ARTICLE III
DISTRICT REGULATIONS

CHAPTER 310
Residential District Regulations

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SECTION 310.01 PURPOSE.

Residential Districts (O-C, R-1, R-2, R-3 and R-V) and their regulations are established in order to achieve, among others, the following purposes:

A. To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;

B. To regulate the density and distribution of population in accordance with the Comprehensive Plan to avoid congestion and to provide adequate public services;

C. To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;

D. To carry out the following specific purposes;

1. The O-C Open Space Conservation District is established for the following purposes:

a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas;

b) To protect the ecological balance of an area;

c) To conserve natural resources, such as river valley, and tracts of forest land; and

d) To reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which are topographically unsuited for urban type uses.

2. The R-1 District is established to accommodate single-family residential development at a low density of one unit on a minimum 1.5 acre lots in areas outside the growth area boundary identified in the Comprehensive Plan.

3. The R-2 District is established to accommodate single-family residential development at a maximum density of 2.5 units per acre within the growth area boundary.

4. The R-3 District is established to accommodate multi-family residential development with a maximum density of 12 units per acre in areas that have sufficient access to major transportation arteries and urban services.

5. The R-V District is established to accommodate residential development, at a maximum density of 6 units per acre, which is consistent and harmonious with the existing residential pattern of older neighborhoods. ***(Revised 8/26/00)***

E. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

SECTION 310.02 USE REGULATIONS.

A. A principal use of property shall include, but not be limited to, uses that are permitted or conditionally permitted. ***(Amended 9/24/04)***

B. A use listed in Schedule 310.03 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 310.03 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 residential 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. ***(Revised 6/26/26)***

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 310.11.

3. Fences, see also Section 310.09.

4. Home occupations, see also Section 310.10.
5. Incidental accessory buildings and uses, see also Section 310.09.
6. Roadside stands, see also Section 310.09.
7. Signs in compliance with Chapter 420.
8. Swimming pools, see also Section 310.09.
9. Recreational and community facilities for use by residents of a multi-family development, see also Section 310.06.
10. Outdoor furnaces, see also Section 310.09.

Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential 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.

SECTION 310.03 SCHEDULE OF PERMITTED USES.
(Revised 4/24/08) (Revised 3/11/10) (Revised 10/13/15) (Revised 3/10/20) (Revised 6/22/21) (Revised 4/28/23) (Revised 10/24/24) (Revised 6/26/26)

	O-C Open Space Conservation	R-1 Single-Family Residential	R-2 Single-Family Residential	R-3 Multi-Family Residential	R-V Residential Village
A. Residential					
1. Single-family detached dwelling	P	P	P		P
2. Two-family dwelling					C
3. Multi-family dwelling				P	
4. Family home for handicap	C	C	C	C	C
5. Group home for handicap				C	
6. Planned unit residential development	C	C	C		C
7. Platted subdivision	P	P	P	P	P
B. Open Space/Recreational					
1. Agriculture in compliance with Section 230.05	P	P	P	P	P

	O-C Open Space Conservation	R-1 Single-Family Residential	R-2 Single-Family Residential	R-3 Multi-Family Residential	R-V Residential Village
2. Wildlife refuge, game preserve	P				
3. Cemetery	C	C	C		C
4. Parks, playgrounds	C	C	C	C	C
5. Golf courses, driving ranges	C	C	C	C	C
6. Riding stables, swim clubs	C	C	C	C	C
7. Campgrounds, recreation areas	C	C			
C. Community Facilities					
1. Child day care center		C	C	C	C
2. Adult day care center		C	C	C	C
3. Places of worship	C	C	C	C	C
4. Schools, public or private		C	C		C
5. College, university			C		
6. Public safety facilities	C	C	C	C	C
D. Other					
1. Offices on lots fronting on Sandy Lake Road or Rt. 44 (north of I-76)					C
2. Congregate care facilities		C	C	C	
3. Use of accessory agricultural building for limited commercial uses on lots larger than 25 acres	C	C	C		
4. Soil removal/ extraction	C	C			
5. Gas and oil wells	P	P	P	P	P
6. Small solar energy systems	See Chapter 480				
7. Small wind energy systems	See Chapter 480				
8. Telecommunication towers	See Chapter 460				
9. Electric vehicle charging stations	C	P	P	P	P

	O-C Open Space Conservation	R-1 Single-Family Residential	R-2 Single-Family Residential	R-3 Multi-Family Residential	R-V Residential Village
P = Principal use permitted by right C = Conditional use					

SECTION 310.04 LOT REQUIREMENTS. *(Amended 1/28/22)*

Lots created in residential districts shall comply with the area and dimension requirements specified in Schedule 310.04 for the district in which the lot is located, except as otherwise regulated in Chapter 320 for planned residential developments.

A. Minimum Lot Area and Width. The area and width of a lot shall not be less than the area and width set forth in Schedule 310.04, unless a larger lot is required by Portage County Health Department to adequately accommodate individual sanitary sewage disposal systems.

B. Minimum Development Area. For the R-3 district, the development area shall be the total project area, which may be further subdivided after a development plan for the total project area has been approved.

C. Minimum Lot Frontage. Each lot shall have the minimum frontage on a public or private street as set forth in Schedule 310.04. In the R-3 district, the total project area shall comply with the minimum lot frontage specified in Schedule 310.04.

D. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot except in the R-3 district and for planned residential developments as specifically permitted in Chapter 320.

1. 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.

E. R-3 Regulations - Density and Open Space.

1. The maximum density permitted shall be 12 dwelling units per acre.
2. The minimum required open space shall be 25 percent of the total project area.

F. Schedule 310.04 Minimum Requirements: ***(Revised 8/26/00) (Revised 5/25/06) (Revised 2/11/20)***

	O-C	R-1	R-2	R-3	R-V
1. Lot Area for Single-family Dwelling	5 ac.	1.5 ac.	13,500 sf	NA	7,000 sf
2. Lot Area for Two-family Dwelling	NA	NA	NA	NA	14,000 sf
3. Development Area for Multi-family	NA	NA	NA	20,000 sf	NA
4. Lot Width at Building Line	300 ft.	150 ft.	80 ft.	150 ft.	60 ft.
5. Lot Frontage	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
NOTES: sf = square feet ft. = feet					

SECTION 310.05 YARD REQUIREMENTS FOR O-C, R-1, R-2, R-O, AND R-V DISTRICTS. *(Revised 8/27/09)*

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 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. Required Front Yard. Each lot shall maintain a front yard in compliance with the following:

1. Each front yard shall not be less than the depth specified in Schedule 310.05, measured from the street right-of-way line. If there is no established right-of-way line for any road or street, the right-of-way line shall be deemed to be 30 feet from the centerline of the roadway.

2. Notwithstanding subsection A.1, in areas where there are dwelling units on at least 40 percent of the lots within 200 feet of and on the same side of the street as the lot for which a zoning certificate has been requested, the minimum required front yard shall not be less than the average front

yard depth of such existing dwellings. However, in no case shall the required front yard be less than 25 feet, measured from the street right-of-way line.

3. Front yards shall be assigned as the street address side. ***(Revised 3/13/18)***

4. 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. ***(Revised 3/13/18)***

B. Required Side Yards. Each interior and through lot shall have and maintain two side yards. Schedule 310.05 sets forth the minimum width of any one side yard and the minimum total width of both side yards.

C. Required Rear Yards. Each lot shall maintain a rear yard as specified in Schedule 310.05.

D. Schedule 310.05: Minimum Yard Requirements.

	O-C	R-1	R-2	R-3[(a)]	R-V
1. Front					
(a) State highway	70 ft.	70 ft.	70 ft.	--	40 ft.
(b) All other streets	70 ft.	70 ft.	40 ft.	--	40 ft.
2. Side					
(a) Minimum	25 ft.	10 ft.	8 ft.	--	8 ft.
(b) Total both sides	50 ft.	30 ft.	20 ft.	--	20 ft.
3. Rear yard	50 ft.	30 ft.	30 ft.	--	20 ft.

Notes to Schedule 310.05:
[(a)] See Section 310.06 for R-3 District regulations.

SECTION 310.06 SPACING REQUIREMENTS FOR R-3 DISTRICTS.

The following regulations are established to regulate the design and location of buildings in R-3 Districts. Every part of a required setback area shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Chapter.

A. Principal Buildings.

1. The minimum setback of a principal building shall be:

a) 40 feet from an existing street right-of-way, plus one foot of additional setback for each foot of building height greater than 25 feet.

b) 30 feet from the side and rear property lines.

2. The minimum distance separating overlapping walls of buildings, or parts thereof, on the same lot shall comply with the following:

a) The following definitions shall apply to terms used in this Section.

1) Main Wall. An outside wall of a building that contains the primary windows of any living, family, or dining room.

2) End Wall. An outside wall that is blank or that does not contain primary windows of a living, family, or dining room.

b) Between two end walls, the minimum separation shall be 20 feet or equal to the average height of the two buildings, whichever is greater.

c) Between an end wall and a main wall, the minimum separation shall be 40 feet.

d) Between two main walls, the minimum separation shall be 60 feet or equal to the sum of the height of both buildings, whichever is greater.

B. Accessory Uses and Buildings. The minimum setback of accessory uses and buildings shall be:

1. Parking areas shall be located in compliance with the minimum setbacks specified below and shall be adequately screened in compliance with Chapter 430.

a) 40 feet from an existing street right-of-way.

b) 15 feet from the side and rear property lines.

c) 20 feet from a principal building.

2. Accessory buildings and accessory recreational facilities shall comply with the setback requirements for principal buildings, set forth in subsection A above and shall be located a minimum of 20 feet from principal building.

C. Wall Lengths. Exterior walls that exceed 50 feet in length shall include one or more architectural features such as columns, defined bays, entry foyer or other undulation so that the building façade is divided by such feature(s) into segments not more than 50 feet in length.

SECTION 310.07 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.

B. The height of accessory buildings shall not exceed 28 feet except that roadside stands shall not exceed a height of 15 feet. ***(Revised 3/8/00)***

C. Exceptions to the height regulations are set forth in Section 230.06.

SECTION 310.08 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.

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. Each unit in a multi-family dwelling shall have a minimum dwelling unit floor area of 700 square feet plus 200 square feet for every bedroom over one.

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. Garage Required. ***(Amended 2/12/2019)*** Every dwelling unit except a multi-family unit shall have an attached or detached, enclosed garage with a minimum area of 240 square feet. On new construction without an attached garage, the first detached structure shall be considered a garage. Any additional structures shall be considered accessory buildings. All detached garages shall meet the requirements of an accessory building.

D. Siting Requirements for Dwellings. ***(Amended 8/13/2015)*** 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 45º 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 ACCESSORY USE REGULATIONS FOR O-C, R-1, R-2 AND R-V DISTRICTS.

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

A. Building Projections in Required Yards. Skylights, sills, belt-courses, cornices, chimneys, and ornamental features attached to the building may project a maximum of 12 inches into a required yard. ***(Amended 7/24/25)***

B. Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in a residential 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 310.09B. **(*Revised 12/27/01) (Revised 8/8/02) (Revised 3/10/15) (Revised 9/11/18) (Revised 11/22/24) (Revised 6/26/26)***

Structure or Use	Yard Permitted	Setback From Lot Line		
		Front [a]	Side	Rear
1. Detached accessory buildings and structures	Side, Rear[b]			
A. Equal or less than 10'x 12' footprint		Same as Principal Bldg. - See Schedule 310.05 D.1	3 ft.	3 ft.
B. Equal or less than 12' x 16' footprint		" "	5 ft.	5 ft.
C. Greater than 12'x16'		" "	10 ft.	10 ft.
2. Terraces, decks, uncovered porches, platforms, ornamental features that do not extend more than 2 feet above the ground[c]	Side, rear	NA	10 ft.	10 ft.
3. Driveways	Front, side, rear	--	5 ft.	5 ft.
4. Outdoor storage of recreation vehicle or trailer	Front, side, rear	Out of right-of-way	5 ft.	20 ft.
5. Swimming pools	Rear	NA	10 ft.	10 ft.
6. Fences, walls	Front, side, rear	0[d]	0[d]	0[d]
7. Dish antennas with a diameter greater than 39 inches	Rear	NA	10 ft.	10 ft.
8. Roadside stands	Front	30 ft.	30 ft.	30 ft.
9. Outdoor furnaces	Rear	NA	70 ft.	70 ft.

Notes to Schedule 310.09B:

[a] Including all lot lines that abut a street on a corner lot.

[b] Except as otherwise regulated for agricultural accessory buildings in Section 230.05C.1.

[c] 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 310.05, except as otherwise regulated in Section 310.09A.

[d] Except that a fence which constitutes a corral shall comply with the setback requirements in Section 230.05C.1.

C. Maximum Floor Area of Accessory Buildings and Structures. ***(Amended 5/22/03) (Amended 8/13/15) (Amended 7/26/16) (Amended 8/22/17) (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. Roadside stands in a front yard shall not exceed 1,000 square feet or 50% of floor area of principal building whichever is less.

3. Agricultural accessory buildings and structures shall comply with Section 230.05.

D. Additional Regulations for Accessory Buildings and Structures. ***(Revised 6/22/06) (Amended 5/14/19) (Amended 11/24/23) (Amended 11/22/24)***

1. Accessory buildings and structures that are detached from the principal building shall comply with the setback requirements of Schedule 310.09 and shall be located a minimum of 20 feet from the principal building, except carports and pergolas which have no minimum spacing requirement from the principal building.

2. All other accessory buildings and structures 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 310.05.

3. Any building or structure requiring a county building permit shall also require a township zoning permit and all buildings or structures shall meet all zoning setback requirements. ***(Added) 10/25/16)***

E. Additional Regulations for Parking Areas and Driveways. In addition to the area and locational requirements of Sections 310.09B and 310.09C, driveways and open, off-street parking areas shall comply with the following:

1. Each dwelling unit shall have its own separate driveway except as otherwise permitted for Planned Residential Developments.

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. ***(Amended 3/10/15) (Amended 1/8/19)***

In addition to the location requirements of Schedule 310.09B, any recreational vehicle or trailer shall be either stored wholly within a garage or outdoors in compliance with the following regulations.

1. The number of recreational vehicles and trailers stored outdoors shall not exceed the following number based on lot size:

   a. On lots less than 0.75 acres, not more than two recreational vehicles or trailers may be stored outdoors.

   b. On lots 0.75 to two acres, not more than three recreational vehicles or trailers may be stored outdoors.

   c. On lots greater than two to five acres, not more than four recreational vehicles or trailers may be stored outdoors.

   d. On lots greater than five acres, not more than one recreational vehicle or trailer per acre may be stored outdoors.

2. Outdoor storage shall be permitted in the rear yard, side yard, or driveway. The recreational vehicle or trailer must comply with rear and side setback requirements when not on a driveway. Parking is not permitted in the front yard, except on the driveway out of the right-of-way.

3. 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 telephone, water, sewer, gas, or fuel source for more than 48 hours.

4. Any recreational vehicle or trailer stored outdoors shall be maintained in an operating condition and shall bear a valid license. Yard trailers less than 300 pounds are exempt from this requirement. Farm machinery is exempt from this requirement.

5. Parking or storage of a recreational vehicle or trailer that is not registered or licensed to a current resident of the parcel in which the recreational vehicle or trailer is located, shall not exceed 30 days.

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. The maximum gross vehicle length of the commercial vehicle shall be 24 feet and the maximum vehicle weight shall be 18,000 pounds, except that in a platted subdivision, the gross vehicle weight shall not exceed one ton rated capacity.

3. No maintenance, service or extended running of commercial vehicles shall be conducted on a residential lot.

4. 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 residential 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 Residential District provided they comply with the locational and coverage requirements of Schedules 310.09B and 310.09C 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 8 feet in height above the natural grade. ***(Revised 2/24/11) (Amended 6/23/2023)***

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.

J. Fences and Walls. Fences and walls shall comply with the following regulations: ***(Amended 7/24/03) (Amended 6/23/2023)***

1. Front Yards. In a front yard, fences and walls shall not exceed 4 feet in height above the natural grade, except as restricted in Section 230.03 for visibility at intersections. Chain link fences in the front yard shall be sufficiently screened so that the fence is obscured, as viewed from the street.

2. Side and Rear Yards. In the side or rear yard, a fence or wall shall not exceed 8 feet in height above the natural grade.

3. 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.

4. Fences on Property Lines, ***(Added 2/11/20)*** Any fence placed on a property line shall have a written agreement between the owners of each adjoining property and follow all other requirements in Chapter 971 of the Ohio Revised Code.

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 residential districts in compliance with the following regulations: ***(Revised 3/8/00)***

1. The keeping of animals such as horses, ponies and other domestic animals that are housed outdoors shall comply with Section 230.05.

L. Roadside Stands. In addition to the locational and coverage requirements of Schedules 310.09B and 310.09C, roadside stands shall comply with the following:

1. Only items that are produced or raised on the premises on which the roadside stand is located may be sold at a roadside stand, and premises shall be owned or operated by the market operator.

2. Sufficient parking spaces that are properly located so as not to create a nuisance or hazardous traffic situation shall be provided.

M. 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.

N. Cemetery. Burial of all human remains shall be done in a designated and authorized cemetery as stipulated in Section 390.06D. Burial of all cremated ashes could be done in a designated and authorized cemetery as stipulated in Section 390.06D. ***(Amended 8/25/05)***

O. Outdoor Furnace. ***(Added 4/24/08)(Revised 6/26/26)*** A unit designed to be placed outside on a base in which to produce heat and/or hot water for a primary or accessory building.

1. Shall not be located closer than 30’ from the principal dwelling.

2. Shall be located in the rear yard a minimum of 70 feet from the property lines.

3. Shall use only allowable fuels which follow federal, state, and local government standards and guidelines.

4. Shall be located on a minimum of 1.5 acres.

5. Have a permanent stack at least five (5) feet higher than the peak of any roof within 150 feet of the boiler.

SECTION 310.10 REGULATIONS FOR HOME OCCUPATIONS.

(Amended 6/22/21)

The purpose of this section is to set forth regulations that control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit and/or accessory building so that the nonresidential use is limited to an accessory use and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit and/or accessory building.

A. A home occupation shall occupy no more than 25% of the floor area of the dwelling unit and shall be clearly incidental and secondary in importance to the use of the dwelling unit for dwelling purposes.

B. Such home occupation shall employ no more than two persons who do not reside in the dwelling unit and have adequate on-site parking.

C. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

SECTION 310.11 FAMILY DAY CARE HOME, TYPE "B".

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type "B" family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type "B" family day-care home is a permanent residence of the provider where childcare is

provided for 1 to 6 children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type "B" family day-care homes are a permitted accessory use in residential districts, and do not require a zoning certificate.

SECTION 310.12 DEVELOPMENT PLAN REVIEW FOR PLATTED SUBDIVISIONS.

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 310.13 REASONABLE ACCOMMODATION. *(Added 8/13/2015)*

A. 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.

B. Notice to the Public of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters and 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 and the Zoning Inspector's office.

C. Requesting Reasonable Accommodation

1. 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.
2. Requests for reasonable accommodation shall be in writing and provide the following information:

a. Name and address of the individual(s) requesting reasonable accommodation;
b. Name and address of the property owner(s);
c. Address of the property for which accommodation is requested;
d. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
e. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

3. 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.
4. 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 and the requested accommodation.
5. If an individual needs assistance in making the request for reasonable accommodation, the Township will provide assistance to ensure that the process is accessible.

D. Reviewing Authority

1. Requests for reasonable accommodation shall initially be reviewed by the Zoning Inspector.
2. The zoning inspector will provide notice within thirty (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.
3. 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 application response to the request.

E. 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.

F. Appeals

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