

# MINUTES OF THE ROOTSTOWN TOWNSHIP TRUSTEES

## July 14, 2015

The regular meeting of the Rootstown Township Trustees opened at 5:30 p.m. on July 14, 2015. Those in attendance were Trustees David McIntyre, Linda Hankins and Joe Paulus, JoAnn Townend, Fiscal Officer, Chief Charles Palmer, Zoning Administrative Assistant Jordan Michael and Trustees Administrative Assistant Julie Gonzales.

**Resolution No. 2015-109** – Motion was made by Joe Paulus and seconded by Dave McIntyre to accept the minutes of July 9, 2015. Upon roll call the vote as follows: Dave McIntyre, yea, Linda Hankins, Absent, Joe Paulus, yea.

Dan DeLuca of Planet Aid attended to request permission to place a clothing & shoe container at the New Milford Road Recycling site. Mr. DeLuca said if any items are left outside the container they will be removed by Planet Aid. There is a 24-hour response time to remove any items left outside the container. The Board agreed to table their decision to discuss this with the Road Superintendent.

Bill Steiner of the Portage County Solid Waste Management District was present to give the Trustees an update on the results from residents who completed the survey for curbside recycling. Mr. Steiner said most of the residents were in favor of the program.

Out of 867 responses, 65% were in favor of curbside recycling. Out of the 565 that responded in favor of curbside, 58% favored pickup once every two weeks, while 42% chose weekly.

A total of 302 residents, or 35%, were not in favor of curbside recycling. Of that, 214 said they use the current drop off, 13 chose weekly and 27 said bi-weekly. 48 do not use the drop off and do not want curbside.

The containers available for the curbside pickup are 95 gallons. A 64 gallon container is available for seniors. Door services will be provided for those who cannot get the container to the curb at no extra cost.

Mr. Steiner said the program is mandatory for all residents. The cost would range from \$2.25 per month or \$27.00 per year to \$2.75 per month or \$33.00 per year.

Mr. Steiner said the program is mandatory for all residents. The cost would range from

The District does not automatically increase the rates. There would be negotiation with the Trustees and a mutual agreement will be determined.

The Board agreed to review Mr. Steiner's information and let him know their decision.

### FIRE CHIEF REPORT

The following is a breakdown for May 2015 EMS ambulance billing:

Billed Amount:	\$30,250.70
Collected Amount:	\$20,832.08
Year to date Billed	\$158,372.20
Year to date Collected:	\$81,236.56

Chief Palmer reported that they were able to get one more frequency for the repeater project from the FCC. They are still working on getting a second one that they need.

### ROAD SUPERINTENDENT REPORT

Dave reported the following:

There was a funeral last Saturday.

There were two water main breaks in the Township – one on Lynn Road and the other at New Milford and Tallmadge Roads.

The railway has been working on the railroad tracks. They should only be closed one more time to smooth over the crossing area.

### ZONING INSPECTOR REPORT

There were six (6) acts of business.

- 3 swimming pools
- 1 shed
- 1 fence
- 1 sign (Speedway)

Jordan reported that a permit was issued to the Portage County Water Resources to upgrade the masonry shed at their water plant on August Drive (behind Cracker Barrel).

The Zoning Department received a resignation notice from Mary Ann Greer, Zoning Board of Appeals Secretary effective July 31, 2015.

Rob Swauger, Chairperson of the Zoning Commission suggested hiring a consultant to work out the zoning issues at Muzzy Lake and Sapp Wood. Mr. Swauger said it is going to be a big project and thought that someone with expertise and more time would better benefit the township. Rob said a meeting is scheduled for July 30<sup>th</sup> at 7:00 PM to meet with each entity to try to come up with an idea as to how to fix the zoning issues. Joe said there has been a lack of enforcement throughout the years.

FISCAL OFFICER

Resolution No. 2015-110 - Motion by Joe Paulus and seconded by Dave McIntyre to pay bills on file with the Fiscal Officer. Upon roll call the vote as follows: Dave McIntyre, yea, Linda Hankins, absent, Joe Paulus, yea.

CITIZENS COMMENT

Jack Wood of Brown Road, President of the East Muzzy Lake Association asked how long it will take to resolve the zoning issues. Joe said once the process is established it would need to be approved by the Township's legal counsel. There would be no decisions made prior to that. Joe said at the July 30<sup>th</sup> meeting a process could be in the works.

Trustee Hankins attending.

Rob Swauger thinks the curbside recycling is an excellent idea for the Township.

Mike Szabo agreed about the curbside recycling.

Jordan will change the sign out front to reflect the OGSO Regal Finals are this weekend.

Pat Gintert of Sundown Trail said Muzzy Lake would be very difficult to break up in different sections. He feels they have been working with the township zoning. Joe said in the past everything was pushed through, there are no records or agreements for anything. Mr. Gintert said he received a non-conforming notice regarding a building issue. Mr. Gintert said there is an error in the minutes saying the permit was denied. There could be issues with the insurance companies as well; some say they may deny rebuilding.

6:15 PM – Public Hearing  
ZC 2015-003 – Definitions  
ZC 2015-005 – 2 Family Dwellings Units

Trustee McIntyre opened the public hearing.

Trustee Paulus informed the residents that the proposed amendments have been advertised, and recommendations from Regional Planning Commission, the Prosecutor's Office and the Zoning Commission Board have been submitted. The Trustees agreed they have no issues with the following amendments:

- Section 150.02B – Definitions
- Section 230.06C – Temporary Facilities
- Section 310.08D – Siting Requirements for Dwelling
- Section 310.09C – Maximum Floor Area of Accessory Buildings and Structures
- Section 310.13 – Reasonable Accommodation
- Section 350.03A – Schedule of Permitted Uses – Commercial Districts

- Section 370.04 – Industrial District Lot Requirements
- Section 370.07 – Industrial District Parking Setback Requirements
- Section 390.06W – Two-family Dwelling Units
- Section 410.08 – Parking Spaces for Persons with Disabilities

**Resolution No. 2015-111** – Motion was made by Joe Paulus and seconded by Linda Hankins to accept the recommendation of the Rootstown Zoning Commission to amend ZC 2015-003 – Definitions. Upon roll call the vote as follows: Dave McIntyre, yea, Linda Hankins, yea, Joe Paulus, yea.

**Resolution No. 2015-112** – Motion was made by Joe Paulus and seconded by Linda Hankins to accept the recommendation of the Rootstown Zoning Commission to amend ZC 2015-004 – Two-family Dwelling Units. Upon roll call the vote as follows: Dave McIntyre, yea, Linda Hankins, yea, Joe Paulus, yea.

#### **Section 150.02 B – Definitions**

The following definitions are to be amended or added in this section:

**Existing:**

ABANDONED: See Section 470.10 A

**Proposed:**

ABANDONED: Any production well that has not been operated for six months or any drilling operation being halted, stopped, or otherwise suspended for 60 consecutive days.

**Existing:**

“ADULT” ARCADE: See Section 390.06 A. 2(a)

**Proposed:**

“ADULT” ARCADE: Any place to which the public is permitted or invited, wherein coin-operate or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the image or displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specific anatomical areas".

**Existing:**

“ADULT” BOOKSTORE OR “ADULT” VIDEO STORE: See Section 390.06 A. 2(b)

**Proposed:**

“ADULT” BOOKSTORE OR “ADULT” VIDEO STORE: A commercial establishment which utilizes five percent (5%) or more of its retail selling area for the display of any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproduction, slides, or other visual representation which depict or describe "specified sexual activities" or "specified anatomical area" or instruments, devices, or paraphernalia, which are designed for, use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing

"specified sexual activities" or "specified anatomical area" and still be categorized as "ADULT" BOOKSTORE or "ADULT" VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "ADULT" BOOKSTORE or "ADULT" VIDEO STORE.

**Existing:**

"ADULT" CABARET: See Section 390.06 A. 2(c)

**Proposed:**

"ADULT" CABARET: A nightclub, bar restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. No nudity or state of nudity is permitted.

**Existing:**

"ADULT" GAMING ESTABLISHMENTS means any place of business where skill-based amusement machines are located and where a player of the skill-based amusement machine may receive monetary compensation based on the outcome of play. (See section 390.06A2d)

**Proposed:**

"ADULT" GAMING ESTABLISHMENTS means any place of business where skill-based amusement machines are located and where a player of the skill-based amusement machine may receive monetary compensation based on the outcome of play.

**Existing:**

"ADULT" MOTION PICTURE THEATER: See Section 390.06 A. 2(d)

**Proposed:**

"ADULT" MOTION PICTURE THEATER: A commercial establishment which utilizes five percent (5%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**Existing:**

"ADULT" THEATER: See Section 390.06 A. 2(e)

**Proposed:**

"ADULT" THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Existing:**

AWNING SIGN: See Section 420.02 A. 1

**Proposed:**

AWNING SIGN: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry or pursuit conducted within the premises.

**Existing:**

BANNER SIGN: See Section 420.02 A. 2

**Proposed:**

BANNER SIGN: Any sign of lightweight fabric or similar material that is mounted to a building at one or more edges. National flags, state or the official flag of any institution or business shall not be considered banners.

**Existing:**

BUILDING MARKER: See Section 420.02 B. 1

**Proposed:**

BUILDING MARKER: A sign or insignia cut into the exterior building surface, or otherwise permanently mounted on the building, indicating the name of the building, address, date of construction, or incidental information about its construction or historical significance.

**Proposed new definition:**

CAR PORT: Is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall.

**Existing:**

CHANGEABLE COPY SIGN: See Section 420.02 A. 3

**Proposed:**

CHANGEABLE COPY SIGN: A sign such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.

**Existing:**

COLOCATION: See Section 460.02 A

**Proposed:**

COLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Existing:**

DIGITAL/ELECTRONIC MESSAGE BOARD: See Section 420.02A.4

**Proposed:**

DIGITAL/ELECTRONIC MESSAGE BOARDS: Any sign that uses alphabetic, pictographic, or symbolic informational content to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.

**Existing:**

DIRECTIONAL SIGN: See Section 420.02 B. 2

**Proposed:**

**DIRECTIONAL SIGN:** A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.

**Existing:**

**DRILLING UNIT:** See Section 470.10 B

**Proposed:**

**DRILLING UNIT:** The minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

**Proposed new definition:**

**ELECTRIC VEHICLE:** means a vehicle that uses a plug-in battery to provide all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

**Proposed new definition:**

**ELECTRIC VEHICLE CHARGING STATION:** means one or more publicly available parking spaces served by electric vehicle service equipment.

**Proposed new definition:**

**ELECTRIC VEHICLE SERVICE EQUIPMENT:** means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

**Proposed new definition:**

**ENERGY FUELLING:** A method to provide a combustible matter used to maintain fire, as coal, wood, oil, gas (i.e. gasoline, hydrogen, compressed natural gas) in order to create heat or power. This includes an electrical energy source for engines and motors and is a supply of fuel.

**Existing:**

**FREESTANDING SIGN:** See Section 420.02 A. 4

**Proposed:**

**FREESTANDING SIGN:** A sign that is supported from the ground or a structure other than a building.

**Proposed new definition:**

**GARAGE SALES:** A garage sale, also known as a yard sale, rummage sale, tag sale, lawn sale, attic sale, moving sale, garbage sale, thrift sale or junk sale, is an informal, irregularly scheduled event for the sale of used goods by private individuals, in which "block sales" are allowed, and are not sales that would otherwise require the issuance of licenses from any public authority, nor sales in which any type of sales tax is required. Typically the goods in a garage sale are unwanted items from the household with the home owners conducting the sale.

**Existing:**

HOME OCCUPATION: A business enterprise conducted within the confines of a dwelling unit which is subordinate and incidental to the use of the premises as a dwelling, and which is carried on by a person who resides in such dwelling unit.

**Proposed (shown in bold):**

HOME OCCUPATION: A business enterprise that is conducted within the confines of a dwelling unit which is subordinate and incidental to the use of the premises as a dwelling, and which is carried on by a person who resides in such dwelling unit.

**Existing:**

IDENTIFICATION SIGN: See Section 420.02 B. 3

**Proposed:**

IDENTIFICATION SIGN: A sign intended to identify the principal use of a lot, development, building or building unit according to the following:

- A. Business Identification Sign: A sign intended to announce or promote the use, activity, service or business on the premises, and which may include a directory of occupants.
- B. Residential Development Identification Sign: A freestanding sign identifying the name and address of a completed residential subdivision planned residential development or multi-family development.
- C. Institution Identification Sign: A sign displaying the name of the organization, activities or services occupying the premises of a public or semi-public use such as but not limited to: churches and other places of worship, hospitals, public or semi-public recreational facilities, schools.

**Existing:**

INSTRUCTIONAL SIGN: See Section 420.02 B. 4

**Proposed:**

INSTRUCTIONAL SIGN: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered or methods of payments accepted.

**Existing:**

JUNK YARD: Any land used for abandonment, storage, keeping, collecting or bailing paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling storage, or salvaging of automobile or there vehicles not in running condition, machinery or parts thereof shall be deemed a junk yard. Any land used for storing, or keeping of any junk motor vehicle, not housed, on any premise for more than fifteen (15) days shall be deemed a junk yard.

**Proposed (shown in bold):**

JUNK YARD: Any land used for abandonment, storage, keeping, collecting or bailing paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition,

dismantling storage, or salvaging of automobile or their vehicles not in running condition, machinery or parts thereof shall be deemed a junk yard. Any land used for storing, or keeping of any junk motor vehicle, not housed, on any premise for more than fifteen (15) days shall be deemed a junk yard.

**Existing:**

LATTICE TOWER: See Section 460.02 B

**Proposed:**

LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

**Existing:**

MASSAGE PARLOR: See Section 309.06 A 2 f)

**Proposed:**

MASSAGE PARLOR: An establishment where, for any form of consideration, massage, alcohol rub, fermentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional persons licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Existing:**

MONOPOLE: See Section 460.02 C

**Proposed:**

MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Existing:**

NAME PLATE: See Section 420.02 B. 5

**Proposed:**

NAME PLATE: A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

**Existing:**

PROJECT CONSTRUCTION SIGN: See Section 420.02 B. 6

**Proposed:**

PROJECT CONSTRUCTION SIGN: A temporary sign located on a parcel where construction is occurring, identifying the name of a subdivision, building or public works project or facility and/ or the name of the architect, engineer or contractor during the time of construction.

**Existing:**

PUBLIC PURPOSE/SAFETY SIGN: See Section 420.02 B. 7

**Proposed:**

**PUBLIC PURPOSE/SAFETY SIGN:** A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such signs include "No Parking Fire Lane".

**Proposed new definition:**

**REASONABLE ACCOMMODATION:** A reasonable accommodation is a change in rules, policies, practices, or services that enables a person with a disability equal opportunity to use and enjoy a dwelling. A person with a disability must notify the Township if they need a reasonable accommodation, and the Township may grant the request if it is reasonable. There must be a connection between the disability and the need for the accommodation. Typically, accommodations will be a matter of negotiating what will serve the disabled person best.

**Existing:**

**ROADSIDE STAND SIGN:** See Section 420.02 B. 8

**Proposed:**

**ROADSIDE STAND SIGN:** A temporary sign indicating the sale of agricultural products that are produced on the premises and sold from a roadside stand.

**Existing:**

**SETBACK LINE** (See also "Yard, Required"): A line established by this Zoning Resolution generally parallel with and measured from the lot line, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from said lot line, except as may be provided in Zoning Resolution. The term "setback line" shall also include "required setback line."

**Proposed (shown in bold):**

**SETBACK LINE** (See also "Yard, Required"): A line established by this Zoning Resolution generally parallel with and measured from the lot line, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from said lot line, except as may be provided in Zoning Resolution. The term "setback line" shall also include "required setback line." **On cul-de sac lots the front structure must meet both setback from the lot line and at the point consistent with the required lot width.**

**Existing:**

**TELECOMMUNICATIONS:** See Section 460.02 D

**Proposed:**

**TELECOMMUNICATIONS:** The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

**Existing:**

**TEMPORARY SIGN:** See Section 420.02 B. 9

**Proposed:**

**TEMPORARY SIGN:** A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, structure or on the ground.

**Existing:**

**TEMPORARY VENDOR:** Any person who opens a temporary place of business for the sale of goods or services. See Section 230.08

**Proposed:**

**TEMPORARY VENDOR:** Any person who opens a temporary place of business for the sale of goods or services.

**Existing:**

**WALL SIGN:** See Section 420.02 A. 5

**Proposed:**

**WALL SIGN:** A sign erected parallel to, or painted on the surface or on the outside wall of any building, and not extending more than 12 inches therefrom, and which does not project above the roof line or beyond the corner of the building.

**Existing:**

**WELL:** See Section 470.10 C

**Proposed:**

**WELL:** Any borehole, whether drilled or bored, for production, extraction or injection of any gas or liquid material, excluding potable water to be used as such, but including natural or artificial brines and oil field water.

**Existing:**

**WINDOW SIGN:** See Section 420.02 A 6

**Proposed:**

**WINDOW SIGN:** A sign on the inside of a building affixed to, or near a window for the purpose of being visible to and read from the outside of the building.

**Existing:**

**WIRELESS TELECOMMUNICATIONS antenna:** See Section 460.02 E

**Proposed:**

**WIRELESS TELECOMMUNICATIONS antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Existing:**

**WIRELESS TELECOMMUNICATIONS facility:** See Section 460.02 F

**Proposed:**

**WIRELESS TELECOMMUNICATIONS facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio

communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Existing:**

WIRELESS TELECOMMUNICATIONS TOWER: See Section 460.02 G

**Proposed:**

WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**Section 230.06 C – Temporary Facilities**

**Section 230.06 C Existing:**

Temporary Facilities.

1. Temporary construction facilities for use incidental to construction work may be erected in any zoning districts herein established; however, such facilities shall be removed upon completion or abandonment of the construction work. Such facilities shall not be for habitation.
2. A mobile home is permitted, to provide temporary housing for members of a family who have been residing in a dwelling destroyed or damaged by a fire, flood, storm, or any similar Act of God, or condemnation by a governmental body, as to render the dwelling uninhabitable, subject to the following conditions:
  - a. Such mobile home may be used for a period not to exceed six (6) months in any area.
  - b. A zoning permit is required with an expiration date indicated on the permit.
  - c. The mobile home shall be removed within ten (10) days after the damaged dwelling is fit for habitation or ten (10) days after the permit expires, which ever comes first.
  - d. The mobile home shall have the adequate health facilities available, including running water, and toilet facilities inside the mobile home connected to a sanitary sewage system approved by the Portage County Board of Health or the Sanitary Engineer.
  - e. The location of the mobile home shall be limited to the rear of the existing dwelling being rebuilt or repaired, whenever possible.

**Section 230.06 C Proposed (shown in bold):**

Temporary Facilities.

1. Temporary construction facilities for use incidental to construction work may be erected in any zoning districts herein established; however, such facilities shall be removed upon completion or abandonment of the construction work. Such facilities shall not be for habitation.
2. A mobile home is permitted, to provide temporary housing for members of a family who have been residing in a dwelling destroyed or damaged by a fire, flood, storm, or any similar Act of God, or condemnation by a governmental body, as to render the dwelling uninhabitable, subject to the following conditions:

- a. Such mobile home may be used for a period not to exceed one (1) year in any area with one six (6) month extension.
- b. A zoning permit is required with an expiration date indicated on the permit.
- c. The mobile home shall be removed within ten (10) days after the damaged dwelling is fit for habitation or ten (10) days after the permit expires, whichever ever comes first.
- d. The mobile home shall have the adequate health facilities available, including running water, and toilet facilities inside the mobile home connected to a sanitary sewage system approved by the Portage County Board of Health or the Sanitary Engineer.
- e. The location of the mobile home shall be limited to the rear of the existing dwelling being rebuilt or repaired, whenever possible.

#### Section 310.08 D – Siting Requirements for Dwellings

##### Section 310.08 D Existing:

Siting Requirements for Dwellings. All single-family detached dwellings, single-family attached dwelling, and two-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. Dwellings shall have a minimum width of 22 feet parallel or within 45° of being parallel to the front lot line.
4. 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.
5. The lot shall be suitably landscaped.

##### Section 310.08 D Proposed (shown in bold):

Siting Requirements for Dwellings. All single-family detached dwellings, single-family attached dwelling, and two-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. Dwellings shall have a minimum width of 22 feet parallel or within 45° of being parallel to the front lot line.

4. 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.
5. The lot shall be suitably landscaped and consistent with Section 430.

#### Section 310.09 C – Maximum Floor Area of Accessory Buildings and Structures

##### Section 310.09 C Existing:

##### Maximum Floor Area of Accessory Buildings and Structures.

1. The combined total square footage of all detached residential accessory buildings and structures permitted to be constructed on a parcel shall not exceed the following percentages of the parcel's overall size:
  - a. 0 - to 1/2 acre -- 5 %
  - b. over 1/2 to 1 acre - 4.25%
  - c. over 1 to 2 acres - 3.5%
  - d. over 2 to 3 acres - 2.75%
  - e. over 3 acres - 2%

##### Section 310.09 C Proposed (shown in bold):

##### Maximum Floor Area of Accessory Buildings and Structures.

1. The combined total square footage of all detached residential accessory buildings and structures permitted to be constructed on a parcel shall not exceed the following percentages of the parcel's overall size:

	<u>Max. Foundation</u>	<u>Height</u>
a. 0 - to 1/2 acre	450 sq ft	20'
b. over 1/2 to 1 acre	600 sq ft	20'
c. over 1 to 2 acres	900 sq ft	25'
d. over 2 to 5 acres	1,200 sq ft	25'
e. over 5 acres	2,000 sq ft	25'

##### Proposed NEW Amendment

#### Section 310.13 – Reasonable Accommodation

##### Section 310.13 Proposed:

##### Reasonable Accommodation.

##### 1. Applicability.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

## 2. Notice to the Public of Availability of Accommodation Process.

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the zoning department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Zoning Inspector's office.

## 3. Requesting Reasonable Accommodation.

- A. In order to make housing available to an individual with a disability, any eligible person as defined in the applicability section may request a reasonable accommodation in land use and zoning regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
  - (1) Name and address of the individual(s) requesting reasonable accommodation;
  - (2) Name and address of the property owner(s);
  - (3) Address of the property for which accommodation is requested;
  - (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
  - (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection, unless otherwise required by law.
- D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the Township will provide assistance to ensure that the process is accessible.

#### 4. Reviewing Authority.

- A. Requests for reasonable accommodation shall initially be reviewed by the Zoning Inspector.
- B. The Zoning Inspector will provide notice within 30 days as to whether the application is to be reviewed by the appropriate zoning board, or whether the application may be granted, modified or denied by the zoning inspector.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Zoning Inspector may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

#### 5. Review.

The decision to grant, modify, or deny the request may include the following:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning program.

#### 6. Appeals.

Applicant may appeal the zoning inspector's decision in accordance with Section 640.01 through 640.06.

Section 350.03 A – Schedule of Permitted Uses – Commercial Districts

Section 350.03 A Existing:

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
<b>A. Residential Uses</b>					
1. Single-family dwelling in compliance with R-2 district regulations for dwelling units set forth in Chapter 310	P	P			
2. Two-family dwelling	C				
3. Residential units on second floor of existing commercial building		C			
4. Congregate care facility	C			C	

Section 350.03 A Proposed (shown in bold):

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
<b>A. Residential Uses</b>					
1. Single-family dwelling in compliance with R-2 district regulations for dwelling units set forth in Chapter 310	P	P			
2. Two-family dwelling	C	<b>C</b>			
3. Residential units on second floor of existing commercial building		C			
4. Congregate care facility	C			C	

Schedule 370.04 – Lot Requirements – Industrial Districts

Schedule 370.04 Existing:

	L-I Light Industrial/ Business Park District	G-I General Industrial District
A. Minimum Lot Area	2 ac. <sup>(a)</sup>	1 ac.
B. Minimum Lot Width	200 ft. <sup>(b)</sup>	100 ft.
C. Min. Street Frontage	200 ft.	100 ft.
D. Maximum Lot Coverage by building and parking areas	70%	None
<b>Notes to Schedule 370.04:</b>		
<sup>(a)</sup> On an existing public street. For lots on proposed internal streets the minimum lot area shall be one acre.		
<sup>(a)</sup> On an existing public street. For lots on proposed internal streets, the lot shall be 100 feet.		

Schedule 370.04 Proposed (shown in bold):

	L-I Light Industrial/ Business Park District	G-I General Industrial District
A. Minimum Lot Area	<b>1 ac</b>	<b>2 ac.<sup>(a)</sup></b>
B. Minimum Lot Width	<b>100 ft</b>	<b>200 ft.<sup>(b)</sup></b>
C. Min. Street Frontage	<b>100 ft.</b>	<b>200 ft.</b>
D. Maximum Lot Coverage by building and parking areas	<b>None</b>	<b>70%</b>
<b>Notes to Schedule 370.04:</b>		
<sup>(b)</sup> On an existing public street. For lots on proposed internal streets the minimum lot area shall be one acre.		
<sup>(b)</sup> On an existing public street. For lots on proposed internal streets, the lot shall be 100 feet.		

Schedule 370.07 – Parking Setback Requirements – Industrial Districts

Schedule 370.07 Existing:

	L-I Light Industrial/ Business Park District	G-I General Industrial District
A. Setback from street right-of-way	80 ft.	20 ft.
B. Setback from side and rear lot lines		
1. Adjacent to non-residential district	10 ft.	10 ft.
2. Adjacent to residential district	40 ft.	40 ft.

Schedule 370.07 Proposed (shown in bold):

	L-I Light Industrial/ Business Park District	G-I General Industrial District
A. Setback from street right-of-way	<b>20 ft.</b>	<b>80 ft.</b>
B. Setback from side and rear lot lines		
1. Adjacent to non-residential district	10 ft.	10 ft.
2. Adjacent to residential district	40 ft.	40 ft.

Section 410.08 – Parking Spaces for Persons with Disabilities

Section 410.08 Existing:

Parking Spaces for Persons with Disabilities. In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces which are designed and constructed to be readily accessible to persons with disabilities.

**Section 410.08 Proposed (shown in bold):**

Parking Spaces for Persons with Disabilities. In accordance with the Americans with Disabilities Act (ADA) as amended, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces which are designed and constructed to be readily accessible to persons with disabilities.

**Section 390.06 W – Two-family Dwelling Units**

**Section 390.06 W Existing:**

W. Two-family Dwelling Units shall comply with the following:

1. Two-family units may be approved in locations where the proposed site is within 300 feet of an existing two-family dwelling, or a non-single-family residential district.
2. Two-family dwellings shall have a minimum floor area of 768 square feet per dwelling unit and a minimum foundation area of 800 square feet.
3. In order to promote healthful living conditions and to stabilize the value and character of residential areas, all two-family dwellings shall be erected, altered, moved, maintained or occupied in accordance with the regulations set forth in Section 310.08 B through 310.08 D.

**Section 390.06 W Proposed: (shown in bold)**

W. Two-family Dwelling Units shall comply with the following:

1. Two-family units may be approved in locations where the proposed site is in a non-single-family residential district. Any existing non-conforming two-family dwellings may be rebuilt as originally built if destroyed by fire or natural disaster.
2. Two-family dwellings shall have a minimum floor area of 768 square feet per dwelling unit and a minimum foundation area of 800 square feet.
3. In order to promote healthful living conditions and to stabilize the value and character of residential areas, all two-family dwellings shall be erected, altered, moved, maintained or occupied in accordance with the regulations set forth in Section 310.08 B through 310.08 D.

These zoning amendments will be effective August 13, 2015.

Trustee McIntyre closed the public hearing at 6:30 PM.

**UNFINISHED BUSINESS**

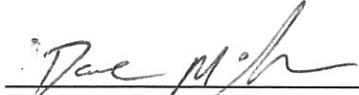
The Comprehensive Land Use Plan is moving right along.

NEW BUSINESS

Bill is still in contact with the Operators Union regarding the park.

Resolution No. 2015-113 - Motion by Dave McIntyre to adjourn at 6:31 p.m.

Respectfully submitted,



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Dave McIntyre, Chairman



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JoAnn Townend, Fiscal Officer