

**CHAPTER 390  
Conditional Use Regulations**

- |        |  |        |  |
|--------|--|--------|--|
| 390.01 | Purpose.   | 390.05 | Schedule of regulations for conditional uses in commercial and industrial districts. |
| 390.02 | General criteria for all conditional uses.                             |        |  |
| 390.03 | Specific standards for conditional uses.                               | 390.06 | Supplemental regulations for specific uses.  |
| 390.04 | Schedule of regulations for conditional uses in residential districts. |        |  |

**SECTION 390.01 PURPOSE.**

Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against the standards and criteria set forth in this Chapter, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and on such other factors established herein.

Review of a conditional use by the Board of Zoning Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Chapter 630.

**SECTION 390.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 390.02 through 390.06. Furthermore, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- A. The conditional use in the proposed location will be consistent with the purpose, intent and basic planning objectives of this Resolution, the objectives for the district in which located, and the Comprehensive Plan;
- B. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

- C. The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- D. The hours of operation of the proposed use are similar to a use permitted in the district.
- E. The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- F. The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- G. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- H. The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- I. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

**SECTION 390.03 SPECIFIC STANDARDS FOR CONDITIONAL USES.**

In addition to the general criteria established in Sections 390.01 and 390.02, the following specific conditions shall apply to all conditional uses.

- A. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 390.02.
- B. Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.

- C. Exception to Height Regulations. (*Amended 9/10/19*) The height of a non-residential building permitted as a conditional use in a residential district shall not exceed 50 feet, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may be erected to a height not to exceed 75 feet when the building is setback from each lot line at least one foot for each foot of additional building height above 50 feet when permitted by the Board of Zoning Appeals.
- D. Specific Development Standards.
1. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
  2. For parcels of two or more acres in residential districts, all points of vehicular entrance or exit shall be on an arterial street or collector street located no closer than:
    - a) Two hundred (200) feet from the intersection of two arterial streets, or
    - b) One hundred (100) feet from the intersection of an arterial street and a local or collector street.
  3. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
  4. Floodlights, searchlights, loudspeakers, or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
  5. All trash receptacles shall be screened according to Chapter 430 with a fence, wall or building.
  6. Grading and surface drainage provisions shall be prepared by a registered engineer and reviewed or approved by the Portage County Engineer, Rootstown Township Zoning Department, and/or Rootstown Township Road Department, where applicable. (*Amended 9/10/19*)

**SECTION 390.04 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS. (Amended 4/24/08) (Amended 3/11/2010)**

Schedule 390.04 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.04.

**Schedule 390.04 Minimum Lot and Yard Requirements**

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft)		See also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
<b>RESIDENTIAL</b>							
1. Congregate care facility	2 ac	150 ft	(a)	35	NP	35	390.06H
2. Family home for handicapped	(a)	(a)	(a)	(a)	(a)	(a)	390.06K
3. Group home for handicapped	20,000 sf	(a)	(a)	(a)	(a)	(a)	390.06L
4. Two-family dwelling	15,000 sf	85 ft	(a)	(a)	(a)	(a)	390.06W
<b>OPEN SPACE/ RECREATIONAL</b>							
1. Campgrounds	50 acres	300 ft	100	100	NP	100	390.06C
2. Cemetery	40 acres	300 ft	100	100	NP	100	390.06D
3. Golf courses	40 acres	300 ft	100	100	NP	100	390.06G
4. Parks, playgrounds	20,000 sf	80 ft	(a)	35	40	35	--
5. Riding stables, swim clubs	5 ac	200 ft	100	100	NP	100	390.06G
<b>COMMUNITY FACILITIES</b>							
1. College/university	5 ac	200 ft	100	100	NP	35	390.06E
2. Day care center, adult or child	20,000 sf	150 ft	(a)	35	NP	35	390.06I
3. Places of worship	2 ac	150 ft	(a)	35	NP	35	390.06S
4. Public safety facilities	2 ac	150 ft	(a)	35	NP	35	--
5. Schools, public or private	2 ac	150 ft	(a)	35	NP	35	390.06S
<b>OTHER</b>							
1. Offices on lots fronting Sandy Lake Rd. or Rt. 44 (north of I-76)	(a)	(a)	(a)	(a)	NP	20	390.06O
2. Topsoil removal/ extraction	20 ac	300 ft	200	200	200	200	390.06V
3. Telecommunication towers	See Chapter 460						
4. Use of accessory building for limited commercial uses	25 ac	500 ft	300	200	200	200	390.06X
5. Outdoor furnace	1.5 ac	150 ft	NP	70'	NP	NP	310.09O & 390.06Q

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft)		See also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
6. Wind/Solar Energy Systems	See Chapter 480						
<b>NOTES FOR SCHEDULE 390.04</b> NP = Not Permitted, ac = acres, ft = feet (a) Shall comply with the district regulations.							

**SECTION 390.05 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**  
*(Amended 4/24/08) (Amended 3/11/2010) (Amended 4/14/17) (Amended 10/10/17)*

Schedule 390.05 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in commercial and industrial districts. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.05.

**Schedule 390.05**  
**Minimum Requirements for Conditional Uses in Commercial and Industrial Districts.**

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
<b>RESIDENTIAL</b>							
1. Congregate care facility	2 ac	150 ft					390.06H
2. Residential units on the second floor of an existing commercial building							--
3. Two-family dwelling							390.06W
<b>COMMUNITY FACILITIES</b>							
1. Assembly hall, meeting place	1 ac	(a)					--
2. College/university	5 ac	200 ft					390.06E
3. Day care center, adult or child							390.06I
4. Indoor recreation facilities	1 ac	(a)					390.06F
5. Indoor theater	1 ac	(a)					--
6. Outdoor recreation facilities	1 ac	(a)					390.06G
7. Places of worship	1 ac	(a)					390.06S
8. Public maintenance facility	1 ac	(a)					--
9. Public safety facilities							--

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
<b>AUTOMOTIVE USES</b>							
1. Auto repair garage, towing							390.06B
2. Auto, motor vehicle sales							390.06B
<b>OFFICES</b>							
1. Medical clinics	1 ac	100 ft					--
2. Medical offices							--
3. Veterinary office	1 ac	100 ft					390.06Y
<b>NOTES FOR SCHEDULE 390.05</b>							
(a) Shall comply with the district regulations.							
ac = acres, ft = feet							
<b>RETAIL/ SERVICES</b>							
1. Adult entertainment uses							390.06A
2. Automated teller machines							--
3. Drive-through facilities in association with a principal use							390.06J
4. Retail associated with a principal use							390.06T
5. Outdoor display							390.06P
<b>GENERAL COMMERCIAL</b>							
1. Building material sales							--
2. Mini / self-storage							390.06N
<b>STORAGE/ DISTRIBUTION</b>							
1. Outdoor storage of fleet vehicles, material, supplies and equipment							390.06R
2. Scrap yards/ junk yards	20 ac	300 ft	100	100			390.06M
3. Storage and sale of fireworks	25 ac	1000 ft	500	500			390.06U
4. Wholesale storage of gas and petroleum							--
<b>MANUFACTURING, PROCESSING</b>							
1. Extracting operations	20 ac	300 ft	100	100			390.06V
2. Manufacturing of products from raw materials							--
3. Cultivation and processing medical marijuana							390.06 Z
<b>OTHER</b>							

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
1. Gas wells			See Chapter 470				
2. Topsoil removal	20 ac	300 ft	100				390.06V
3. Telecommunication towers			See Chapter 460				
4. Wind/Solar Energy Systems			See Chapter 480				
<b>NOTES FOR SCHEDULE 390.05</b> (a) Shall comply with the district regulations. ac = acres, ft = feet							

**SECTION 390.06 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**  
*(Amended 8/9/07) (Amended 4/24/08) (Amended 8/13/15) (Amended 10/25/16) (Amended 2/14/17) (Amended 9/10/19) (Amended 2/23/21)*

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 390.02 and the specific standards set forth in Sections 390.03 and 390.05.

**A. Adult Entertainment Uses shall comply with the following:**

1. Rootstown Township has determined that permitting adult uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in Rootstown Township’s retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this Section, shall be permitted only in the G-I General Industrial District subject to the following requirements.
  
2. For purposes of this Resolution adult uses shall include but not be limited to any of the following:
  - a) "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".

- b) "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:
  - 1) 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
  - 2) 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.
- c) "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.
- d) "ADULT" GAMING ESTABLISHMENTS: Any place of business where skill-based amusement machines are located where a player of the skill-based amusement machine may receive monetary compensation based on the outcome of play. *(Added 8/9/07)*
- e) "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".

- f) "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."
  
- g) 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.
  
- h) SKILL-BASED AMUSEMENT MACHINE: means a skill-based amusement device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply: *(Added 8/9/07)*
  - 1) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.
  - 2) The outcome of an individual's play and participation is not determined largely or wholly by chance.
  - 3) The outcome of play during a game is not controlled by a person not actively participating in the game.
  - 4) All of the following apply to any machine that is operated as described in the above portion of the definition:

- (a) As used in this section, “task”, “game”, and “play” mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes based on the results of the play.
  - (b) Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
  - (c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of prizes that are stated prior to the start of the contest, competition, or tournament.
3. To further determine whether the above facilities are adult uses, the following definitions shall apply.
- a) Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
    - 1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
    - 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
  - b) Bottomless. Less than full opaque covering of male or female genitals, pubic area, or buttocks.

- c) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  - d) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
  - e) Sexual activity. Sexual conduct or sexual contact, or both.
  - f) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
  - g) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
4. Adult uses shall be located in accordance with the following distance requirements:
- a) A minimum of 1,500 feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school or any other institution where children are kept day or night;
  - b) A minimum of 1,500 feet from any other adult use.
  - c) A minimum of 1,000 feet from any residentially zoned parcel in Rootstown Township or any adjacent community; and
- B. **Auto Repair Garage, Auto Motor Vehicle Sales, and Towing** shall comply with the following: *(Amended 2/14/17)*
- 1. All activities, including cleaning, washing, and drying operations, shall take place inside the building unless otherwise permitted by the Board of Zoning Appeals.
  - 2. No junk, inoperative, or unlicensed vehicle shall be permitted to remain outdoors on the property except in a completely screened storage area.
  - 3. All applicable Ohio EPA and U.S. EPA guidelines.

C. **Campgrounds** shall comply with the following:

1. Campsites shall be occupied on a temporary basis and no lodge, recreational vehicle, tent, or any other structure intended for temporary overnight stays shall be occupied as a permanent dwelling.
2. Only retail facilities that are customarily accessory or incidental to the campground shall be permitted. Such retail facility shall be provided for the convenience persons staying at the campgrounds and no sign advertising the retail facility shall be permitted.
3. All active recreation areas shall be enclosed by a fence having a minimum height of 6 feet, unless a different enclosure is approved by the Board of Zoning Appeals.

D. **Cemetery** The area proposed for a cemetery shall be used for cemetery purposes only and shall meet the following requirements:

1. Except for office uses incidental to cemetery operations, no business or commercial use of any kind shall be permitted on the cemetery site.
2. Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the final plans by the Zoning Board of Appeals.
3. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
4. No gravesite shall be located within 100 feet of a public street right-of-way.
5. A trust fund of an amount set by the Zoning Board of Appeals shall be established by the cemetery developer for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Township Trustees. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Zoning Board of Appeals. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

E. **Colleges and Universities and related facilities** shall comply with the following:

1. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

2. Such development should be located on arterial streets or at intersections of arterial and/or collector streets.
  3. Related facilities such as, but not limited to dormitories, student union halls, athletic facilities, shall be located on the same lot as the college or university.
  4. A ten (10) foot bufferyard shall be provided around the perimeter of the property where it abuts an O-C or R Districts. The bufferyard plan shall comply with Section 430 of these regulations.
  5. Accessory uses shall be limited to those directly related to the conditional use permit so granted.
- F. **Commercial Recreation, Indoor** shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- G. **Commercial Recreation, Outdoor; and Riding Stables, Swimming Pools, and Golf Courses** shall comply with the following:
1. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
  2. All active recreation areas shall be enclosed by a fence having a minimum height of 6 feet unless a different enclosure is approved by the Board of Zoning Appeals.
  3. All structures including lighting fixtures shall have a maximum height of 50 feet. *(Amended 9/10/19)*
  4. Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of firearms shall not be permitted.
  5. Public restrooms shall be provided and maintained.
  6. Vehicular access to such uses shall be located on a major street.
  7. In a residential district, only incidental retail uses such as a snack bar, restaurant or retail shop shall be permitted as part of the golf course. Such

retail facility shall be provided for the convenience members and no sign advertising the retail facility shall be permitted.

8. Swimming pools shall comply with the following additional requirements:
  - a) The enclosure required in subsection 2 above shall be kept locked at all times the pool is not in use. No part of such fence or enclosure shall be located in a required yard.
  - b) The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.

H. **Congregate Care Facilities** shall comply with the following:

1. A congregate care facility may include one or more of the following types of residential facilities:
  - a) Independent living with congregate dining facilities,
  - b) Congregate living,
  - c) Assisted living,
  - d) Nursing home.
2. The number of beds for assisted living and nursing facilities shall not exceed one bed for every 1,000 square feet of net lot area devoted to the facility and its related parking.
3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

I. **Day Care Centers for Adults and/or Children** shall comply with the following:

1. Outside areas for activities shall be fenced for the protection of the adults and children.
2. Parking spaces required for the day care facility shall be on the same lot as the principal use.
3. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the adults and/or children.
4. The location and design of the facility shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area and/or the arterial street location.

- J. **Drive-Thru Facilities in Association with a Permitted Use** shall comply with the following: *(Amended 10/25/16)*
1. Such facility and associated access drives should be located so as to be the least disruptive to pedestrian and vehicular traffic and the architectural character of the district.
  2. For locations where such facility abuts a residential district an additional buffer area may be required.
- K. **Home for Handicapped Persons, Family** shall comply with the following:
1. The persons residing in such residential home shall live as a single housekeeping unit in the same single-family dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
    - a) The resident intends to live at the dwelling on a continuing basis; and,
    - b) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
  2. Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to maintain such certification for each handicapped person who resides in the home after a conditional use permit is granted;
  3. The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
  4. In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;
  5. Signs or other means of identification as a family home for handicapped persons shall not be permitted;

6. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
7. In considering whether to grant the conditional zoning certificate, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for handicapped persons is located;
8. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
9. Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing Township regulations.

**L. Home for Handicapped Persons, Group shall comply with the following:**

1. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
2. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
3. In considering whether to grant the conditional use permit, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for handicapped persons is located;
4. Residents shall either be handicapped as defined by the Zoning Resolution or be 62 years of age or older.



M. **Junkyards and Scrapyards** shall comply with the following:

1. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies. No conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
2. The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to adjacent properties.
3. Suitable measures shall be taken to control dust.
4. A junkyard or scrapyard shall be located a minimum of 200 feet from a residential district.
5. A buffer yard, with a minimum width of 100 feet and located within the required setback, shall be planted according to the following specifications:
  - a. Pine, Norway Spruce, and other similar trees shall be planted in a staggered pattern with no more than 10 feet between trees to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
  - b. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
6. There shall be no burning of refuse, garbage or other waste materials.

N. **Mini/Self Storage Facilities** shall comply with the following:

1. There shall be no storage of explosives or radioactive materials or any other materials that are prohibited by county, state, or federal statutes.
2. In a C-2 district, all items shall be stored indoors.
3. In a G-1 district, outdoor storage/ parking spaces for vehicles shall be separate from the buildings. Vehicles shall not be stored in any required parking space. Vehicles stored outdoors shall not exceed 12 feet in height.
4. The premise shall be maintained in a dust free condition.

O. **Offices on Lots Fronting Sandy Lake Road or Rt. 44** shall comply with the following:

1. Existing single-family dwellings may be converted to office use.

2. New construction of an office building shall retain the following residential characteristics:
  - a) Building roof shall have a minimum pitch of 3 feet vertical to 12 feet horizontal.
  - b) All buildings shall be articulated into small and varied masses so that no wall exceeds a length of 30 feet without having an offset in the roof line and exterior wall.

P. **Outdoor Display of Merchandise** shall comply with the following:

1. In C-1 and C-3 Districts, the area of a lot devoted to outdoor display shall not exceed 25 percent of the ground floor area of the building(s) on the lot.
2. Areas devoted to the display of merchandise shall comply with principal building setbacks established for the district in which the principal use is located;
3. Displays shall not be located in areas intended for traffic circulation according to the development plan.

Q. **Outdoor Furnace** – 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: *(Added 4/24/08)*

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.

R. **Outdoor Storage of Fleet Vehicles, Trucks, Materials and Equipment** including the outdoor storage of goods and supplies used in the operation of the principal use:

1. General storage of materials shall include the storage of goods, materials, products or waste materials in containers associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

2. Outdoor storage areas shall be located in the rear yard only and shall comply with the principal building setbacks established for the district in which the principal use is located.
3. All outdoor storage areas shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
4. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
5. The bulk storage of sand, gravel, salt and other similar materials shall not be permitted unless the material is effectively prevented from spreading.

S. **Places of Worship and School Facilities** and their associated facilities and uses shall comply with the following:

1. Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood so as to lessen the impact on residential areas.
2. In any district, the Board of Zoning Appeals may require all outdoor children's activity areas to be completely fenced.
3. Associated uses such as a convent, cafeteria, fieldhouse and/or infirmary shall be located on the same lot as a place of worship or public or private school and shall comply with the building setback requirements set forth in Sections 390.04 and 390.05, as specified for the district in which such use is located.

T. **Retail Associated with a Permitted Principal Use** shall comply with the following:

1. In the C-3 District, a permitted principal use may be permitted to offer as an accessory use convenience retail items provided that the portion of the floor area devoted to retail sales does not exceed 3,000 square feet.
2. In the L-I District, retail establishments may be located in a building that is occupied by a permitted use. The retail establishment shall be associated with the permitted use and shall occupy no more than 20 percent of the total gross floor area of the building.

- U. **Storage and Sale of Fireworks** shall comply with the following:
1. The applicant shall obtain all required federal, state and local permits prior to the issuance of the conditional zoning certificate.
  2. In addition to the setback standards set forth in Schedule 390.0, all establishments selling or storing fireworks shall be located a minimum of:
    - a) 500 feet from a public or gas transmission line.
    - b) 1,000 feet from all gas wells, oil storage tanks, separator units and compressor stations.
    - c) 1,000 feet from all public meeting places including schools, places of worship, and town halls.
- V. **Topsoil Removal, Extracting for Sand, Clay, Gravel** shall comply with the following:
1. A fence six feet or more in height shall encompass the entire periphery of the development. Such fence shall be adequate to prevent trespass and shall not be placed closer than 50 feet to top or bottom of any slope.
  2. No sand or gravel shall be removed or stored or overburdened within 100 feet of any lot line not owned or controlled by the developer or operator of said business or his agent.
  3. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
  4. No rehabilitated slope shall exceed an angle with the horizontal of 45 degrees.
  5. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
  6. Areas shall be completely and adequately drained of water when not in use or not supervised by a watchman.
  7. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

8. Such operation shall be conducted so as not to leave or cause to exist spoil banks.
9. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
10. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond of \$2,500 per acre with a minimum bond of \$25,000 to the Rootstown Township Board of Trustees as a guarantee that such work will be done in a satisfactory manner. Plans and specification of proposed restoration shall be approved by the Township Trustees prior to the issuance of the permit.
11. A plan showing provisions for control of erosion and sedimentation during and after the development, construction, extraction, or other use of the site shall be prepared. Such plan shall show proposals for restoration, rehabilitation, and reclamation where necessary and shall be accompanied by documentation indicating the review and recommendation on said plan by the Portage County Soil and Water Conservation District, the Division of Lands and Soil of the Department of Natural Resources, or other competent agency or soils scientist.
12. Any excavation activity shall be conducted a minimum of 200 feet from any dwelling unit existing at the time of installation and/or development.
13. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matters, or water carried wastes.
14. Such uses shall not harmfully affect the water supply of nearby residences.

W. **Two-family Dwelling Units** shall comply with the following:  
*(Amended 8/13/2015)*

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.

X. **Use of Accessory Agricultural Building for Limited Commercial Uses** shall comply with the following:

1. The use of an accessory building otherwise constructed for agricultural purposes shall be limited to an office, automotive, landscaping, equipment repair or other commercial use that does not generate truck traffic so as to minimize the impact on the surrounding residential areas.
2. All activities related to the commercial use shall be conducted entirely within the accessory building and no outdoor storage shall be permitted.
3. The use of the accessory agricultural building shall not alter the outward appearance of such building, nor shall such use involve any outward evidence of its existence on the site.
4. The ground floor area of the building shall not exceed 3,000 square feet.
5. In the event the parcel on which the accessory agricultural building is located is subdivided to include less than 25 acres, all use of such building for commercial operation shall cease within 60 days.

Y. **Veterinary Offices** shall comply with the following:

1. Such use shall be located in a building having adequate sound proofing and odor control.
2. There shall be no facilities for the overnight boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.

Z. **Parks and Recreation Uses** shall comply with the following: *(Added 2/23/21)*

1. Conditionally permitted uses shall end by 11 p.m. on Friday and Saturday nights.
2. Events shall end by 9 p.m. on Sunday through Thursday nights.
3. On the Sunday of a national holiday weekend and the Fourth of July, events shall end by 11 p.m.
4. Conditionally permitted events shall comply with Section 610.11.

AA. **Hotels** shall comply with the following: *(Added 6/22/21)*

1. The hotel shall have a restaurant facility/banquet hall with full-service amenities and a minimum area of 5,000 square feet.
2. Guest room entrances shall be from inside the building or face an interior courtyard.

BB. **Medical Marijuana Dispensary** shall comply with the following:  
*(Added 5/26/22)*

1. The dispensary and any boundary line of the parcel upon which it is located shall not be located within 1,000 feet of any parcel boundary line of a school, park/playground, or church.
2. The operation of the dispensary shall comply with all provisions of ORC 3796.