underlying zoning district, unless the applicant is awarded a density bonus in accordance with the requirements of Subsection 320.05.A.2.

The following formula shall be used to determine permitted density:

$$\{ \{ TA - ( PR + OP + CNA ) \} / Z \} / DBF = PD$$

TA = The total acreage of the proposed development area, excluding all acreage in existing road and other public right-of-ways.

PR = The assumed roadway acres necessary to develop the site as a conventional subdivision. This figure will represent ten (10) percent of total acreage of the proposed development area, excluding any existing road right-of-way.

OP = The acreage required by the Portage County Subdivision Regulations for open space. This figure will represent five (5) percent of total acreage of the proposed development area, excluding acreage calculated for PR. This figure is only used on lots of twenty (20) acres or more in size.

CNA = The total acreage of the site comprised of the following Critical Natural Area characteristics and features: steep slopes of eighteen (18) percent or more; permanent bodies of water to include lakes, ponds, rivers, streams, etc.; wetlands, floodplains and areas of the site determined to contain threatened and/or endangered animal and plant species.

Z = The minimum lot area acreage required for the proposed types of dwelling units in the corresponding zoning district.

DBF = The Density Bonus Factor applied to increase the base density. The density bonus is based on compliance with the stipulations of Section 320.05.A2 and the “DBF” value shall be applied in the mathematical approach as follows:

$$10\% \text{ density bonus} = .90$$

PD = The maximum number of residential dwelling units permitted in the PRD subdivision development.

1. In the event there is a discrepancy with the results of the formula, the applicant may present a yield plan. The yield plan shall graphically show the proposed site developed in accordance with the conventional zoning requirements of the zoning district the property is located in. In addition, the yield plan shall identify all of the critical natural areas of the site in order for the Zoning Commission to determine the appropriate base density associated with the site.
  2. Density Bonus Provision Due to Site Conditions Necessitating Greater Than 10% Acreage In Streets. Where topographical features and environmental constraints warrant the orientation and amount of street acreage to exceed more than ten percent (10%) of the total acreage of the site, the Planned Residential Development (PRD) shall qualify for a ten percent (10%) density bonus.
  3. The permitted number of dwelling units and/or building lots is subject to all other applicable Township zoning, Portage County Health Department and OEPA requirements. The use of septic systems shall be addressed on a preliminary basis by a percolation test of the proposed building sites and septic easement areas (if any). The results of these tests will govern the final number dwelling units and their location within the proposed subdivision, where central sewer is not available.
- 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, roads, 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 Zoning Commission 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 not be mitigated and shall be considered a 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.

- C. Minimum Open Space. A portion of the total project area shall be devoted to open space in compliance with the minimum requirement set forth below in Schedule 320.05.F.3. for the district in which the PRD is located. The open space shall be calculated after subtracting the roadway acres that makes up the existing road right-of-way from the total acreage of the parcel. The open space shall be reserved in perpetuity for public and/or private open space and recreational facilities.
- D. Requirements for Fee-Simple Subdivided Lots. Individually subdivided lots may be included as part of a PRD and need not comply with the lot area, lot width or yard requirements established for the underlying district.

Schedule 320.05 E: (Amended 1/26/08)

	<b>O-C</b>	<b>R-1</b>	<b>R-2</b>	<b>R-V</b>
Minimum open space	50%	35%	30%	30%

**SECTION 320.06 DEVELOPMENT STANDARDS. (Revised 7/24/08)**

The following specific development standards shall be adhered to in the design and layout of any PRD.

- A. Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Schedule 320.06 below.
- B. Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Schedule 320.06. This distance may be reduced by not more than 20 percent when the Zoning Commission finds that adequate landscaping and screening is provided to ensure privacy between units. The following definitions shall apply to terms used in this Section.
  1. Main Wall. An outside wall (front and rear) of a building that contains the primary windows of any living, family or dining room.
  2. End Wall. An outside wall (side) that is blank or that does not contain primary windows of a living, family or dining room.

**C. Schedule 320.06. Minimum Standards. (Revised 3/23/21)**

	O-C	R-1	R-2	R-V
1. Setback from existing streets Including state highways	70 ft.	70 ft.	40 ft.	40 ft.
2. Setback from interior street				
a) Public - r-o-w	20 ft.	20 ft.	20 ft.	20 ft.
b) Private – pavement	20 ft.	20 ft.	20 ft.	20 ft.
3. Distance between buildings				
a) Main Wall to Main Wall	80 ft.	80 ft.	60 ft.	60 ft.
b) Main Wall to End Wall	50 ft.	50 ft.	40 ft.	40 ft.
c) End Wall to End Wall	25 ft.		15 ft.	15 ft.

**D. Required Floor Area For Dwelling Units.**

1. Single-family detached dwelling units shall have a minimum dwelling unit floor area of 1,400 square feet and a minimum foundation area of 800 square feet.
2. Single-family attached dwelling units shall have a minimum dwelling unit floor area of 1,000 square feet and a minimum foundation area of 800 square feet.

**SECTION 320.07 OPEN SPACE REQUIREMENTS. (Revised 7/24/08)**

Open space shall comply with the following:

- A. Design Criteria. The open space shall be located and designed to the satisfaction of the Zoning Commission.
  1. The open space shall:
    - (a) Be sufficiently aggregated to create large areas of planned open space;
    - (b) Conserve significant natural topographic and landscape features to the extent practicable;
    - (c) Be easily accessible to residents of the PRD;
    - (d) Not be less than 70 feet in width at any point;
    - (e) Be interconnected with open space areas within the PRD and on abutting parcels, wherever possible, by open space corridors.



2. Land area devoted to the following shall not be included as meeting the open space requirement:
  - (a) Public street rights-of-way, private roads, and parking areas;
  - (b) Required setbacks between buildings, parking areas and project boundaries and between buildings and public or private streets unless the required setback is contiguous to and part of a larger area of open space;
  - (c) Required spacing between buildings and between buildings and parking areas;
  - (d) Private yards within subdivided lots;
  - (e) A minimum of 15 feet between buildings and open space.
  - (f) Permanent bodies of water, wetlands and floodplains should comprise no more than twenty (20) percent of total required open space area.
  
3. Areas designated for open space purposes may be:
  - (a) Preserved as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
  - (b) Used for or capable of being used for outdoor active or passive recreation.
  - (c) Arranged to create isolated groupings of dwelling units and/or the buildings containing the dwelling units as opposed to an uninterrupted row of dwelling units and/or the buildings containing the dwelling units fronting along a roadway.
  
4. Any open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission. Where deemed appropriate by the Zoning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
  
5. An open space buffer zone shall be created along the frontage of existing roads and abutting parcels:
  - (a) Open space buffers along existing roads.

An open space buffer shall be preserved on existing roads fronting or abutting the parcel to be developed. The open space buffer depth shall be in accordance with the specifications of Schedule 320.07.A.5.a.

**Schedule 320.07.A.5.a**

	O-C	R-1	R-2	R-V
1. Minimum open space buffers along an existing road right-of-way.	60 ft.	60 ft.	30 ft.	20 ft.
2. Maximum open space buffers along an existing road right-of-way.	250	250	120	60

Each parcel shall be judged on its own merits based on the following criteria.

- 1) A PRD subdivision development that includes plans for allowing natural or manmade features, such as trees or hills alongside the roadways to further shield the view of the development from the existing roadway will be allowed a shallower buffer (see Figure 320.07.A.5.a)
- 2) A PRD subdivision development that includes plans for unobstructed views from the existing roadway will be required to have a deeper buffer in order to minimize the perceived density of site improvements buffer (see figure 320.07 A.5.a)

The developer is permitted to make use of an open space buffer with a greater depth. The depth of an open space buffer shall be established early in the plan review process.

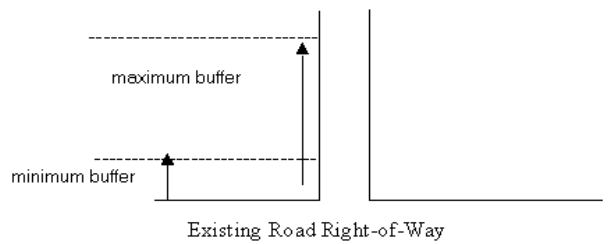


Figure 320.07.A.5.a

- (b). Open space buffers along the perimeter of abutting neighboring parcels.

An open space buffer shall be designed on the perimeter of the project having no frontage on an existing road. The minimum buffer width shall be in accordance with Schedule 320.07.A.5.b for

the corresponding zoning district.

**Schedule 320.07.A.5.b**

	O-C	R-1	R-2	R-V
1. Open space buffers along the perimeter of abutting neighboring parcels	60 ft.	60 ft.	30 ft.	20 ft.

(c). Individual buildings shall not infringe into either of the frontage or perimeter open space buffer areas.

6. The Creation of Common Open Space

- a. In the event a portion of the open space is to be held in private ownership, each development is required to set aside a minimum amount of 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. The amount of open space that is to be devoted for common open space shall be in compliance with the Portage County Subdivision Regulations, but in no case shall the amount of land devoted to common open space be less than 1/8 (12.5%) of the required open space area. Additionally, the land area devoted to common open space shall be suitable for both passive and active recreation and be easily accessible to all of the PRD’s residents. Additionally, the land area necessary to meet the minimum requirements of this section shall not be comprised of wetlands and floodplains. However, permanent bodies of water should comprise no more than twenty (20) percent of total required common open space area. The Zoning Commission may increase this amount up to 30% depending upon the feature's utility as a recreational or open space asset.
- b. In addition to the requirements of Section 320.07.A.6.a, all land that is to be used for sewage service, storm water management, and/or water supply facilities for the proposed PRD development shall be located entirely within the common open space areas. Where such facilities are located, easements satisfactory to the appropriate agency/entity shall be established to require and enable maintenance of such facilities by the appropriate parties.
- c. Once the minimum common open space land area requirements of Section 320.07.A.6.a have been satisfied additional land area, such as described in Sections 320.07.A.6.a and 320.07.A.6.b, as well as all of or any portion of the open space, including but not limited to wetlands, steep slopes and floodplains, may be designated as common open space.

B. Restriction on Further Subdivision of Open Space. All 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 Advisor and duly recorded in the office of the Recorder of Deeds of Portage County.

C. Ownership of Open Space. Subject to such permanent prohibition as set forth above open space in a planned residential development may be owned by the township, an association, a land trust or other conservation organization recognized by the township, or by a similar entity.

1. Offer of Dedication. The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the open space.
2. Associations. Open space may be held as common area by an association in compliance with Section 320.10.
3. Transfer of Conservation Easements. With the permission of the township, the owner(s) of the open space may, in accordance with the provisions of ORC § 5301.67-70, grant a conservation easement to any of the entities listed in ORC § 5301.68, provided that:
  - (a) The entity is acceptable to the township;
  - (b) The provisions of the conservation easement are acceptable to the township; and
  - (c) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

4. Private Ownership of Open Space:

The Zoning Commission may allow open space to be retained by the applicant or other private entity subject to all standards and criteria for open space herein including its preclusion from being developed.

5. Ownership of the Common Open Space:

The area dedicated as common open space shall forever be accessible for use by all the residents and their guests. Any transfer of ownership of the common open space shall be only to an Association as described in Sections 320.07 C.2 or dedicated to the public. Transfer of ownership to anyone other than an Association or other approved public entity shall be approved by the Zoning Commission and must be consistent with the intent of these regulations.

**SECTION 320.08 STREET AND DRIVE REQUIREMENTS.**

- A. Public Streets. A street shall be required to be a public, dedicated street when such street:
1. Provides access to detached single-family dwellings on subdivided lots.
  2. Is a major street that connects two existing public streets, is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments.
- B. Private Streets. Streets that are not otherwise required to be public streets pursuant to subsection A above may be approved as private streets.
1. Conditions for Approval. The Zoning Commission may approve private streets when all of the following requirements are met:
    - (a) A private street shall not be planned or expected to be extended to serve property outside the planned residential development.
    - (b) Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
    - (c) The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Rootstown Township Fire Department.
  2. Private Street Construction. All elements of a private street that are to be provided in a Planned Residential Development shall be constructed in accordance with the construction standards set forth for public streets in the Portage County Subdivision Regulations.
- C. Access Drives to Parking Areas: Access drives to common parking areas shall comply with the following requirements:
1. An access drive shall extend from a public or private street and shall not provide a through connection to any other existing or planned public or private street.
  2. The design and layout of the access drive shall provide adequate and safe access to parking areas and garages, as determined by the Rootstown Township Fire Department.
  3. Right-of-ways are not required for access drives; however, utility easement(s) may be required along the length of the access drive.

- 4. All access drives shall be paved, with a minimum width of 12 feet for one-way drives and a minimum width of 18 feet for two-way drives.
  
- D. Disclosure for Private Streets and Access Drives: Whenever a private street and/or access drive is included in a planned residential development deed restriction shall be required and shall specifically include the following language:
  - “The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated, private street or access drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or access drive.”
  
- E. Walkways. Walkways shall be provided to connect residential areas to open space areas and to provide convenient pedestrian access throughout the Planned Residential Development and from the Planned Residential Development to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Zoning Commission.

**SECTION 320.09 SUPPLEMENTAL REQUIREMENTS.**

- A. Privacy for individual principal buildings shall be maintained through the use of landscaping and screening.
  
- B. Street lighting and street signs shall be adequate for safety and security.
  
- C. All downspouts, footer drains, and surface drains shall connect to storm sewers. *(Added 9/10/19)*
  
- D. Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PRD.

**SECTION 320.10 STANDARDS AND CRITERIA FOR COMMON AREAS. *(Revised 7/24/08)***

Common areas shall be held in common ownership by a homeowners’ association or held by individual members of a condominium association as tenants-in-common or controlled by a similar legal entity.

- A. The township’s legal advisor shall determine that, based on documents submitted with the development plan, the association’s by-laws or code of regulations specify the following requirements:
  - 1. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
  - 2. The Association shall be responsible for maintenance, control and insurance of common areas.
  
- B. The Association shall grant the township the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such township shall have the right, after proper notice, to make improvements and perform maintenance functions. The township may proceed against the homeowners association and the lot owners in the subdivision to collect any and all of its costs in ensuring the appropriate maintenance of such common open space areas, including the filing of liens against the homeowners association upon the lots in the subdivision and the lot owners. These provisions may also apply to condominium properties, unit owners associations, and unit owners.

**SECTION 320.11 PHASED DEVELOPMENT.**

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

**SECTION 320.12 PLAN APPROVAL.**

The applicant for a planned residential development shall submit development plans in accordance with Chapter 620.