

**CHAPTER 340
Residential Lake District Regulations**

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SECTION 340.01 PURPOSE.

Lake District(s) (L-D) and their regulations are established in order to achieve, among others, the following purposes:

- A. To recognize pre-existing residential developments around Sandy and Muzzy Lakes;
 - 1. The Lake Districts are not intended to be expanded or to allow new residential developments on or around Sandy and Muzzy Lakes in a similar density or setback configuration.
- B. To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;
- C. To regulate the density and distribution of population in accordance with the Comprehensive Plan to avoid congestion and to provide adequate public services;
- D. To accommodate single-family residential development within the existing residential areas, at a density which is harmonious with the existing residential pattern;
- E. To provide for proper location of non-residential uses so as to increase the general convenience, safety and amenities;
- F. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

These resolutions shall become effective once the Rootstown Township Trustees and lake corporations, LLCs, and/or associations finalize and agree on a legal designated plot plan for the lake districts.

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SECTION 340.02 USE REGULATIONS.

- A. A principal use of property shall include, but not be limited to, uses that are permitted or conditionally permitted.
- B. A use listed in Schedule 340.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- C. A use listed in Schedule 340.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630;
- D. A use listed below shall be permitted as an accessory use in a lake district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Garages and off-street parking areas in compliance with this chapter and Chapter 410;
 - 2. Family day care home, type "B", see also Section 340.11;
 - 3. Fences, see also Section 340.09;
 - 4. Home occupations, see also Section 340.10;
 - 5. Incidental accessory buildings and uses, see also Section 340.09;
 - 6. Signs in compliance with Chapter 420;
 - 7. Swimming pools, see also Section 340.09.
 - 8. Recreational and community facilities for use by the residents of the Lake District.

Although a use may be indicated as a permitted principal, conditional or accessory use in a particular lake district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660.

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SECTION 340.03 SCHEDULE OF PERMITTED USES. (Revised 3/10/20)

	L-D Lake District
A. Residential	
1. Single-family detached dwelling	P
2. Two-family dwelling	
3. Multi-family dwelling	
4. Family home for handicap	C
5. Group home for handicap	
6. Planned unit residential development	C
7. Platted subdivision	P
B. Open Space/Recreational	
1. Agriculture in compliance with Section 230.05	P
2. Wildlife refuge, game preserve	
3. Cemetery	
4. Parks, playgrounds	P
5. Golf courses	
6. Riding stables, swim clubs	C
7. Campgrounds, recreation areas	P
C. Community Facilities	
1. Child day care center	C
2. Adult day care center	C
3. Places of worship	C
4. Schools, public or private	
5. College, university	
6. Public safety facilities	
D. Other	
1. Offices on lots fronting on Sandy Lake Road or Rt. 44 (north of I-76)	
2. Congregate care facilities	C
3. Use of accessory agricultural building for limited commercial uses on lots larger than 25 acres	C
4. Soil removal/ extraction	
5. Gas and oil wells	C
6. Outdoor furnaces	
7. Wind energy systems	C
8. Solar energy systems	C
9. Telecommunication towers	See Chapter 460
10. One accessory structure per leased lot on unleased common property not to exceed 20' x 28' per unit. Units may be attached by a common wall to other units.	P

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SECTION 340.04 LOT REQUIREMENTS.

All lots existing in the L-D districts at the time of its establishment are considered conforming. Lots created in L-D districts after the effective date of this chapter shall conform to R-2 lot requirements, except as otherwise regulated in Chapter 320 for planned residential developments.

- A. Minimum Lot Area and Width. The area and width of lots created after the effective date of this chapter shall not be less than the area and width set forth in Schedule 340.04, unless a larger lot is required by Portage County Subdivision Regulations or the Portage County Health Department to adequately accommodate individual sanitary sewage disposal systems.
B. Minimum Lot Frontage. Each lot shall have the minimum frontage on a public or private street as set forth in Schedule 340.04.
C. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot.
I. In the case of replacing an existing dwelling, residents shall have 120 days to demolish the old dwelling once an occupancy permit has been issued for the new dwelling. (Amended 11/25/22)
D. Schedule 340.04 Minimum Requirements:

Table with 2 columns: Requirement, L-D. Rows include: 1. Lot Area for Single-family Dwelling (N/A), 2. Lot Width at Building Line (65 ft.), 3. Lot Frontage (60 ft.). Includes a notes row: NOTES: sf = square feet ft. = feet

SECTION 340.05 YARD REQUIREMENTS FOR LAKE DISTRICTS.

Principal buildings shall be located on a lot in a manner that maintains the minimum required yards set forth in this section for the district in which the lot is located, except as

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otherwise regulated in Chapter 320 for planned residential developments. Every part of a required yard shall be unobstructed and open to the sky.

The following shall be completed within 1 year of final inspection and/or occupancy, whichever occurs first:

- Final grading and final stabilization (see Chapter 150) of soil
 - Grass seeding or placement of sod
- A. Each interior lot shall have and maintain a yard on all four sides. Each yard shall be no less than 7 feet from the lot line, unless otherwise stated in this section.
- B. On lots with frontage on a public street, yards shall not be less than 25 feet, measured from the street right-of-way line. If there is no established right-of-way for the road or street, the right-of-way line shall be deemed to be 25 feet from the centerline of the roadway.
- C. All new construction shall meet the setbacks as described in this section. All non-conforming structures shall be considered conforming in the event of being destroyed by a natural disaster and may be repaired or replaced subject to Section 450.02 D.

SECTION 340.06 UNLEASED COMMON GROUND (Added 2/11/20)

- A. One accessory structure per leased lot may be constructed on unleased common property, not to exceed 600 square feet per unit. Units may be attached by a common wall to other units.
- B. Clubhouses or similar community spaces shall be permitted, not to exceed 5,000 square feet.
- C. Pavilions and/or picnic shelters shall be permitted, with no more than two per common ground, not to exceed 1500 square feet each.
- D. A maintenance building for an entire entity shall be permitted, not to exceed 4,000 square feet.
- E. Parking surfaces may be of stone or similar material.

SECTION 340.07 HEIGHT REGULATIONS FOR PRINCIPAL BUILDINGS.

Principal buildings shall comply with the following height regulations.

- A. The height of principal buildings shall not exceed 35 feet.

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- B. The height of accessory buildings shall not exceed 28 feet.
- C. Exceptions to the height regulations are set forth in Section 230.06.

SECTION 340.08 NEW DWELLING UNIT REQUIREMENTS.

In order to promote healthful living conditions and to stabilize the value and character of residential areas, all dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

- A. Required Area. Single-family detached dwelling units shall have a minimum dwelling unit floor area of 1,000 square feet and a minimum foundation area of 800 square feet.
- B. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.
- C. Siting Requirements for Dwellings. All single-family dwellings proposed to be located in any district shall comply with the following requirements:
 - 1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line in compliance with the Portage County Building Department regulations.
 - 2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
 - 3. The minimum pitch of the main roof of the dwelling shall not be less than 3 feet rise for each 12 feet of horizontal run.
 - 4. The lot shall be suitably landscaped and consistent with Section 430.

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SECTION 340.09 ACCESSORY USE REGULATIONS FOR LAKE DISTRICTS

Accessory uses, buildings and structures permitted in L-D districts shall conform to the location, coverage and maintenance standards contained in this Section.

- A. Principal Building Projections in Required Yards. Skylights, sills, belt-courses, cornices, chimneys, and ornamental features attached to the principal building may project a maximum of 12 inches into a required yard.
- B. Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in a lake district shall be located as set forth herein. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section.

Schedule 340.09B.

Structure or Use	Setback From Lot Line
1. Detached accessory buildings	
A. Equal or less than 12' x 16' footprint	0 ft.
B. Greater than 12'x16'	7 ft.
2. Terraces, uncovered porches, platforms, ornamental features that do not extend more than 2 feet above the ground ^(a)	7 ft.
3. Driveways	0 ft.
4. Outdoor storage of recreation vehicle or trailer	0 ft.
5. Swimming pools	7 ft.
6. Fences, walls	0 ft. ^(b)
7. Dish antennas with a diameter greater than 39 inches	7 ft.
Notes to Schedule 340.09B:	
^(a) Structures that extend more than 2 feet above the ground and which are attached to the principal building shall comply with the yard requirements in Section 340.05, except as otherwise regulated in Section 340.09A.	
^(b) Except that a fence which constitutes a corral shall comply with the setback requirements in Section 230.05C.1.	

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C. Maximum Floor Area of Accessory Buildings and Structures. *(Amended 2/11/20)*

1. The combined total square footage of all detached residential accessory buildings and structures permitted to be constructed on a parcel shall not exceed ten (10) percent of the parcel's overall size for parcels under ½ of an acre and five (5) percent on parcels over ½ of an acre or 2,178 square feet, whichever is larger.
2. Agricultural accessory buildings and structures shall comply with Section 230.05.

D. Additional Regulations for Accessory Buildings.

1. Accessory buildings that are detached from the principal building shall comply with the setback requirements of Schedule 340.09 and shall be located a minimum of 7 feet from the principal building, except carports which have no minimum spacing requirement from the principle building. *(Amended 9/10/19)*
2. All other accessory buildings shall be attached to the principal building, shall be made structurally a part thereof, and shall comply with the setback requirements for principal buildings set forth in Schedule 340.05.

E. Additional Regulations for Parking Areas and Driveways. In addition to the area and locational requirements of Sections 340.09B and 340.09C, driveways and open, off-street parking areas shall comply with the following:

1. All non-public roads in L-D districts shall be considered a driveway.
2. Driveways may be used for the parking of private motor vehicles owned by the occupants of the dwelling and their visitors.
3. The repair and rebuilding of a vehicle owned by a resident is permitted, but only if conducted within an enclosed private garage. The dismantling or spray painting of vehicles is prohibited on a residential lot.

F. Parking or Storage of Recreational Vehicles and Trailers. In addition to the location requirements of Schedule 340.09B, any recreational vehicle or trailer shall be either stored wholly within a garage or outdoors in compliance with the following regulations.

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1. Recreational vehicles and trailers shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source for more than 48 hours.
 2. Any recreational vehicle or trailer stored outdoors shall be maintained in an operating condition and shall bear a valid license.
- G. Parking of Commercial Vehicle. The outdoor parking of not more than one commercial vehicle shall be permitted on a residential lot in compliance with the following:
1. The commercial vehicle shall be limited to a vehicle used on a regular basis by the resident for the resident’s occupation.
 2. No maintenance, service or extended running of commercial vehicles shall be conducted on a residential lot.
 3. The commercial vehicle shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.
- H. Parking or Storage of Inoperable Motor Vehicles. The outdoor parking of an inoperable or unlicensed motor vehicle on a paved or gravel surface in a lake district shall be permitted for a period not to exceed 72 hours. Such motor vehicle may be stored in an enclosed garage for an unlimited time.
- I. Swimming Pools. Residential swimming pools may be located in any L-D District provided they comply with the locational and coverage requirements of Schedules 340.09B and 340.09C and the following supplemental regulations:
1. Every pool defined as a structure shall be completely surrounded by a fence or wall not less than 4 feet in height which shall not exceed 6 feet in height above the natural grade.
 2. Such fence shall be constructed so as to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure.
 3. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
 4. Above-ground pools having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool.

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- J. Fences and Walls. Fences and walls shall comply with the following regulations:
 - 1. Height. Fences and walls shall not exceed 6 feet in height above the natural grade.
 - 2. Construction, Maintenance and Repair. Fences shall be of chain link, picket, split rail, sapling, louver or other design, and if painted, shall be one color. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the yard being fenced.

- K. Household Pets and Domestic Animals. The keeping of domestic animals, such as dogs and cats, as household pets and not for commercial purposes shall be permitted in all lake districts in compliance with the following regulations:
 - 1. The keeping of animals such as horses, ponies and other domestic animals that are housed outdoors shall comply with Section 230.05.

- L. Dish Antenna. Dish antennas and structures not part of a cable television system and located on the same lot as a dwelling shall be permitted as an accessory use provided cabling and wiring shall be located underground.

SECTION 340.10 REGULATIONS FOR HOME OCCUPATIONS.

Home occupations shall comply with the regulations set forth in Section 310.10.

SECTION 340.11 FAMILY DAY CARE HOME, TYPE “B”.

Family day care homes shall comply with the regulations set forth in Section 310.11.

SECTION 340.12 DEVELOPMENT PLAN REVIEW FOR PLATTED SUBDIVISIONS.

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Platted subdivisions shall be permitted only after the proposed plat has been reviewed and approved according to the procedures set forth in Chapter 620.

SECTION 340.13 REASONABLE ACCOMMODATION.

Requests for reasonable accommodation shall comply with the regulations set forth in Section 310.13.