

Commercial Overlay District
Rootstown, Ohio

CHAPTER 150

Definitions

150.01 Interpretation of terms and words.

150.02 Definitions.

SECTION 150.01 INTERPRETATION OF TERMS AND WORDS.

For the purpose of this resolution, certain terms and words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

SECTION 150.02 DEFINITIONS.

Words used in this resolution are used in their ordinary English usage.

For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

1. **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise is removed from its shipping packaging and representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area. (2/14/03)
2. **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours.

3. OVERLAY DISTRICT: A zoning district which is superimposed over an underlying zone, or zones, thereby offering a property owner the right to develop the property either according to the overlay or underlying district regulations. (Added 2/14/03)
4. PARKING: The temporary storage of registered vehicles in operable condition.
5. PARKING LOT: A paved area made up of marked parking spaces. Also known as a parking area.
6. PARKING SPACE: A paved, rectangular area outside the public street right-of-way defined on three sides by painted lines, raised curbs or a combination thereof which is used for the temporary storage of registered and licensed motor vehicles.
7. PERFORMANCE STANDARD: A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
8. PLACES OF WORSHIP: A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.
9. PLAN, DEVELOPMENT: Drawing(s) and map(s) illustrating the proposed design, layout, and other features for the development of one or more lots.
10. GENERAL DEVELOPMENT PLAN: Drawings and maps including all the elements set forth in Section 620.04.
11. FINAL DEVELOPMENT PLAN: Drawings and maps including all the elements set forth in Section 620.05.
12. PLANNED COMMERCIAL DEVELOPMENT: An area of land to be planned and developed as a single entity, in which a variety of primarily commercial uses may be accommodated with more flexible standards, but according to a unified plan for the entire area. (Added 2/14/03)
13. PLANNED RESIDENTIAL DEVELOPMENT: An area of land to be planned and developed as a single entity, in which a variety of housing units are accommodated under more flexible standards, such as lot size and setbacks, than those that would normally apply under single-family

- district regulations, allowing for the clustering of houses to preserve open space while maintaining the same overall density limitations of the district in which the planned residential development is located.
14. PLAT: A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.
 15. PLATTED SUBDIVISION: The following subdivisions require platting under Ohio Revised Code and the Portage County Subdivision Regulations and are referred to as platted subdivisions:
 16. A subdivision which consists of more than five (5) lots from an original tract, any one of which is less than five (5) acres in size.
 17. Any division or subdivision of land involving the opening widening, or extending of any street or road.
 18. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or public facilities.
 19. A subdivision not along an existing public road.
 20. PROJECT BOUNDARY: The boundary defining the tract(s) of land which is included in a proposed development to meet the minimum required project area for a planned residential development or multi-family development. The term "project boundary" shall also mean "development boundary".
 21. PROJECT CONSTRUCTION SIGN: See Section 420.02 B. 6
 22. PUBLIC SAFETY FACILITY: A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.
 23. PUBLIC PURPOSE/SAFETY SIGN: See Section 420.02 B. 7
 24. PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, a railroad, whether publicly or privately owned, or a municipal or other governmental

agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

25. QUARRY: Any use of land for the removal of any mineral or material, including open or strip mining and shaft mining.
26. RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or intensive" depending upon the scope of service offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include but need not be limited to miniature golf courses, amusement parks, stadiums and bowling alleys. This does not include sexually oriented business uses as defined in this Resolution.
27. RECREATIONAL VEHICLES: Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and may be equipped with wheels or is mounted to facilitate movement from place to place, and includes but is not limited to: derby cars or fair cars, pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for manufactured home or mobile homes. (added 5/10/01)
28. RESEARCH AND TESTING LABORATORY: A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
29. RESTAURANT - COUNTER SERVICE: A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
30. RESTAURANT - TABLE-SERVICE: A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
31. RESTRICTED OPEN SPACE: The portion of the open space within a planned residential development that is of sufficient size and shape to meet the minimum zoning requirements.

32. **RETAIL ESTABLISHMENT:** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Zoning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.
33. **RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
34. **RIGHT-OF-WAY LINE:** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
35. **ROADSIDE STAND:** A temporary structure used solely for the sale of produce grown on the premises by the owner or owners of the property.
36. **ROADSIDE STAND SIGN:** See Section 420.02 B. 8
37. **SCHOOL FACILITIES:** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.
38. **SETBACK:** The required minimum horizontal distance between a lot line and a structure as established by this Resolution.
39. **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."
40. **SIGN:** Any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to announce, direct or advertise by means of letters, words, designs, colors, symbols, banners, fixtures, or images.

41. SMALL MOTOR VEHICLES: Motor vehicles including, but not limited to: motorcycles, passenger cars, light trucks, vans, and similar vehicles that have gross vehicle weights less than 10,000 pounds. (added 5/10/01)
42. STREET, CUL-DE-SAC: A local street with one end open to traffic and the other end terminating in a vehicular turn-around.
43. STREET, INTERIOR: A street wholly within the boundaries of a development.
44. STREET, LOCAL: A street primarily for providing access to residential or other abutting property.
45. STREET, MAJOR: A street, also known as a collector, which primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
46. STREET, PRIVATE: A local private way which provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an Association.
47. STREET, PUBLIC: A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.
48. STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.
49. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.
50. SWIMMING POOL: An outdoor structure capable of containing in excess of one and one-half (1 ½) feet of water at its deepest point and having more than 100 square feet of water surface.
51. TEMPORARY SIGN: See Section 420.02 B. 9
52. TELECOMMUNICATIONS: See Section 460.02 D
53. TOWER: A structure on which transmitting and/or receiving antennas are located.
54. UNDERLYING ZONE: A zoning designation on the land that existed at the time the overlay district was established. Such zoning classification shall

continue to be designated on the zoning map when the overlay zone is established. (2/14/03)

55. USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.
56. USE, ACCESSORY: A use of land incidental to the principal use of a lot or building located on the same lot.
57. USE, CONDITIONAL: A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 390, and which requires a conditional use permit and approval of the Board of Zoning Appeals in compliance with the regulations and procedures set forth in Chapter 630.
58. USE, PRINCIPAL: The primary or main use or activity of a building or lot.
59. VETERINARY HOSPITAL: A place where animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use.
60. WALKWAY: A public way, four or more feet in width, for pedestrian use only, which may or may not be located along the side of a road.
61. WALL SIGN: See Section 420.02 A. 5
62. WELL: See Section 470.10 C
63. WINDOW SIGN: See Section 420.02 A 6
64. WIRELESS TELECOMMUNICATIONS antenna: See Section 460.02 E
65. WIRELESS TELECOMMUNICATIONS facility: See Section 460.02 F
66. WIRELESS TELECOMMUNICATIONS TOWER: See Section 460.02 G
67. YARD: An open space on the same lot with a main building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.
68. YARD, FRONT: The area across the full width of the lot between the front of the main building and the front line of the lot.

69. YARD, REAR: A yard across the full width of the lot immediately in the rear of the main building.
70. YARD, REQUIRED (See also Setback Line): The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
71. YARD, SIDE: The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.
72. ZONING MAP: An accurate map depicting Rootstown Township, Portage County, Ohio and indicating the boundaries of the zoning districts established by this Resolution.

**ARTICLE II
GENERAL ESTABLISHMENT**

**CHAPTER 210
Districts and Their Boundaries**

- 210.01 Establishment of districts.
- 210.02 Zoning districts map.
- 210.03 Interpretation of district boundaries.

SECTION 210.01 ESTABLISHMENT OF DISTRICTS.

Zoning districts are hereby established for the unincorporated territory of Rootstown Township, Portage County, Ohio. These districts and the identifying symbol associated with each are as follows: *(Revised 2/14/03)*

Residential Districts

- O-C/PRD - Open Space and Conservation District
- R-1/PRD - Single-Family Residential District
- R-2/PRD - Single-Family Residential District
- R-3 - Multi-Family Residential District
- R-V/PRD - Residential Village District

Business and Commercial Districts

R-O/PCD - Residential/Office District
V-C/PCD - Village Center Business District
C-1/PCD - Retail Business District
C-2/PCD - General Commercial District
C-3/PCD - Highway Interchange District
PCOD - Planned Commercial Overlay District

Industrial Districts

L-I - Limited Industrial District
G-I - General Industrial District

SECTION 210.02 ZONING DISTRICT MAP.

The districts and their boundary lines are indicated upon the map entitled "The Rootstown Township, Portage County, Ohio, Zoning District Map" or "Zoning District Map" which, together with all notations, references, and other matters shown thereon, is hereby made part of this Resolution. The Zoning District Map shall bear the signatures of the Rootstown Township Zoning Commission and Board of Township Trustees.

The Zoning District Map shall be maintained in the Office of the Township Clerk and shall show all amendments made thereon.

SECTION 210.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- B. Where Boundaries Approximately Follow Streets, Alleys Or Highways. Where district boundaries are indicated as approximately following the centerline or right-of- way line of streets, the centerline or alley line of alleys, or the centerline or right-of- ways of constructed lines of highways, such lines shall be construed to be such district boundaries
- C. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, Or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

- D. Where Boundaries Approximately Follow Railroad Lines. Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
- E. Vacation Of Public Ways. Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.
- F. Dispute Concerning Location of Boundaries. All disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals. The Comprehensive Plan shall serve as a guide in resolving such disputes.

CHAPTER 330

Planned Commercial Overlay District

- 330.01 Purpose
 - 330.02 Establishment and application
 - 330.03 Minimum project area
 - 330.04 Use regulations
 - 330.05 Site development standards
 - 330.06 Plan approval
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SECTION 330.01 PURPOSE.

The Planned Commercial Overlay District (PCOD) regulations are established in order to encourage and accommodate planned commercial development when it is compatible with its surrounding uses and on land that could be suitably used as regulated by the underlying zone. It is intended that PCODs will allow a diversity and convenience not traditionally permitted. This overlay district and the uses allowed herein are centered on the goal of locating useful businesses and services on the township's major streets in close proximity to its patrons, more specifically, surrounding residential properties.

This district, shall only be considered by the Zoning Commission and Board of Trustees in the following locations:

- State Route 44 south of Prospect Street to Bower Road, excluding the portion located in the V-C district,
- Along State Route 18 between the railroad tracks east of Sanford Road and Kline Road, excluding the portion in the V-C district,
- On Prospect Street north of the Route 44 intersection,

- On the north side of Sandy Lake Road west of Prospect Street which is currently zoned G-I, and
- On Lynn Road east of State Route 44.

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

- A. To encourage the design and development of non-residential uses in a manner which enhances the Township's image through the application of site design principles and review procedures, which assure a high-quality of development including the provision of aesthetic amenities.
- B. To give the Township the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.
- C. To prevent the broad application of rezoning from either Residential Districts to Office or Commercial Districts which may result in unacceptable impacts to surrounding uses.

SECTION 330.02 ESTABLISHMENT AND APPLICATION OF A PLANNED COMMERCIAL OVERLAY DISTRICT.

- A. A Planned Commercial Overlay District (PCOD) shall be established pursuant to the established procedures for a Zoning Map amendment outlined in Chapter 660, provided that at the time such amendment is proposed, a general development plan depicting the overall development for the PCOD District has been submitted. Such development plan shall comply with the Development Plan submission requirements and the review criteria set forth in Chapter 620.
- B. The boundaries of the Planned Commercial Overlay District (PCOD) shall be indicated on the Official Zoning Map. Such districts shall also include the label of the zoning designation in effect at the time the PCOD application was submitted. This existing zoning shall continue as the property's underlying zoning classification. (Note: A PCOD designation overlaid over an R-1 zone would read "PCOD/R-1" on the Official Zoning Map).

SECTION 330.03 MINIMUM PROJECT AREA.

The area proposed to be re-zoned and developed as a Planned Commercial Overlay shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PCOD boundaries. The gross area of a development plan in a PCOD shall be a minimum of ten (10) acres.

SECTION 330.04 USE REGULATIONS.

- A. A use listed in Schedule 330.04 shall be permitted by right as a principal use when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.

- B. A use listed in Schedule 330.04 shall be permitted as a conditional use when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630. A use that has been conditionally approved by the Board of Zoning Appeals shall also be reviewed by the Zoning Commission as part of a development plan pursuant to Chapter 620.
- C. A use listed below shall be permitted as an accessory use in a PCOD district and shall be incorporated in the initial and all subsequent site development plan submissions for review and consideration by the Zoning Commission. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Off-street parking and loading areas as regulated by Section 350.08 and Chapter 410 unless modified by the Zoning Commission pursuant to the provisions of this chapter.
 - 2. Signs as regulated by Chapter 420 unless modified by the Zoning Commission pursuant to the provisions of this chapter.
 - 3. Other uses of land or buildings which are clearly incident and subordinate to the principal use.

Although a use may be indicated as a permitted principal, conditional, or accessory use in the PCOD District, it shall not be approved on a parcel, or as part of a development plan, 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 a permitted principal use or conditional use shall be a prohibited use in this zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as regulated in Chapter 660.

**SCHEDULE 330.04
USES PERMITTED IN THE PLANNED COMMERCIAL OVERLAY DISTRICT**

Planned Commercial Overlay District (PCOD)	
A. Offices	
1. Professional, administrative, executive offices	P
2. Medical offices	P
3. Medical clinics	P
4. Sales office with only samples of products	P

B. Retail/Services	
1. Retail in completely enclosed buildings	P
2. Personal services in completely enclosed buildings	P
3. Automated teller machines	P
4. Bank, financial institution	P
5. Drive-through facilities in association with a principal use	C
6. Outdoor display	P
7. Restaurants	P
8. Studios for artist, photography, etc. which may include retail sales	P
C. Community Facilities	
1. Adult day care center	C
2. Assembly hall, meeting place	C
3. Child day care center	C
4. Places of worship	C
5. Public safety facilities	P
D. Telecommunication Towers	(a)
P = Principal use permitted by right C = Conditional use (a) = As permitted pursuant to Chapter 460	

SECTION 330.05 SITE DEVELOPMENT STANDARDS.

For the purpose of review and approval of a PCOD, development boundaries set forth by the development plan shall be considered the project boundaries for the purpose of determining compliance with development standards in this Chapter

Unless otherwise approved by the Zoning Commission, pursuant to this chapter and the procedures in Chapter 620, all development standards must comply with the standards applicable to the C-1 District. However, consistent with the intent and purposes of this District, the Zoning Commission reserves the ability to provide relief from such C-1 standards, provided that the Applicant demonstrates to the satisfaction of the Commission that the development plan is consistent with the purpose, intent, and character set forth by the goals and objectives of this District and the adopted Comprehensive Land Use Plan. However, these district regulations do not authorize the Zoning Commission to waive the regulations set forth in Section 350.12 "PERFORMANCE STANDARDS."

- A. A maximum of seventy (70) percent of the total land area of the project shall be devoted to buildings, parking, access driveways, roadways and any other hard surface areas. Conversely, the remaining thirty (30) percent of the site shall be comprised of open space, landscaping and buffer areas. Retention basins are not to be included in the open space requirement unless it is determined by the Zoning Commission that they are designed as part of the open space in a manner that is compatible with the surrounding environment with respect to slope, materials, landscaping, etc.
- B. Required setbacks.
 - 1. All buildings shall be setback a minimum of twenty-five (25) feet from an existing public street and from residentially zoned land that abuts the project boundaries.
 - 2. Parking lots and access drives shall be setback a minimum of twenty (20) feet from an existing public street and from residentially owned land that abuts the project boundaries.
 - 3. The building and parking setbacks from internal roads and access drives, between buildings, between parcels (if the portions of the project are proposed to be subdivided) and adjacent to nonresidential developments surrounding the proposed development in a Planned Commercial Overlay District shall be established by the Zoning Commission.
- C. A minimum lot size for separate uses within the development is not required. These shall be established as part of the Zoning Commission's review and approval of the development plan.
- D. The Zoning Commission may approve fewer off-street parking spaces than required in Chapter 410 Off-Street Parking and Loading Regulations when the applicant demonstrates to the satisfaction of the Zoning Commission that the number of parking spaces proposed is acceptable to meet the needs of both the uses and tenants initially anticipated in the development, as well as uses that are permitted to occupy the spaces in the future.
- E. Walkways shall be provided for convenient pedestrian access throughout the development and from the development to other areas of the community.

Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Zoning Commission.

- F. Additional development requirements to achieve the objectives of this Chapter may be established at the time the PCOD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.
- G. If development is to be implemented in phases, each phase shall have provisions for access, parking, storm water management, and other public improvements which are sufficient in number, quality, and design to serve the development in accordance with the applicable criteria set forth above. And, each phase shall be provided with temporary or permanent features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

SECTION 330.06 PLAN APPROVAL.

The applicant for a Planned Commercial Overlay shall submit development plans in accordance with Chapter 620.

CHAPTER 350 Commercial District Regulations

- 350.01 Purpose.
- 350.02 Use regulations.
- 350.03 Schedule of permitted uses.
- 350.04 Lot requirements.
- 350.05 Building setback requirements.
- 350.06 Supplemental use/building regulations.
- 350.07 Height regulations.
- 350.08 Parking setback requirements.
- 350.09 Accessory use regulations.
- 350.10 Landscaping and Screening Requirements.
- 350.11 Supplemental Regulations for Gasoline Stations.
- 350.12 Performance Standards.
- 350.13 Development Plan Review.

SECTION 350.01 PURPOSE.

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

- A. To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business and commercial uses by restricting the types of establishments, particularly at the common boundaries, which would create congestion, noise or other objectionable influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To provide a Residential Office District (R-O) that encourages development of professional, administrative and executive offices which are compatible with residential uses, and which serve as transitional uses between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential development. It is recognized and anticipated that some dwelling units within this district may be converted to office uses.
- E. To provide a Village Center District (V-C) that encourages a mix of uses in a compact, yet cohesive, "village" environment. This district is intended to encourage infill development in the Township's historic "center" by ensuring that new structures can be constructed in the same manner as the existing structures, and to encourage reuse of existing residential structures by retail establishments and offices.
- F. To provide Retail Commercial Districts (C-1) for certain retail and personal service establishments in areas adjacent to residential neighborhoods and to ensure that these areas are developed in a manner appropriate for locations abutting residential areas;
- G. To provide General Commercial Districts (C-2) for commercial services and activities in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of general commercial establishments and to permit limited outdoor activities in areas that are adequately screened from view.
- H. To provide Highway Interchange Districts (C-3) in locations at the freeway interchange for higher intensity commercial establishments that need the locational advantages of highway interchanges such as accessibility, visibility, and nearness to large volumes of passing traffic.
- I. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

SECTION 350.02 USE REGULATIONS.

- A. A use listed in Schedule 350.03 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;
- B. A use listed in Schedule 350.03 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;

C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use.

Accessory uses are further regulated in subsequent sections, as noted below.

1. Off-street parking and loading areas as regulated by Section 350.08 and Chapter 410.
2. Signs as regulated by Chapter 420.
3. Other uses of land or buildings which are clearly incident and subordinate to the principal use.

Although a use may be indicated as a permitted principal, conditional or accessory use in a particular 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 350.03 SCHEDULE OF PERMITTED USES. (revised 2/14/03)

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Residential Uses					
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
B. Offices					
1. Professional, administrative, executive offices	P	P	P	P	.
2. Medical offices	C	P	P	P	.
3. Medical clinics	.	C	P	P	.
4. Sales office with only samples of products	P	P	P	P	.
C. Retail/Services					
1. Retail in completely enclosed	.	P	P	P	C in assoc.

buildings					w/ another principal use
2. Personal services in completely enclosed buildings	.	P	P	P	.
3. Automated teller machines	.	C	C	P	.
4. Bank, financial institution	.	P	P	P	.
5. Drive-through facilities in association with a principal use	.	.	.	C	P
6. Outdoor display	.	.	C	C	C
7. Outdoor storage	.	.	.	C	C
8. Restaurants	.	P	P	P	P
9. Studios for artist, photography, etc. which may include retail sales	P	P	P	.	.
D. Lodging Establishments					
1. Bed-n-breakfast home	.	P	.	.	.
2. Hotel, motel	.	.	.	P	P
E. Automotive Uses					
1. Gasoline stations	.	.	.	P	P
2. Auto service station	.	.	.	P	P
3. Car wash	.	.	.	P	P
4. Auto repair garage	.	.	.	C	.
5. Auto, motor vehicle sales	.	.	.	C	.
F. General Commercial					
1. Farm implement sales	.	.	.	C	.
2. Building material sales	.	.	.	C	.
3. Carpenter, cabinet shop	.	.	.	P	.
4. Mini/self storage	.	.	.	C	.
G. Community Facilities					
1. Adult day care center	C	C	C	.	.
2. Assembly hall, meeting place	C	C	C	.	.
3. Child day care center	C	C	C	.	.
4. Indoor recreation facilities	.	.	.	C	.
5. Membership/sports fitness center	.	.	.	C	.
6. Indoor theater	.	.	C	.	.
7. Outdoor recreation facilities	.	.	.	C	.

8. Places of worship	C	C	C	.	.
9. Public maintenance facility	.	.	.	C	.
10. Public safety facilities	P	C	P	P	P
H. Telecommunication Towers	See Chapter 460				
I. Planned Commercial Development (a)	P	P	P	P	P
P = Principal use permitted by right C = Conditional use (a) Are regulated pursuant to the requirements in Chapter 360					

SECTION 350.04 LOT REQUIREMENTS.

The lot requirements for uses in Commercial Districts are specified in Schedule 350.04 below.

Schedule 350.04

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Minimum Lot Area	1 ac.	30,000 sf.	30,000 sf.	1 ac.	1 ac.
B. Minimum Lot Width	60 ft.	100 ft.	100ft.	100 ft.	100 ft.
C. Minimum Street Frontage	60 ft.	100 ft.	100 ft.	100 ft.	60 ft.
D. Maximum Building Coverage	20% of the total lot area	none	none	none	none

SECTION 350.05 BUILDING SETBACK REQUIREMENTS.

Every building shall be located on a lot so as to maintain the setbacks set forth in Schedule 350.05 below:

- A. Mandatory Setback Requirements for Lots in V-C District. In the V-C District, all buildings shall be located 25 feet from the street right-of-way except that when at least 40 percent of the lots within 200 feet and on the same side of the street of the lot for which a zoning certificate has been requested are developed, the mandatory setback from the street right-of-way shall be the average setback of such existing structures. However, in no case shall the required setback be less than 15 feet, measured from the street right-of-way line.
- B. Setback from Side and Rear Lot Lines. Separate buildings on separate parcels may be placed side-by-side as part of a joint development when approved by the Zoning Inspector.

Schedule 350.05: Minimum Setback Requirements

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
1. Setback from Street Right-of-Way	40 ft.	(a)	70 ft.	70 ft.	50 ft.
2. Setback from Side and Rear Lot Lines					
a. Adjacent to non-residential district	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.
b. Adjacent to residential district	35 ft.	30 ft.	35 ft.	35 ft.	35 ft.
Notes to Schedule 350.05:					
^(a) See Section 350.05A above.					

SECTION 350.06 SUPPLEMENTAL USE/BUILDING REGULATIONS.

- A. In R-O, V-C, and C-1 district, the exterior building walls that face a public street or the main parking area shall include architectural features such as windows, piers, columns, defined bays or an undulation of the building so that such exterior building wall is divided by such feature(s) into segments not more than 20 feet in length.
- B. In the V-C District, because of the unique character of the area within the district, buildings should maintain the existing small-scale residential character of the village center by complying with the following building characteristics.
 - 1. Buildings should present a vertical emphasis with a minimum height of 22 feet or two stories, to maintain the existing character of the area.
 - 2. To maintain the residential scale, building roofs shall have a minimum pitch of 6 feet rise for each 12 feet of horizontal run.
 - 3. The arrangement, proportion and design details of windows, doors, porches and other architectural details should be consistent with the patterns currently existing in the district.
 - 4. Mechanical equipment, service areas, trash receptacles and other accessory structures shall be screened from view from adjacent parcels according to Chapter 430.05.
- C. In the V-C District, deliveries shall occur only between the hours of 6:00 a.m. and 10:00 p.m.

SECTION 350.07 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. The height of buildings in R-O, V-C, C-1, C-2 and C-3 Districts shall not exceed 35 feet except that in the C-3 district taller structures may be approved by the Board of Zoning Appeals as a conditional use.
- B. Exceptions to the height regulations are set forth in Section 230.06.

SECTION 350.08 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 350.08 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 350.08

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Setback from street right-of-way	20 ft.	No parking in front of building	20 ft.	20 ft.	20 ft.
B. Setback from side and rear lot line					
1. Adjacent to non-residential district	10 ft.	10 ft. ^(a)	10 ft.	10 ft.	10 ft.
2. Adjacent to residential district	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
<u>Notes to Schedule 350.08:</u>					
^(a) No setback is required when abutting parcels are developed as a joint development.					

SECTION 350.09 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Commercial District shall conform to the regulations of this Section.

- A. Accessory Buildings. Accessory buildings shall conform to all lot and setback requirements for principal buildings for the district in which the lot is located and shall be subject to development plan review.
- B. Fences and Walls. Fences and walls may be erected in any Commercial District in compliance with the following:
 - 1. All fences and walls shall be of uniform design and shall be well maintained.
 - 2. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.

SECTION 350.10 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in commercial districts in accordance with the provisions set forth in Chapter 430.

SECTION 350.11 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, all gasoline stations shall comply with the following standards.

- A. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 350.08.
- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

SECTION 350.12 PERFORMANCE STANDARDS. (Amended 5/22/2003)

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Noise. No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on the nearest residential street. In addition, no use shall emit intermittent or shrill noises that are perceptible at the nearest residential district.
- D. Vibration. Vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
- E. Heat and Glare. No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- F. Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.
- G. Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property.
- H. Air Pollution. No use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.

- I. Waste Matter. Solid waste, including empty packing crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.
- J. Lighting. See Chapter 440 - Lighting Requirements

SECTION 350.13 DEVELOPMENT PLAN REVIEW.

Uses, buildings and structures in commercial districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 620.

CHAPTER 360 Planned Commercial Development Regulations

- 360.01 Purpose.
- 360.02 Approval of planned commercial developments.
- 360.03 Minimum project area.
- 360.04 Use regulations
- 360.05 Development standards
- 360.06 Plan Approval

SECTION 360.01 PURPOSE.

Planned Commercial Development regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative Planned Commercial Developments (PCD) as an option to standard commercial developments permitted in Chapter 350. It is intended that PCDs will create greater flexibility to utilize innovations in the technology and practice of land development that are in the best interests of the Township and which are consistent with the commercial objectives in the Comprehensive Land Use Plan to preserve and enhance a quality character for Rootstown Township. To accomplish this purpose, these regulations will permit the development of land to occur in a more comprehensive and flexible fashion thereby promoting unified versus piecemeal development.

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

- A. To allow flexible commercial development on larger sites.
- B. To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- C. To permit the flexible spacing of buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and the creation of functional and interesting commercial developments.

SECTION 360.02 APPROVAL OF PLANNED COMMERCIAL DEVELOPMENTS.

In order for an application to be considered under the provisions of this chapter, the applicant shall submit a development plan for the entire land area subject to these regulations. The Zoning Commission shall review a proposal to assure that:

- A. The layout of building parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect areas adjacent to the development.
- B. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development result in a cohesive design throughout the Planned Commercial area, and which minimize traffic hazards and congestion;
- C. Landscaping shall be provided to assure complete year round screening between the proposed development and adjacent residential areas.

SECTION 360.03 MINIMUM PROJECT AREA.

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

- A. The gross area of a tract of land in a PCD shall be a minimum of 5 acres.
- B. To satisfy the area requirements and the purposes of this chapter a PCD may be permitted to extend into an adjacent residential district. Provided that the overall depth of the PCD will not exceed 500 feet or the average depth the surrounding commercial uses; as measured from the public right-of-way, whichever is greater.
- C. However, additional depth may be considered by the Zoning Commission when the applicant demonstrates that such extension is consistent with purpose, intent, and character set forth by the goals and objectives for planned commercial development as set forth in this Chapter and the adopted Comprehensive Plan.
- D. No residential land may be considered as part of a Planned Commercial Development pursuant to this section until the Zoning Commission holds a public hearing on the proposal.
 - 1. Notice of such public hearing shall be given by first class mail to the property owners within 500 feet of the property line of the property on which the use is proposed and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. A "certificate of mailing" shall be obtained from the post office for each mailing.
 - 2. Further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing.

All notices shall set forth the time and place of the public hearing and the nature of the application. Failure of delivery of such notice shall not invalidate action taken on such application.

- E. No extension into a residential zone pursuant to B or C above shall be permitted if the street frontage is less than 75% of the overall average width of the proposed PCD.

SECTION 360.04 USE REGULATIONS.

The uses permitted in a Planned Commercial Development shall be limited to those uses which are permitted principal uses or permitted conditional uses in the district in which the planned commercial development is being proposed. If a PCD is extended into an adjacent residential zone pursuant to Section 360.03, the permitted uses shall be limited to the uses permitted in the most restrictive commercial district that is part of the PCD.

SECTION 360.05 DEVELOPMENT STANDARDS.

Unless otherwise approved by the Zoning Commission pursuant to this Chapter, all development standards for a PCD shall comply with all applicable requirements for the zoning district as set forth in Chapter 350. However, the Zoning Commission may waive or revise those requirements it deems appropriate when alternative standards are proposed that meet or exceed the purposes of this chapter and are consistent with the overall objectives of the adopted Comprehensive Land Use Plan.

- A. A maximum of seventy-five (75) percent of the total land area of the project shall be devoted to buildings, parking, access driveways, roadways and any other hard surface areas. Conversely, the remaining twenty-five (25) percent of the site shall be comprised of open space, landscaped and buffer areas.
- B. Required setbacks.
 - 1. All buildings shall be setback a minimum of twenty-five (25) feet from an existing public street and from residentially zoned land that abuts the project boundaries.
 - 2. Parking lots and access drives shall be setback a minimum of twenty (20) feet from an existing public street and from residentially owned land that abuts the project boundaries.
 - 3. The building and parking setbacks from internal roads and access drives, between buildings, between parcels (if the portions of the project are proposed to be subdivided) and adjacent to nonresidential developments surrounding the proposed development in a Planned Commercial Development shall be established by the Zoning Commission.
- C. A minimum lot size for separate uses within the development is not required. These shall be established as part of the Zoning Commission's review and approval of the development plan.
- D. The Zoning Commission may approve fewer off-street parking spaces than required in Chapter 410 Off-Street Parking and Loading Regulations when the

- applicant demonstrates to the satisfaction of the Zoning Commission that the number of parking spaces proposed is acceptable to meet the needs of both the uses and tenants initially anticipated in the development, as well as uses that are permitted to occupy the spaces in the future.
- E. Walkways shall be provided to convenient pedestrian access throughout the development and from the development to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Zoning Commission.
 - F. Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PCD plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.
 - G. If development is to be implemented in phases, each phase shall have acceptable provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. And, each phase shall be provided with temporary or permanent features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

SECTION 360.06 PLAN APPROVAL.

The applicant for a Planned Commercial Development shall submit development plans in accordance with Chapter 620.

CHAPTER 440 Lighting Requirements

- 440.01 Purpose.
- 440.02 Definitions
- 440.03 General Requirements
- 440.04 Exemptions

SECTION 440.01 PURPOSE.

The purpose of this Section is to control the installation of exterior lighting fixtures in Commercial and Industrial Districts (R-O, V-C, C-1, C-2, C-3, PCOD, L-I, and G-I) to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the Township and the lawful nighttime use and enjoyment of property located within the Township. Appropriate site lighting, including lights for signs, parking areas, buildings and streets, shall be arranged so as to provide safety, utility and security; and to control light trespass and glare on adjacent properties and public roadways.

SECTION 440.02 DEFINITIONS.

For the purpose of this Section, the following definitions shall apply.

- A. Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- B. Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

Full cut-off lighting



- Full cut-off lighting directs light down and to the sides as needed and provides more control of light.
- Reduces glare and provides more even illumination.
- Reduces light trespass onto neighboring properties.

- C. Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- D. Illuminance. The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.
- E. Light trespass. Light (emitted by a lighting fixture) that falls outside the boundaries of the property on which the fixture is installed, where it is neither wanted nor needed.
- F. Recessed ceiling fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- G. Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.

Uplighting



- Uplighting wastes energy into the sky.
- Causes glare, light trespass and harsh illumination.

SECTION 440.03 GENERAL REQUIREMENTS.

- A. Light Trespass. Light trespass over a commercial or industrial property line shall be limited to no more than 0.5 footcandles at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street or vehicle thereon.
- B. Measurement.
 - 1. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
 - 2. Measurements shall be taken at the commercial property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.
- C. All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.

SECTION 440.04 EXEMPTIONS.

- A. Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of Chapter 440.
- B. Temporary construction or emergency lighting is exempt from the requirements of Chapter 440 provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting
- C. Nothing in Chapter 440 shall apply to lighting required by the FAA or any other federal regulatory authority.

CHAPTER 620 Development Plan Review

- 620.01 Purpose.
- 620.02 Development plan review required.
- 620.03 Preapplication meeting encouraged.
- 620.04 General development plan submission requirements.
- 620.05 Final development plan submission requirements.
- 620.06 Development plan review procedures.
- 620.07 Review criteria for planned residential developments.
- 620.07(A) Review criteria for planned commercial developments and planned commercial overlay districts.
- 620.08 Expiration of development plan approval.
- 620.09 County approval of subdivision.
- 620.10 Significance of an approved final development plan; plan revisions.

SECTION 620.01 PURPOSE.

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

SECTION 620.02 DEVELOPMENT PLAN REVIEW REQUIRED. (revised 2/14/03)

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- A. General Development Plan. A general development plan that indicates the general concept of development for an entire site; including the general location of use areas, open space and circulation pattern, shall be required for:
 1. All Planned Unit Residential Developments;
 2. All Planned Commercial Developments;
 3. All applications for a Planned Commercial Overlay District
- B. Conditional Use Approval. When applying for a Planned Commercial Development or a Planned Commercial Overlay District, all conditional uses shall be applied for and approved by the Board of Zoning Appeals before submission of the final development plan. As part of the final development plan process, the Zoning Commission will include the final site plan for any conditional uses.
- C. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas shall be required for the following: *(revised 6/8/00 and 1/12/01)*
 1. Planned Residential and Planned Commercial Developments following review and approval of a general development plan.
 2. Developments in the Planned Commercial Overlay District following the approval of the overlay district.
 3. Platted subdivisions.
 4. New construction of all permitted uses in multi-family, commercial, and industrial districts, except single-family dwellings.
 5. New construction of all conditional uses.
 6. Any existing or previously approved development meeting the criteria of subsections B.1 through B.5 above that proposes to alter, reconstruct, or otherwise modify a use or site; including expanding the floor area of the permitted use greater than 10% of the original approved development plan, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

SECTION 620.03 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Commission or Zoning Inspector, or its designated representative prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Inspector

SECTION 620.04 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The general development plan shall indicate:

- A. The location of all existing structures and access points.
- B. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;
- C. The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points;
- D. Existing and proposed topography, major vegetation features, and wooded areas;
- E. The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
- F. The general location of restricted open space, required only for planned residential developments.
- G. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type;
- H. Proposed phases if the project is to be developed in stages.
- I. Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

SECTION 620.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;

- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - 1. Proposed fee simple lots for single-family detached dwellings.
 - 2. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 - 3. Location of all public rights-of-way and private streets;
 - 4. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
 - 5. Proposed and existing fences, walls, signs, lighting;
 - 6. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - 7. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - 8. Dimensions of all buildings, setbacks, parking areas, drives and walkways.
- D. Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features;
- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).
- F. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;
- G. Summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;
- H. A road culvert permit when required by Section 610.09.
- I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.
- J. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

SECTION 620.06 DEVELOPMENT PLAN REVIEW PROCEDURES.

Development plans, both general and final, shall be reviewed according to the following procedures.

- A. Review by the Zoning Commission, Others. The Zoning Inspector shall review the submitted application for completeness in accordance with Section 610.04, and when determined complete shall distribute the application according to the following:

1. Review by Zoning Commission.
 - a. The Zoning Inspector shall distribute all applications for development plan review to the Zoning Commission.
 - b. The Zoning Commission may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.
 - c. The Zoning Commission shall review the proposed general development plan at one or more of its public meetings.
 2. Review by Rootstown Township Fire Department and Other Public Entities. The application may be transmitted to appropriate township departments and other public agencies for review and comment. Any reports or comments shall be compiled and reviewed by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
 3. Review by Consultants. The application may be transmitted to appropriate professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review. The cost of the review by the consultant shall be the expense of the applicant.
- B. Action By Zoning Inspector. The Zoning Inspector shall take action on applications for all permitted uses requiring review of development plans, except planned residential developments, according to the following:
1. The Zoning Commission shall make a recommendation to the Zoning Inspector within 60 days from the date the application was determined complete or an extended period as may be agreed to by the applicant. In the event the Zoning Commission fails to make a recommendation within 60 days from the date the application was determined complete and the applicant does not agree to an extension, the Zoning Inspector shall make a decision without a recommendation from the Zoning Commission at the end of the 60 day period.
 2. The Zoning Inspector shall make a decision based on the advice and recommendation of the Zoning Commission except as otherwise noted in subsection 1 above. The development plan shall be:
 - a. Approved as submitted; or
 - b. Approved subject to specific conditions not included in the plan as submitted, such as, but not limited to, on-site control of access to streets and landscaping specifications; or
 - c. Denied because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.
- C. Action By Zoning Commission for Planned Residential Developments. The Zoning Commission shall act on applications for planned residential developments.

1. The Zoning Commission shall:
 - a. Approve the development plan as submitted; or
 - b. Approve the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to:
 1. For General Development Plans - improvements to the general lot layout, open space arrangement or on-site control of access to streets;
 2. For Final Development Plans - improvements to the lot layout, open space arrangement, on-site control of access to streets, or landscaping specifications.
 - c. Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.
2. Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant be deemed a denial of the development plan.

SECTION 620.07 REVIEW CRITERIA FOR PLANNED RESIDENTIAL DEVELOPMENTS.

In reviewing plans for Planned Residential Developments, the Zoning Commission shall determine that the development plan complies with the following criteria:

- A. General Development Plan. For a general development plan, the Zoning Commission shall determine that:
 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 2. The general layout of lots, groupings of buildings, and circulation system within the proposed development are comparable with existing and proposed uses on adjacent property.
 3. The development will have restricted open space areas that meet the objectives of the Comprehensive Plan and the criteria of the Planned Residential Development Regulations.
- B. Final Development Plan. For a final development plan, the Zoning Commission shall determine that:
 1. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 2. The development will have adequate public service and open spaces.
 3. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
 4. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.

5. Natural separations of dwelling types are created by careful planning of streets and clustering of buildings using natural land features and open space for separation. Cul-de-sacs and loop streets, coupled with open spaces, should be used to achieve separation and create identity for sub-areas within the PRD.
6. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
7. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
8. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

SECTION 620.07A REVIEW CRITERIA FOR PLANNED COMMERCIAL DEVELOPMENTS AND PLANNED COMMERCIAL OVERLAY DISTRICTS.

In reviewing plans for Planned Commercial Developments and Planned Commercial Overlay Districts, the Zoning Commission shall determine that the development plan complies with the following criteria: (2/14/03)

- A. General Development Plan. For a general development plan, the Zoning Commission shall determine by a majority vote that:
 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 2. The general layout of lots, groupings of buildings, outdoor display areas, and vehicle/pedestrian circulation systems within the proposed development are compatible with existing and proposed uses on adjacent property.
 3. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 4. The development will have adequate public service and open spaces.
 5. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
 6. Natural separations of uses are created by careful planning of access, parking, and clustering of buildings and by using existing natural land features and new landscaping and buffering for space for separation.
 7. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 8. Each stage of development shall be carried out so that the foregoing conditions are complied with at the completion of each stage.

- B. Final Development Plan: For a final development plan, the Zoning Commission shall determine by a majority vote that:
1. Conditional Uses have been reviewed and approved by the Board of Zoning Appeals.
 2. The final development plan reflects all changes, additions, eliminations, and issues agreed to by both the applicant and the Commission in the approval of the general development plan.
 3. All conditions of the general development plan approval have been satisfied.
 4. Final development studies including but not limited to traffic studies and storm water management studies show results that are acceptable to the Zoning Commission.
 5. The development will have open space areas that meet the objectives of the Comprehensive Plan and the criteria of the Planned Commercial Overlay District Regulations (for PCO district approvals only).
 6. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.
 7. Open space has been distributed throughout the entire development to the maximum extent possible.
 8. Storm drainage is managed, to the extent practicable by maintaining existing natural storm water courses and drainage areas. However, such drainage shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
 9. The applicant complies with all regulations contained in this resolution that apply to this development plan, which have not been specifically waived or altered by the Commission.

SECTION 620.08 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

An approved development plan shall remain valid for a period of 12 months following the date of its approval,

- A. General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

SECTION 620.09 COUNTY APPROVAL OF SUBDIVISION.

A general development plan for a planned residential development requiring subdivision approval by Portage County shall be submitted to and approved by the Zoning Commission prior to county subdivision approval. The final subdivision plat shall be in substantial conformance with the general development plan approved by the Township.

SECTION 620.10 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS.

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved final development plan. Any departure from such plan shall be considered a violation of this Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Chapter.

CONTACT

Michael Unsold, Chairman (term ending 2005), Rootstown Township Zoning Commission, 3988 State Route 44, Rootstown, OH 44272; Phone / Fax: 330-325-9370; E-mail: Cerk@Rootstowntwp.com; Web: <http://www.rootstowntwp.com>