



Summit County Planning Commission (SCPC)
Thursday, September 29, 2022 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio
Meeting Agenda

- A. Call to Order
- B. Roll Call
- C. Approval of the August 25, 2022, SCPC Minutes
- D. Business Items

Chair Mavrides
Tubbs
Chair Mavrides
Knittel

Old Business

None

New Business

Item # 1 - Bath Township - rezoning of 4073 Medina Rd – Proposal to rezone portion of parcel 05000737 (4073 Medina Rd) from B-3 to B-2.

Item # 2 - Springfield Township – O-C Zoning changes – Proposal to alter the boundaries of the O-C zoned parcels within the Township.

Item # 3 - Springfield Township – Riparian Setbacks – Text to define and regulate riparian setbacks.

Item # 4 - Springfield Township – Residential Checklist – Text to add a new Residential Property Maintenance Checklist to the Springfield Township Zoning Resolution.

Item # 5 - Northfield Center Township – Mailboxes Chapter 130 Definitions – Chapter 230 General Provisions: To add a definition and regulations regarding Mailboxes.

Item # 6 - Northfield Center Township – General Liability Chapter 230 General Provisions- A certificate of insurance evidencing commercial general liability coverage in the minimum amount of \$1,000,000.00 dollars (one million) in the aggregate in a form acceptable to Northfield Center Township and naming Northfield Center Township as an additional insured.

Item # 7 - Northfield Center Township – Box Trucks Chapter 130 Definitions – Chapter 230 General Provisions: To add a definition and regulations regarding Box Trucks.

- | | | |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director | Tubbs |
| F. | Comments from Public | Chair Mavrides |
| G. | Comments from Commission Members | Chair Mavrides |
| H. | Other | |
| | 1. Legal Update | Matz |
| I. | Adjournment | Chair Mavrides |



Summit County Planning Commission (SCPC)

Thursday, August 25, 2022 - 3:00 p.m.
 County of Summit, County Council Chambers
 175 South Main Street, 7th Floor, Akron, Ohio

Meeting Minutes

- A. Call to Order **Vice-Chair Dennis Stoiber**
Vice Chair Dennis Stoiber called to order the August 25, 2022, SCPC meeting at 3:00 pm
- B. Roll Call **Dennis Tubbs**

| SCPC Member | Present |
|---------------------|----------------|
| Beckham, George | x |
| Jones-Capers, Halle | x |
| Kline, David | x |
| Mavrides, Allen | |
| Reville, Rich | x |
| Segedy, Jason | |
| Snell, Jeff | x |
| Stoiber, Dennis | x |
| Terry, Robert | x |

Reported by *Dennis Tubbs*, we have a quorum for SCPC meeting Thursday, August 25, 2022 @ 3:05 p.m.

Vice-Chair Dennis Stoiber welcomed Halle Jones-Capers to the Summit County Planning Commission.

- C. Approval of the July 28, 2022, SCPC Minutes **Vice-Chair Dennis Stoiber**

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|---------------|---------------|------------|------------|----------------|
| Beckham, George | | x | | | x |
| Jones-Capers, Halle | | | | | x |
| Kline, David | x | | x | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | | | x |

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|-----------------|--------|--------|-----|-----|---------|
| Segedy, Jason | | | | | |
| Snell, Jeff | | | X | | |
| Stoiber, Dennis | | | X | | |
| Terry, Robert | | | X | | |

Motion

David Kline made a motion to approve the Revised SCPC meeting minutes for July 28, 2022. and it was seconded by George Beckham, **all in favor, Aye**, the Revised July 28, 2022, SCPC meeting minutes passed with 3 abstentions.

Revised Meeting minutes for July 28, 2022, are approved as submitted.

D. Business Items

Stephen Knittel

Old Business

None: Vice-Chair Dennis Stoiber reported that there was no Old Business to attend to.

New Business

Stephen Knittel

Item # 1 - Riparian Variance – Sagamore Hills Township – Applicant is requesting a riparian variance to build an inground pool and fence.

This is a riparian variance in Sagamore Hills Township located at 453 McNeil Drive, Northfield Parcel number 4502511

The applicant is proposing to build an inground pool with an inclusion to the riparian setback, so they are requesting a variance for that. As we always do with riparian variances, we look to Summit Soil and Water conservations district for their expertise into this area and defer to their recommendations for this variance which for this instance is disapproval.

Representation for the Township-*Jeff Snell* (will not participate on the decision for this riparian)

Jeff Snell States that the township has not adopted the riparian regulation thus all appeals related to the riparian setback come before the commission instead of the township therefore the commission has jurisdiction over this rather than the township, but the township does support the riparian setback. Per the parcel diagram presented the township allows the commission to make any decisions on the riparian, to the left but straight behind, but very close to the north there is a lake that has 3 million gallons of water, this is a manmade lake, and the spillway comes through the riparian area.

Dennis Stoiber stated: The lake is upstream from the applicant’s property.

Jeff Snell: The surface of the lake is 5-acres and holds 3 million gallons of water. It is privately owned and is the private responsibility of the homeowner, but the spillway goes between the two properties and that’s where the water goes in this neighborhood.

Dennis Stoiber stated: the water goes under the road and continues to head south

Jeff Snell states it crossed over another area behind some houses, this neighborhood does have swimming pools in this riparian.

Questions for Township: None

Questions from staff: None

Applicant: Frank Pajek (Homeowner)

American Construction Group: Breanna Smith (Contractor)

Breanna Smith States that the pool is right in the middle of the backyard. States that there is a drainage system that they would setup to take the water away and there are other pools in the area that are within the riparian setback.

Question:

Did you acquire the property prior to May 29,2002? Does this make a difference before the ordinance was enacted?

Answer:

It does not make a difference because you are now proposing to do something new the ordinance is in place at the county level and the proposal is to do something new that would be in violation of the ordinance, so when you purchased the property really does not have an impact to the commission's consideration today.

Question:

Are we more concerned of the stream to the side coming from the lake?

Answer:

That is the basis upon which this riparian setback is defined and what is on the plan the applicant has is not correct as far as the riparian locations itself the applicant took it 50 feet from the side property line, and it is really from the ordinary highwater mark of the stream. So, the riparian line extends further to the West. So, you are proposing to encroach the riparian more than what is shown.

Questions for the applicant:

David Kline:

Is there any way to turn the pool to the side and push it over and put the pool perpendicular to the home which would be to the west property line and run the pool lengthwise North to South instead of East to West?

Homeowner states that the issue is there is a huge amount of water that comes down from the one end behind his shed. There is a drain system absorbs all the water that comes from the hill in the back, basically the township dammed to make the lake and all the water floods back into his property. The homeowner stated that he put in a drain to drain the water back into the lake.

Homeowner stated that the area is 400 x 100+ and it does not give a lot of room for build of the pool if they tried it another way.

The riparian setback is to protect the stream, the homeowners' properties, especially the downstream property owners.

The commission recommended/suggested:

Turning the pool and if the homeowner could look at a way to fit the pool in without violating the riparian setback, then the problem would be solved.

Question:

American Construction Group: Breanna Smith (Contractor) asked could they put in drainage in and around the pool towards that back of the property?

Answer:

Anything you do that disturbs the existing land within that riparian setback is contrary to what the county code is.

Options offered are to either:

- Look at ways to move the pool outside of the riparian
- Obtain a variance
- Abandon the project

Question:

Homeowner asked: What is the setback from the riparian do they have to be to build a pool?

Answer: Jeff Snell stated 10 feet (but not absolute) from the setback

If you move the pool a little to the west this would get the homeowners build out of the trenches.

The commission gave the homeowners the option to give the build some though.

Homeowners decided to proceed with what they submitted.

Soil and Water: Sasha

The stance of Soil and Water based on the language within the Summit County codified ordinance 937 a pool is not a permissible use in this riparian setback, and therefore Soil and Water is not in favor of this variance. Soil and Water stated shifting the pool is not a back idea but would suggest that the homeowner get a surveyor to find out exactly what the distance is of the setback as the GIS map is not accurate and is not meant to be 100% accurate. Sometime the buffer can be 55 to 50 feet and the only way to get the exact is with a surveyor.

Soil and Water concurred with what Vice-Chair Dennis Stoiber's review about the 50 feet is measured from the highwater mark not from the property line.

Soil and Water noted also that there is no additional buffer for slope it is 50 feet.

County Engineer: Joe Paradise

The outlet from the 5-acre lake is problematic there is erosion that occurs often costly and the County Engineers office until recently were not allowed to work on drainage, so this would need to be taken care of 5-10 years from now.

Question: The erosion taken place is this from the outlet under the lake to the culvert under the road?

Answer: With is 5-acre lake it's a circle, there is a standpipe in the middle of it that goes to the lake to the dam. The east lot line is a problem for the County Engineers office. County Engineer Joe Paradise agreed that rotating the pool 90 degrees would be physically possible where it may not cause any damage to the riparian.

Questions from the public: None

David Kline stated that sliding the pool almost 18 feet will take it away from the riparian and the revised riparian and this would not disturb the shed or the waterlines.

Comments from the Commission:

David Kline asked, Would the applicant want more time think about the suggestions and look at the alternatives table the Item for 1 month instead of voting on the submission? As Soil and Water recommended to reject or disapprove the variance due to county code.

Vice-Chair Dennis Stoiber asked Attorney Deb Matz: If we were to vote down the application for variance, this would not preclude the applicant to come back and reapply.

Deb Matz stated that should the commission table the Item for 1 month this would save the applicant from having to reapply, but this would be up to the applicant. Those are the alternatives.

Vice-Chair Dennis Stoiber asked the applicant if he would like the commission to table the item and come back to review all suggestions/options?

Homeowner Frank Pajek accepted to table **Item#1-Riparian Variance-Sagamore Hills Township** for 30 days.

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|--------|--------|-----|-----|---------|
| Beckham, George | | | x | | |
| Jones-Capers, Halle | | | x | | |
| Kline, David | x | | x | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | x | | |
| Segedy, Jason | | | | | |
| Snell, Jeff | | | | | x |
| Stoiber, Dennis | | | x | | |
| Terry, Robert | | x | x | | |

Motion

David Kline made a motion to *table* the **Item#1 - Riparian Variance – Sagamore Hills Township** at the applicants request so they can do more due diligent research and look at site plans and it was seconded by *Robert Terry, all in favor, Aye*, the motion was *tabled* with 1 abstention.

Item # 2 – Text Amendments – Sagamore Hills – Section Three – Zoning Board is requesting to revise 5.1 b.2 and delete contiguous and revised 5.2 a. Open Space & b. rights of way.

Within the text report new text is bold and underlined. **(See: Text report)**

Representation for the Township-*Jeff Snell* (will not participate on the decision for this riparian) Stated that this has been an ongoing debate in these clustered developments and residential areas. It is still 1 acre to 1 house that you can cluster the development in leaving 40% open. Open was supposed to be left in its natural state, but a developer came into the township and bought property and built 30 homes and had also owned underneath the high-tension lines.

Last month an open space was approved by the commission and the requirements were that the open space had to be contiguous* (*sharing a common border; touching), but then there were issues that the open space was not contiguous. The township had an analysis with an engineer to review how to calculate what was or was not contiguous. The compromise was how to define “open space” as not “open space” is more flexible.

Questions to the Township: None
Questions from the County Engineer: None
Questions from Summit Soil and Water: None
Questions from the public: None

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|---------------|---------------|------------|------------|----------------|
| Beckham, George | | | x | | |
| Jones-Capers, Halle | | | x | | |
| Kline, David | x | | x | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | x | | |
| Segedy, Jason | | | | | |
| Snell, Jeff | | | | | x |
| Stoiber, Dennis | | | x | | |
| Terry, Robert | | x | x | | |

Motion

David Kline made a motion to approve **Item # 2 – Text Amendments – Sagamore Hills** – Section Three – Zoning Board and it was seconded by *Robert terry*, ***all in favor, Aye***, the motion *passed* with 1 abstention.

Item # 3 – Text Amendment – Richfield Township – To amend Article II Definitions, consolidating Appendix C Definitions with Article II definitions, including changes to Accessory Use, Adequate Public Facilities, Automotive Dealer, Ban or Financial Institution, Breezeway, Buffer wall, Buffer yard, Building, Business Park, Commercial Nursery and Wholesale Garden Center, Condominium, Construction Dumpster, Construction Trailer, Courtyard Development, Coverings, Density, Development, Diameter at Breast Height, Distribution Center, Dwelling, Flag Lot, Footcandle, Frontage, Hazardous Waste or Materials, Impervious Surface, Institutional/Civic/Public, Junk Yard, Light Cutoff, Light Industrial, Loading Space, Lot Coverage, Nonconforming Lot, Lot Width, Manufacturing, Medical Clinic, Office Business or Professional, Parcel, Recording Radio or Television Studio, Repair Services, Research Laboratory, Restaurant, Retail, Right of Way, Setback, Showrooms and Salesrooms For Wholesale Buildings, Structure, Subdivision Development, Swimming Pool or Spa, Truck and Transfer Terminal, Nonconforming Use, Vehicle and Equipment Rentals, Warehouse and Warehousing, Wetlands, Wholesale Trade.

Stephen Knittel reported Richfield Township request proposal to amend the Article II definitions to consolidate Appendix C definitions to Article II definitions to make it a single spot to look at instead of multiple places. (**See: Text report**)
The staff recommendations are to approve as there were no issues found.

Questions from Staff: None

Discussion from the Township:

Pat Ryan-Richfield Township explained that in the industrial district they had a set of definitions that had to modify and had contradicting definitions. The language has since been cleaned up and combined all language for all development to be alike and all in one section. She explained that she missed a few things in review of the Articles and found that there were multiple definitions to the articles but meant was defined the same.

Questions for the Township:

Dennis Stoiber stated that it was interesting to him that you can have a fence or a wall and call it a buffer yard.

Pat Ryan stated that this came from the industrial district where they require a buffer wall in a buffer yard when it is adjacent to residential.

County Engineer: Joe Paradise

Joe Paradise commented on the sketches, states that Richfield is not flat, all the measurements are from a horizontal bottom line if you had a house on the bottom of a hill where would you measure vertical distance from?

Pat Ryan stated that you would measure from the average measurement on the outside of the house.

Dennis Stoiber states this is not in the definition section it is in another section of the text.

Joe paradise also stated that buffer walls issues are that you cut off the surface flow of water. Coverings is not a word that you see in a text. The definition of structure, dead end and no outlet streets.

Dennis Stoiber referred back to the text amendment about impervious surfaces. Not sure if this is new language, if consider impervious surface by Summit County Soil and Waterirvious is there some written standard of what constitutes and impervious surface.

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|--------|--------|-----|-----|---------|
| Beckham, George | | x | x | | |
| Jones-Capers, Halle | | | x | | |
| Kline, David | | | x | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | x | | |
| Segedy, Jason | | | | | |
| Snell, Jeff | x | | x | | |
| Stoiber, Dennis | | | x | | |
| Terry, Robert | | | x | | |

Motion

Jeff Snell made a motion to *approve* the **Item # 3 – Text Amendment – Richfield Township.** *George Beckham* and it was seconded by *George Beckham*, ***all in favor, Aye***, the motion *passed* with no abstentions.

Item # 4 – Text Amendment – Richfield Township – To amend Articles III, IV, V, IX, to an amendment section within the articles and to add clarity with additional text.

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|--------|--------|-----|-----|---------|
| Beckham, George | | | | | |
| Jones-Capers, Halle | | | | | |
| Kline, David | | | | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | | | |
| Segedy, Jason | | | | | |
| Snell, Jeff | | | | | |
| Stoiber, Dennis | | | | | |
| Terry, Robert | | | | | |

Motion

Chair Mavrides made a motion to *accept* the SCPC meeting minutes for May 23, 2022. *David Kline* was first to accept the May 23,2022 SCPC meeting minutes and it was seconded by *Dennis Stoiber*, ***all in favor, Aye***, the motion *passed* with no abstentions. Meeting minutes for May 23,2022 are approved as submitted.

- F. Comments from Public **Chair Mavrides**
- G. Comments from Commission Members **Chair Mavrides**
- H. Other Deborah **Matz**
 - 1. Legal Update
- I. Adjournment **Chair**
Mavrides

SCPC Action: Approval to Adjourn

| SCPC Member | Motion | Second | Yea | Nay | Abstain |
|---------------------|---------------|---------------|------------|------------|----------------|
| Beckham, George | | | | | |
| Jones-Capers, Halle | | | | | |
| Kline, David | | | | | |
| Mavrides, Allen | | | | | |
| Reville, Rich | | | | | |
| Segedy, Jason | | | | | |
| Snell, Jeff | | | | | |
| Stoiber, Dennis | | | | | |
| Terry, Robert | | | | | |

Motion

David Kline made a motion to adjourn, and it was seconded by *Jason Segedy* the motion passed to adjourn meeting with no abstentions at 4:25 p.m.

These minutes were prepared by Tazena Long and represent the writer's best recollection of the items discussed.

Recorded by: Tazena Long, Administrative Assistant, Department of Community and Economic Development

Wednesday, September 7, 2022



Planning Commission
Zoning Map Amendment
 4073 Medina Rd.
 Bath Township

EXECUTIVE SUMMARY

Proposal: To rezone the property from B-3, Office, Research and Limited Business District to B-2, Community Business District. Current use is a 160 room hotel and steakhouse. Located at the corner of Median Rd and Springside Dr.

| | | | |
|------------------------|-------------------|-------------------------|-----------------|
| Meeting: | November 19, 2020 | Proposed Zoning: | B-2 |
| Item No.: | 1 | Council Dist.: | District 5 |
| Current Zoning: | B-3 | Processor: | Stephen Knittel |

Parcel Number: 0500736, & 0500737

Location: Located at the corner of Median Rd and Springside Dr.

Proposal: To rezone the property from B-3, Office, Research and Limited Business District to B-2, Community Business District. Current use is a 160 room hotel and steakhouse. Located at the corner of Median Rd and Springside Dr.

Zoning:

See attachments for zoning maps.

| Direction | Zoning | Land Use | Jurisdiction |
|-----------|--------|--------------------|-----------------|
| North | B-3 | Hotel/Inn | Bath Township |
| East | B-2 | Bookstore | Bath Township |
| | B-3 | Bank | Bath Township |
| South | C-HS | Gas Station | Copley Township |
| West | B-3 | Entrance/Exit Ramp | Bath Township |

Comprehensive Plan: The Bath Township’s comprehensive plan’s future land use plan shows this area as General Retail.

General Retail

The General Retail Use area in Bath Township is concentrated along State Route 18 around the intersection of S.R. 18 and Cleveland-Massillon Road. This area has long served as a regional commercial destination in Bath Township with large-scale retail commercial uses such as Barnes and Noble Booksellers, Lowe’s Hardware, and a number of multi-tenant shopping centers built in a typical suburban form with large amounts of parking and the buildings set back towards the rear of the lots. As with the general office areas of Bath Township, these uses serve an important and vital purpose in the

township but the community does not envision the expansion of this area outside of the boundaries illustrated on Map 9: Future Land Use Plan.

This area continues to be an appropriate location for retail commercial uses, office uses, and service uses that cater to both the local and regional market. This area will continue to be predominately auto-oriented uses but should encourage safe pedestrian access, particularly between adjacent residential areas and the commercial areas. Any new uses or significant redevelopment in this area needs to be adequately buffered from adjacent residential uses. Developments should also incorporate best practices in access management due to the high traffic counts in the area. Such practices include the consolidation of access points and the provision of access from secondary roads and access drives (not including residential roads).

Current Zoning: From Bath Township’s Zoning Resolution, provided on Bath Township’s website: <https://www.bathtownship.org/>

B-3 Office, Research and Limited Business District

The purpose of the B-3 Office, Research and Limited Business District is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, offices, institutions, office-like research and sales facilities, and other similar or limited commercial activities. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.

Proposed Zoning:

B-2 Community Business District

The purpose of the B-2 Community Business District is to establish and preserve general commercial areas consisting of shopping centers and other business concentrations serving the general consumer population of the community and area. These business areas are to be generally characterized by an integrated and planned cluster of businesses served by common parking, service and access facilities.

Sec. 502-C Permitted Use Table

| TABLE 502-1: PERMITTED USE TABLE | | | | | | | | | | |
|--|---|-----|-----|-----|---------------------------|-----|-----|-----|-----|----------------------------|
| PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited | RESIDENTIAL ZONING DISTRICTS | | | | BUSINESS ZONING DISTRICTS | | | | | USE-SPECIFIC STANDARDS |
| | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | B-3 | B-4 | B-5 | SEE SECTION: |
| AGRICULTURAL USES | | | | | | | | | | |
| Agricultural uses on lots of five acres or more | Exempt pursuant to Sec. 302-A: Agricultural Use Exemption . | | | | | | | | | |
| Agricultural uses on lots between one and five acres | PS | PS | PS | PS | PS | PS | PS | PS | PS | Sec. 503-A |
| RESIDENTIAL USES | | | | | | | | | | |
| Adult family homes or small residential facilities | P | P | P | P | | | | | | |
| Adult group homes or large residential facilities | | | | C | | | | | | Sec. 503-B |
| Attached dwellings | | | | C | C | | | | C | Sec. 503-C |
| Conventional residential subdivisions | C | C | C | P | | | | | | Sec. 503-D |
| Open space residential subdivisions | PS | PS | PS | C | | | | | | Sec. 503-E |
| Permanently sited manufactured housing | PS | PS | PS | PS | | | | | | Sec. 503-F |
| Single-family dwellings- on lots of record | P | P | P | P | | | | | P | |
| Skilled Nursing or Personal Care Facility | | | | C | | | | C | | Sec. 503-G |
| PUBLIC AND INSTITUTIONAL USES | | | | | | | | | | |
| Cemeteries | C | C | C | C | | | | | | Sec. 503-H |
| Churches and places of worship | C | C | C | C | C | C | P | P | C | Sec. 503-I |
| Cultural institutions | C | C | C | C | C | C | | | C | Sec. 503-J |
| Educational institutions (public or private) | C | C | C | C | | | | | | Sec. 503-J |
| Government offices and buildings | C | C | C | C | C | C | C | P | C | Sec. 503-K |
| Institutions for human medical care | | | | | | | C | C | | Sec. 503-L |
| Institutions for higher education | | | | | | C | C | C | | Sec. 503-M |
| Parks, playgrounds, and golf courses (except miniature) | C | C | C | C | C | | | | | Sec. 503-N |
| Passive parks and open space | P | P | P | P | P | P | P | P | P | |
| Quasi-public, fraternal or service facilities | C | C | C | C | C | C | C | C | C | Sec. 503-O |
| Urgent care clinics | | | | | | C | C | C | | |
| COMMERCIAL AND OFFICE USES | | | | | | | | | | |
| Automotive service (minor) uses | | | | | C | C | | | | |
| Banks and financial institutions | | | | | P | P | P | P | P | |
| Bed and breakfast establishments | C | | | | | | | | P | Sec. 503-P |
| Commercial entertainment or recreation uses (indoors) | C | C | C | C | C | P | P | P | C | Sec. 503-Q |
| Day care centers (adult or child) | | | | | P | P | P | | P | |
| Funeral homes | | | | | C | | | C | C | Sec. 503-R |
| Gasoline stations (fueling only) | | | | | C | C | | | C | Sec. 503-S |
| General offices (administrative, professional, business) | | | | | P | P | P | P | P | |
| Hotels and motels | | | | | | P | P | | | |
| Medical and dental offices | | | | | P | P | P | P | PS | |

| TABLE 502-1: PERMITTED USE TABLE | | | | | | | | | | | |
|--|------------------------------|-----|-----|-----|---------------------------|-----|-----|-----|-----|--|-----------------------------|
| PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited | RESIDENTIAL ZONING DISTRICTS | | | | BUSINESS ZONING DISTRICTS | | | | | USE-SPECIFIC STANDARDS SEE SECTION: | |
| | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | B-3 | B-4 | B-5 | | |
| Mixed use buildings | | | | | PS | | | | | PS | Sec. 503-T |
| Outdoor retail sales of plant materials and garden or lawn supplies | | | | | | C | | | | | Sec. 503-U |
| Personal service establishments | | | | | P | P | PS | PS | P | | Sec. 503-V |
| Private recreational uses (outdoors) | | | | | C | C | C | C | C | | Sec. 503-W |
| Research and development facilities | | | | | | | C | C | | | |
| Restaurants and taverns | | | | | C | C | C | C | C | | Sec. 503-X |
| Retail commercial uses | | | | | P | P | | | P | | |
| Sales offices and showrooms | | | | | | P | PS | | | | Sec. 503-Y |
| Service commercial uses | | | | | PS | P | | | PS | | |
| Sexually oriented businesses | | | | | | C | | | | | Sec. 503-Z |
| Theaters and assembly halls | | | | | | C | | | | | |
| Veterinarian offices (no boarding) | | | | | P | P | | | P | | |
| OTHER USES | | | | | | | | | | | |
| Gas and oil wells | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | Sec. 503-AA |
| Wireless telecommunication facilities | C | C | C | C | C | P | P | P | C | | Sec. 503-BB |

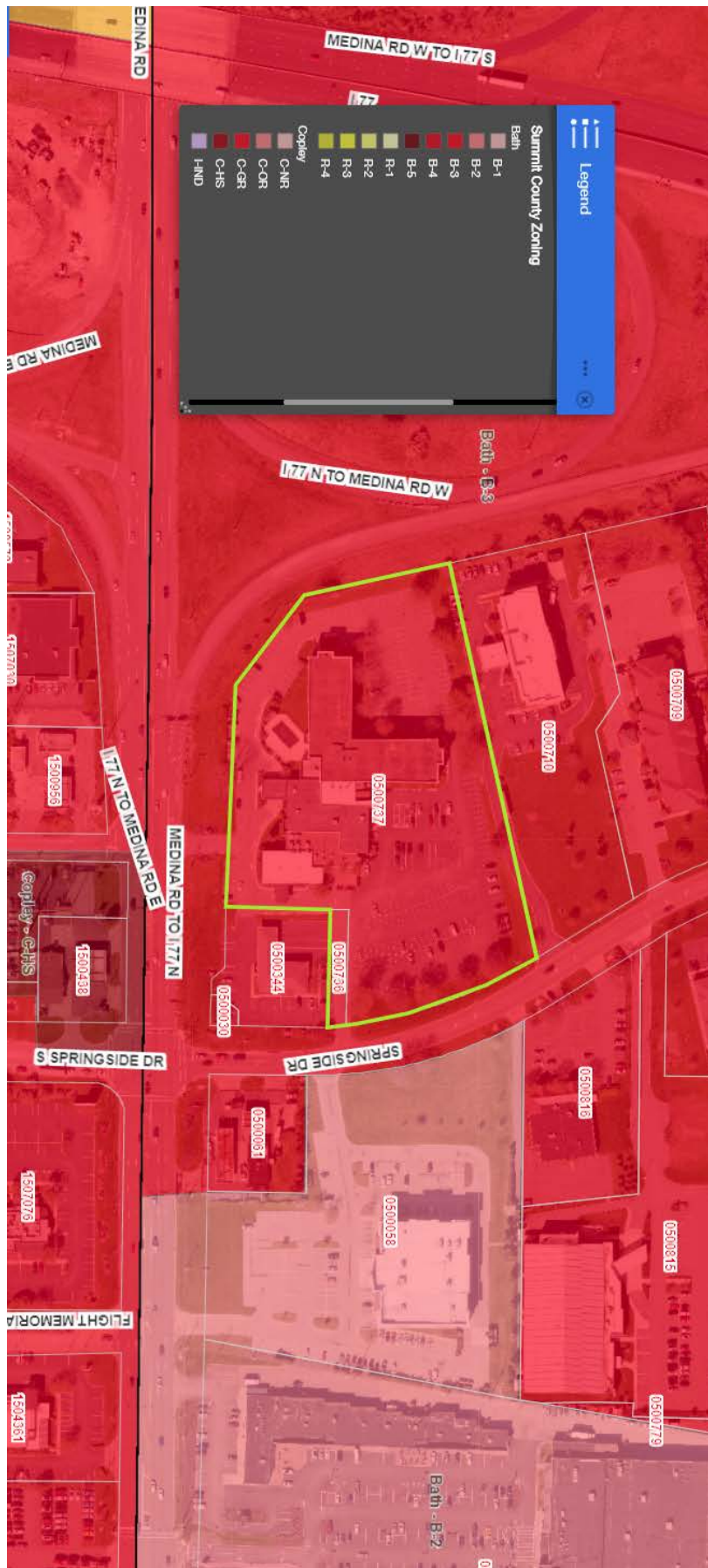
STAFF REVIEW

1. *Is the proposed zoning change reasonable given the nature of the surrounding area?* The request is reasonable in that the property has adjoining B-2 zoning.
2. *Can the property reasonably be used as currently zoned?* Yes.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?* Yes, the Comprehensive Plan’s Future land use plan shows this area as General Retail.
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* Yes.
5. *How will the proposed zoning change impact public services and facilities?* Public services and facilities would not be impacted.
6. *How will the proposed zoning change impact traffic, especially traffic safety?* This proposed change would not impact traffic.
7. *Will the proposed zoning change adversely affect adjoining properties?* The proposed change will not adversely affect adjoining properties.
8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* Yes, this is an appropriate location for the proposed use.
9. *Will the proposed zoning change, change the character of the neighborhood?* The proposed change will not change the character of the neighborhood.
10. *Has there been a change in conditions that renders the original zoning inappropriate?* No.

Staff Comments:

- The site can be used as currently zoned.
- The Bath township future land use plan calls for these parcels to be General Retail.
- The proposed change will not have an adverse affect on traffic nor the neighborhood.

Recommendation: Staff recommends APPROVAL.





Bath Township Zoning

Summit County, Ohio
3864 West Bath Road - P.O. Box 1188 - Bath, Ohio - 44210-1188
Phone: 330.666.4007 - Fax: 330.666.0305
www.bathtownship.org

Zoning Resolution/Map Amendment

For office use only: Zoning Commission File No.: _____

Applicant Data

Name: AKRON FAIRLAWN PROPERTIES
Address: 4073 MEDINA RD. AKRON OH 44333
Home Phone: 330-720-2673 Work Phone: 216-409-0468
Legal Counsel: JOHN SAYRE Phone: 216-377-1566

Proposed Zoning Amendment Data - Rezoning

Legal description and/or address of the area proposed to be rezoned:
4073 MEDINA RD. FAIRLAWN OH. 44333

Current Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5
Describe present land use: 160 ROOM HOTEL + HYDE PARK STEAKHOUSE

The existing zoning is unreasonable and deprives the owner of his/her lawful and reasonable use of the property because:
HOTEL IS OBSOLETE +
MARKET IS GROSSLY OVER BUILT.

Proposed Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5
Describe proposed land use: STATE OF THE ART SHEETZ GAS/CONVENIENT STORE
+ TEXAS ROADHOUSE RESTAURANT (NATIONAL CHAIN)

Has applicant previously attempted a rezoning of this property? Yes No

If Yes above, when (if known): _____

Proposed Zoning Amendment Data – Text (attach additional sheets if necessary)

Article: _____ Section and sub-section: N/A

Clearly state word(s) to be deleted and/or added:

Affected Property Owners Listing

(name & tax mailing address – attach additional sheets if necessary)

1. AKron Fairlawn Properties, LLC.
2. 26300 Chagrin Boulevard
3. Cleveland, Ohio 44122
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Contiguous Property Owners Listing

(name & tax mailing address – attach additional sheets if necessary)

1. HI Heritage Inn / Co Aimbridge Hospitality
2. 5851 Legacy Circle STE. 400, Plano, Texas 75024
3. _____
4. Huntington Bank 30 Springside Drive, AKron, Ohio 44333
5. Attention: Corp Real Estate
6. P.O. Box 182334, Columbus, Ohio 43218
7. _____
8. State of Ohio - I77 and S.R. 18
9. _____
10. _____

Applicant Certification

Applicant must include supporting documentation as described in Article 3 of the Zoning Resolution in order for this application to be accepted.

Applicant agrees to provide a copy of all deeds for land involved in a rezoning within twenty (20) days of the Board of Trustees approval.

Applicant is required to supply a digital copy of all required documents (i.e. .pdf file)

Applicant Signature:  Date: 9/17/20

Fee – due at time of application (make check payable to Bath Township Trustees)

\$750.00 plus applicable Summit County Recorder filing fees

For Office Use Only

Summit County Planning Commission Recommendation

Hearing Date(s): _____ Approved Approved w/modifications Denied

Modifications: _____

Bath Township Zoning Commission Recommendation

Hearing Date(s): _____ Approved Approved w/modifications Denied

Modifications: _____

Bath Township Board of Trustees Action

Hearing Date(s): _____ Adopted Adopted w/modifications Denied

Modifications: _____

Date of adoption: _____ Effective date: _____

Summit County Recorder fee: _____ Fee received from applicant? Yes NA

Amendment(s) filed with Summit County Recorder? Yes Date: _____

Amendment(s) filed with staff of Summit County Planning Commission? Yes Date: _____

ZONING AMENDMENT PROCEDURE LIST
Bath Township Zoning Commission

Requirements:

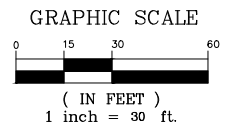
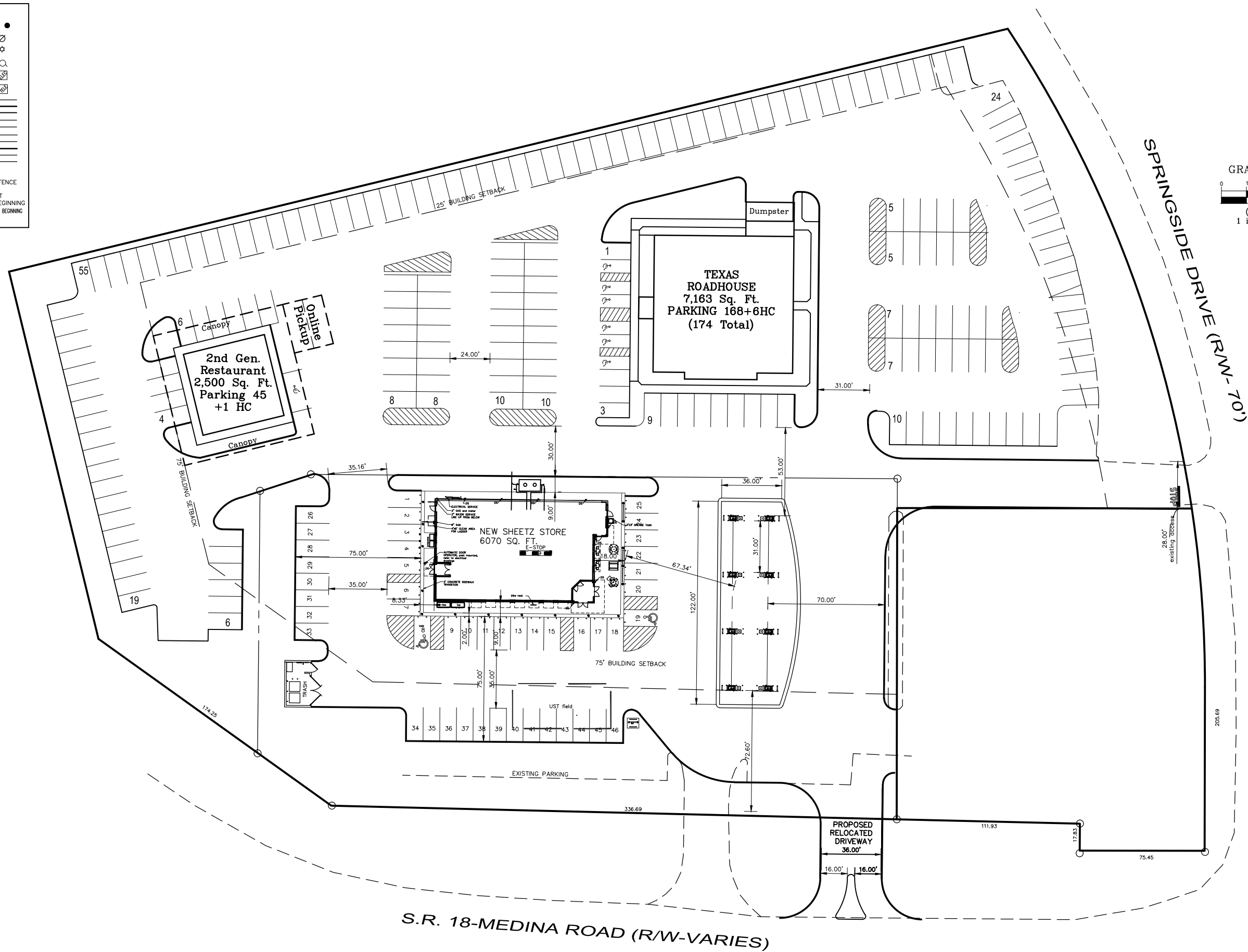
\$750.00 (plus applicable Summit County Recorder filing fees), Completed Application, Supporting Data

| Completed | Requirement |
|-----------|--|
| | 1. Commission shall set date, time and place not to be less than (20) nor more than (40)days from the date of the initiation of the amendment. |
| | 2. One publication in one or more newspapers of general circulation in township at least (10) days before date of such hearing. |
| | 3. At least (20) days before the date of the public hearing written notice shall be sent to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted. Such written notice shall be sent by "FIRST CLASS MAIL". |
| | 4. Within (5) days after the filing of said application, it shall be transmitted together with text and map pertaining there to the County Planning Commission. Such recommendation shall be considered at the Zoning Commission Public Hearing. |
| | 5. Within (30) days after the Commission public hearing, recommend the approval or denial of the proposed amendment, together with such application, the text and map along with recommendation of the County Planning Commission be given to the Board of Trustees. |
| | 6. Board of Trustees shall upon receipt of such recommendation, set a date, time and place of said public hearing, which date shall not be more than (30) days from date of receipt of Zoning Commission recommendation. Notice of such public hearing shall be by publication in (1) or more newspapers of general circulation in the township at least (10) days before said date of the public hearing. |
| | 7. Within (20) days after such public hearing, trustees shall either adopt or deny the recommendations of the commission. (30) days after adoption shall become effective. |
| | 8. Within five (5) working days after the effective date, a copy of the text/map amendment(s) shall be filed in the Summit County Fiscal Office, Recorders Division with duplicates to the staff of the Summit County Planning Commission. |
| | Comments: |

| LEGEND | | | |
|----------------------|-----------------------|---------------------------------------|--|
| MONUMENT BOX | 5/8" IRON PIN SET | ● | |
| IRON PIN OR PIPE | UTILITY POLE | ○ | |
| RAILROAD SPIKE FOUND | LIGHT POLE | ☆ | |
| STORM MANHOLE | HYDRANT | ⊗ | |
| CATCH BASIN | ELECTRIC BOX | ⊠ | |
| SANITARY MANHOLE | TELEPHONE BOX | ⊞ | |
| CENTERLINE | | —C— | |
| PROPERTY LINE | | —P— | |
| RIGHT-OF-WAY LINE | | —R/W— | |
| EASEMENT LINE | | —E— | |
| GAS LINE | | —G— | |
| UTILITY LINES | | —U— | |
| STORM SEWER | | —SS— | |
| SANITARY SEWER | | —SS— | |
| WATER LINE | | —W— | |
| ELECTRIC LINES | | —E— | |
| REC. VOL. | RECORD PG. | VOLUME PAGE | |
| MEAS. CALC. | MEASURED CALCULATED | C.L.F. CHAIN-LINK FENCE | |
| OBS. ENCR. | OBSERVED ENCROACHES | S.F. SQUARE FEET | |
| CLR. CLR. | CLEAR ADJACENT COUNTY | P.O.B. PLACE OF BEGINNING | |
| | | P.P.O.B. PRINCIPAL PLACE OF BEGINNING | |

DOCUMENTS USED IN PREPARING SURVEY:

- REFERENCED DEEDS
- ALTA/ASCM SURVEY BY DONALD G. BOHNING & ASSOCIATES DATED: FEB. 2000

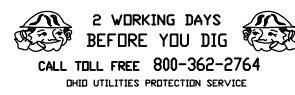


| | |
|-------------|---|
| DRAWN BY: | BLR |
| CHECKED BY: | BLRES |
| SCALE: | AS NOTED |
| JOB NO.: | A1863 |
| REVISION | |
| DATE | |
| 07/20/20 | SHEETZ - 4 OPTION |
| 09/03/20 | SHEETZ - 4 OPTION PUMP ISLAND @ 75' SETBACK |

Certification valid only with Signature over seal

BL ROBINSON ENGINEERING & SURVEYING CO.
P.O. BOX 607, AURORA, OH 44202
OFFICE: (330) 836-8487 EMAIL: brobinson@blrobinson.com

Akron Fairlawn, LLC
4073 Medina Road
Fairlawn, Ohio
Conceptual Planning
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UTILITY NOTE:
The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

CONCEPTUAL SHEETZ-5
SCALE: 1"=30'

DRAWING NO.
C-6

C:\BLR\dwg\A-JOBS\A1863\A1863-SF5.dwg 09/03/2020 brobinson 14:57



Planning Commission
Zoning Map Amendment
 O-C Zoning
 Springfield Township

EXECUTIVE SUMMARY

Proposal: Requesting a change in zoning classification for O-C district changes to include all parcels and portions of parcels not previously included in O-C district and determined to have potential impacts on water resource quality of Springfield Lake and Little Cuyahoga River.

Staff recommends APPROVAL

| | | | |
|------------------------|--------------------|-------------------------|-----------------|
| Meeting: | September 29, 2022 | Proposed Zoning: | O-C |
| Item No.: | 2 | Council Dist.: | District 8 |
| Current Zoning: | R1, R2, R3 | Processor: | Stephen Knittel |

Parcel Number: 5100993, 5111137, 5111138, 5110980, 5110981, 5104706, 5107604, 5102586, 5107898, 5100292, 5100902, 5105824, 5109456, 5101759, 5102527, 5102529, 5102529, 5100145, 5100144, 5101208, 5101480, 5101479, 5101478, 5101207, 5100950, 5102528, 5102530, 5107951, 5107952, 5107950, 5103996, 5100461, 5100460, 5105388, 5105366, 5105517, 5101980, 5103806, 5103805, 5110893, 5101064, 5110942, 5104989, 5100697, 5104816, 5102525, 5107327, 5104288, 5105520, 5101529, 5101538, 5101997, 5102165, 5105519, 5105518, 5101589, 5103417, 5100770, 5105517, 5105521, 5105522, 5103260, 5103261, 5103262, 5106091, 5109180, 5100872, 5100873, 5100337, 5102915, 5103329, 5102467, 5100490, 5103989, 5103329, 5105356, 5105350, 5102110, 5101224, 5102592, 5105563, 5105838, 5105839, 5105951, 5105950, 5105837, 5108494, 5108493, 5100091, 5103651, 5105358

Location: All parcels and portions of parcels not previously included in O-C district and determined to have potential impacts on water resource quality of Springfield Lake and Little Cuyahoga River.

Proposal: To rezone the properties from R1, R2, and R3 to O-C.

Zoning:

See attachments for zoning maps.

Current Zoning: From Springfield Township’s Zoning Resolution, provided on Springfield Township’s website: <https://www.springfieldtownship.us/174/Zoning-Resolution>

LOW DENSITY RESIDENTIAL DISTRICT (R-1)

The Low Density Residential District (R-1) is established to accommodate single-family residential development of low density that will promote the continuation of the predominantly rural residential character that is prevalent in many areas of Springfield Township. Development within this district is intended for low-density residential uses and conservation subdivisions where homes are clustered on lots but the overall gross density remains low.

(C) MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

The Medium Density Residential District (R-2) is intended to provide for the protection of older, existing neighborhoods in Springfield Township where development is more compact and for the expansion of residential areas where sanitary sewer and water is available.

(D) TRADITIONAL RESIDENTIAL DISTRICT (R-3)

The Traditional Residential District (R-3) is established to provide for the protection of older, existing neighborhoods in Springfield Township where development is more compact. Uses in this district may include single-family, two-family, or low-intensity attached dwellings.

Proposed Zoning:

The residential districts are designed to carry out the following specific purposes:

(A) OPEN SPACE CONSERVATION DISTRICT (O-C)

1. The Open Space Conservation District (O-C) is established to preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas; to protect the ecological balance of an area; to conserve natural resources, such as river valleys, and tracts of wooded land, and; to reduce the problems created by the intensive development of areas having excessively high water tables, or which are topographically unsuited for urban type uses. Development through the use of conservation subdivisions in this district is highly encouraged as a method of allowing for development that is designed in a manner as to protect these valuable resources.

(B) PERMITTED USE TABLE

| TABLE 5.03-A: PERMITTED USE TABLE | | | | | | | | | | | |
|---|-------------------------------------|------------|------------|------------|--|------------|------------|------------|------------|------------|---|
| PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited | RESIDENTIAL ZONING DISTRICTS | | | | NONRESIDENTIAL ZONING DISTRICTS | | | | | | USE-SPECIFIC STANDARDS SEE SECTION: |
| | OU | R-1 | R-2 | R-3 | U-1 | U-2 | U-3 | O-R | I-1 | I-2 | |
| AGRICULTURAL USES | | | | | | | | | | | |
| Agricultural uses | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 5.04(A) |
| Nurseries or greenhouses | PS | PS | PS | PS | | P | P | | P | P | Section 5.04(B) |
| RESIDENTIAL USES | | | | | | | | | | | |
| Adult family homes or small residential facilities | P | P | P | P | | | | | | | |
| Bed and breakfast establishments | C | C | C | C | | | | | | | Section 5.04(C) |
| Conservation subdivision | PS | PS | PS | PS | | | | | | | Section 5.04(D) |
| Conservation subdivision with attached dwellings | PS | PS | PS | PS | | | | | | | Section 5.04(D) |
| Dwellings, single-family | P | P | P | P | | | | | | | |
| Dwellings, two-family | | | P | P | | | | | | | |
| Institutional housing | | C | C | C | PS | | | | | | Section 5.04(E) |
| Permanently sited manufactured housing | PS | PS | PS | PS | | | | | | | Section 5.04(F) |
| PUBLIC AND INSTITUTIONAL USES | | | | | | | | | | | |
| Active parks and recreation | C | C | C | C | C | P | P | P | P | P | Section 5.04(G) |
| Campgrounds | C | | | | | | | | | | Section 5.04(I) |
| Cemeteries | | PS | PS | PS | | | | | | | Section 5.04(J) |
| Churches and places of worship | C | C | C | C | P | P | P | P | P | P | 0 |
| Cultural institutions | C | C | C | C | | | | | | | 0 |
| Educational facilities (Primary and Secondary) ⁶ | | C | C | C | C | C | | | | | 0 |
| Educational facilities, higher | | | | | | | P | P | P | | |
| Hospitals | | | | | | P | P | C | | | Section 5.04(M) |
| Passive parks, recreation, and open space | P | P | P | P | P | P | P | P | P | P | |
| Public safety and service facilities | C | C | C | C | PS | PS | PS | PS | PS | PS | Section 5.04(N) |

TABLE 5.03-A: PERMITTED USE TABLE

| PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited | RESIDENTIAL ZONING DISTRICTS | | | | NONRESIDENTIAL ZONING DISTRICTS | | | | | | USE-SPECIFIC STANDARDS SEE SECTION: |
|--|-----------------------------------|-----|-----|-----|---------------------------------|-----|-----|-----|-----|-----|--|
| | O-C | R-1 | R-2 | R-3 | O-1 | O-2 | O-3 | O-R | I-1 | I-2 | |
| | COMMERCIAL AND OFFICE USES | | | | | | | | | | |
| Adult entertainment establishments | | | | | | | | | C | C | Section 5.04(H) |
| Banks and financial institutions | | | | | P | P | P | P | | | |
| Bars, taverns, or restaurants | | | | | P | P | P | P | | | |
| Club | | | | | P | P | P | | | | |
| Commercial entertainment or recreation (indoors) | | | | | | P | P | | C | | |
| Commercial entertainment or recreation (outdoors) | | | | | | C | | | | | |
| Building supply or farm sales establishments | | | | | | | P | | P | P | |
| Day care centers (adult or child) | PS | PS | PS | PS | P | P | P | P | | | Section 5.04(O) |
| Entertainment Device Arcades | | | | | | | | | | | Section 5.04(P) |
| Funeral homes | | | | | | P | | | | | |
| General offices (administrative, professional, business) | | | | | P | P | P | P | P | P | |
| Hotels and motels | | | | | | P | P | | | | |
| Instructional studios | | | | | P | P | P | | | | |
| Kennels, commercial and animal day cares | C | C | C | C | | | C | | PS | PS | Section 5.04(Q) |
| Medical and dental offices or clinics | | | | | P | P | P | P | P | | |
| Outdoor dining areas | | | | | PS | PS | PS | | | | Section 5.04(R) |
| Outdoor display and sales | | | | | PS | PS | PS | PS | | | Section 5.04(S) |
| Outdoor storage | | | | | | C | C | | PS | PS | Section 5.04(T) |
| Personal service establishments | | | | | P | P | P | | | | |
| Retail commercial uses | | | | | P | P | P | | | | |
| Sales offices and showrooms | | | | | | P | P | C | | | |
| Service commercial uses | | | | | | P | P | C | | | |
| Veterinarian offices and animal hospitals | | | | | | PS | PS | PS | PS | PS | Section 5.04(U) |
| VEHICLE AND TRANSPORTATION RELATED USES | | | | | | | | | | | |
| Gasoline stations | | | | | | C | PS | | | | Section 5.04(V) |
| Farm implement sales and rental ^{2,7} | | | | | | C | C | | | | Section 5.04(W) |
| Motor vehicle sales ² | | | | | | C | C | | | | Section 5.04(W) |
| Parking lot or structure | | | | | C | C | C | C | C | C | Section 5.04(X) |
| Passenger transportation terminal | | | | | | P | P | | | | |
| Truck services/truck stop facilities | | | | | | | C | | | | Section 5.04(Y) |
| Truck/transfer facilities | | | | | | | | | C | C | Section 5.04(Y) |
| Vehicle repair garages (major repair) | | | | | | C | PS | | PS | PS | Section 5.04(Z) |

TABLE 5.03-A: PERMITTED USE TABLE

| PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited | RESIDENTIAL ZONING DISTRICTS | | | | NONRESIDENTIAL ZONING DISTRICTS | | | | | | USE-SPECIFIC STANDARDS SEE SECTION: |
|--|-------------------------------------|-----|-----|-----|---------------------------------|-----|-----|-----|-----|-----|--|
| | O-C | R-1 | R-2 | R-3 | O-1 | O-2 | O-3 | O-R | I-1 | I-2 | |
| | Vehicle service uses (minor repair) | | | | | | PS | PS | | PS | |
| Vehicle washing establishments | | | | | | C | C | | | | Section 5.04(AA) |
| INDUSTRIAL USES | | | | | | | | | | | |
| Distribution facilities | | | | | | | | | P | P | |
| Foundry | | | | | | | | | C | P | |
| Industrial service uses | | | | | | | | | P | P | Section 5.04(BB) |
| Industrial uses, heavy | | | | | | | | | | C | Section 5.04(CC) |
| Industrial uses, light | | | | | | | | P | P | P | Section 5.04(BB) |
| Laboratories | | | | | | | | PS | PS | PS | Section 5.04(DD) |
| Research and development facilities | | | | | | | | PS | PS | | Section 5.04(DD) |
| Self-storage facilities | | | | | | | | | C | C | Section 5.04(EE) |
| Warehouses | | | | | | | | | P | P | P |
| OTHER USES | | | | | | | | | | | |
| Essential Services | P | P | P | P | P | P | P | P | P | P | |
| Gas and Oil Wells | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 5.04(FF) |
| Mixed Use Development | | | | | | PS | PS | | | | Section 5.04(GG) |
| Radio and television stations (no towers or satellites) | | | | | | P | P | P | P | P | |
| Soil removal or mineral extraction | | | | | | | | | C | C | Section 5.04(HH) |
| Wireless telecommunication facilities | C | C | C | C | P | P | P | P | P | P | Section 5.04(II) |

Comprehensive Land Use Plan: The parcels proposed are largely in the “Lake Development” zone of the Future Land Use Plan:

“Lake Development

As one of Springfield Township’s major assets, Springfield Lake provides an opportunity for a mixture of land use opportunities that focus around civic and recreational uses. Development in areas designated for lake development should primarily be outdoor recreational (e.g., parks, trails, shelters, playgrounds, and civic gathering spots) and civic (e.g., township buildings). Uses on privately held lands in this area may be used for attached townhomes and limited commercial uses that serve users of the lake and recreational facilities as well as the greater township. These commercial uses may include canoe or boat rental, bike rental, restaurants, or small-scale convenience stores.”

STAFF REVIEW

1. *Is the proposed zoning change reasonable given the nature of the surrounding area?* The request is reasonable.
2. *Can the property reasonably be used as currently zoned?* Yes.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?* The O-C zoning permitted uses do not allow some of the uses called out in the Comprehensive Plan for the Lake Development zone, however the Lake Development zone is currently mostly in existing O-C district.
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* Yes.
5. *How will the proposed zoning change impact public services and facilities?* The proposed zoning would not impact public services and facilities.
6. *How will the proposed zoning change impact traffic, especially traffic safety?* The proposed change is not likely to impact traffic or traffic safety.
7. *Will the proposed zoning change adversely affect adjoining properties?* The proposed change will not adversely affect adjoining properties.
8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* The proposal is to use the O-C zone to buffer environmentally sensitive areas and waterways.
9. *Will the proposed zoning change, change the character of the neighborhood?* The proposed change will not change the character of the neighborhood, as the neighborhood.
10. *Has there been a change in conditions that renders the original zoning inappropriate?* No.

Staff Comments:

- The O-C zoning permitted uses do not allow some of the uses called out in the Comprehensive Plan for the Lake Development zone, however the Lake Development zone is currently mostly in existing O-C district.
- The proposal is to use the O-C zone to buffer environmentally sensitive areas and waterways.

Recommendation: Staff recommends APPROVAL.



Item No.: 3
Meeting: September 29, 2022
Applicant: Springfield Zoning Commission
Proposal: **Riparian Setback Regulations**
Processor: Stephen Knittel

Proposal: The applicant has proposed that the Springfield Township Zoning Resolution to amend add a new Riparian Setback Regulations for the Township.

Proposed Text Amendments:
RIPARIAN SETBACKS

PURPOSE AND INTENT

(a) It is hereby determined that the system of headwaters, rivers, streams, lakes and other natural watercourses within Springfield Township contributes to the health, safety, and general welfare of the residents of Springfield. The specific purpose and intent of these regulations is to regulate uses and developments within riparian setbacks that would impair the ability of riparian and wetland areas to:

(1) Benefit the community by minimizing encroachment on designated watercourses thereby minimizing the need for costly engineering solutions or other invasive measures that may be necessary to protect persons, buildings, structures, and uses as well as to reduce the damage to real property and threats to overall public health and safety within the affected watershed.

(2) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.

(3) Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.

(4) Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.

(5) Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

(6) Preserve the scenic beauty of the environment in order to maintain the character of Springfield Township, the quality of life of the residents, and the corresponding property values.

(a) The following regulations have been enacted to protect and enhance these functions of

riparian areas by providing reasonable controls governing buildings, structures, uses and related soil disturbing activities within a riparian setback along designated watercourses in Springfield Township.

DEFINITIONS

For the purpose of these regulations, the following terms shall have the meanings as provided herein.

(a) **CLASS III PRIMARY HEADWATER HABITAT STREAM:** The highest quality primary headwater stream classification, as described in the most current version of the Ohio EPA, Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams.

(b) **COMMUNITY:** Springfield Township, Summit County, Ohio.

(c) **DAMAGED OR DISEASED TREES:** Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

(d) **DESIGNATED WATERCOURSE:** A watercourse within Springfield Township that is in conformity with the criteria set forth in these regulations.

(e) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.

(f) **IMPERVIOUS COVER:** Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.

(g) **LAND DEVELOPMENT ACTIVITY:** Any changes to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

(h) **ONE HUNDRED YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of identified by the Federal Emergency Management Agency maps of the township.

(i) **OHIO ENVIRONMENTAL PROTECTION AGENCY:** Referred throughout these regulations as the "Ohio EPA."

(j) **ORDINARY HIGH WATER MARK:** The point of the bank to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed and bank of a watercourse.

(k) **RIPARIAN AREA:** Land adjacent to any brook, creek, river, lake or stream having a defined bed and bank that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this Chapter.

(l) **RIPARIAN SETBACK:** The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in these regulations.

(m) SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as Summit County SWCD or SWCD.

(n) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

(o) STREAM: Perennial and intermittent watercourses identified through site inspection and US Geological Survey (USGS) maps.

(p) STREAM CHANNEL: Part of a watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin.

(q) TOWNSHIP: Springfield Township, Summit County, Ohio.

(r) WATERCOURSE: Any brook, channel, ditch, swale, creek, river, stream or lake having banks, a defined bed and bank, and a definite direction of flow, either continuously or intermittently flowing.

(s) WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, lakes and similar areas.

(t) WETLANDS, CATEGORY 1: A low quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

(u) WETLANDS, CATEGORY 2: A medium quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

(v) WETLANDS, CATEGORY 3: A high quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

RIPARIAN SETBACK GUIDE MAP

(a) Springfield Township shall create a guide map identifying designated watercourses and their riparian setbacks. Said guide map is made part of this regulation and the most current copy shall be maintained for public inspection in the Zoning Department. The following shall apply to the Riparian Setback Guide Map:

(1) It shall be used as a reference document and the information contained therein shall be believed to be accurate.

(2) It shall be a guide only.

(3) Nothing herein shall prevent Springfield Township from amending the Riparian Setback Guide Map from time to time as may be necessary.

(4) If any discrepancy is found between the Township Riparian Setback Guide Map and this regulation, the criteria set forth in this regulation shall prevail.

ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACK.

(a) Designated watercourses shall include one or more of the following criteria:

(1) All watercourses draining an area equal to or greater than one (1.0) square mile, OR

(2) All watercourses draining an area less than one (1.0) square mile and having a

defined bed and bank. In determining if a watercourse is a designated watercourse, Springfield Township may consult with a representative of the Summit County SWCD or other technical experts as necessary.

(b) Streams addressed by this chapter are those which meet the definition of “stream” in the Definitions section of these regulations and are indicated on at least one of the following maps:

- (1) USGS topographical map.
- (2) Summit County Riparian Setback map.
- (3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.
- (4) Township Riparian Setback Guide Map

(c) Widths of riparian setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:

- (1) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
- (2) A minimum of 120 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
- (3) A minimum of 100 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
- (4) A minimum of 75 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
- (5) A minimum of 50 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).

(d) The following are exempt from the terms and protection of this chapter: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.

(e) The following conditions shall apply to the Riparian Setback:

- (1) Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by the Federal Emergency Management Administration (FEMA).
- (2) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

| Average Percent Slope | Width of Setback |
|------------------------------|------------------|
| 0% through 5% | Add 20 feet |
| Greater than 5% through 10% | Add 30 feet |
| Greater than 10% through 15% | Add 40 feet |

| | |
|------------------------------|--------------|
| Greater than 15% through 20% | Add 50 feet |
| Greater than 20% through 25% | Add 75 feet |
| Greater than 25% | Add 100 feet |

Average percent slope of the streambank is to be calculated for the area within the Riparian Setback and is to be measured as a line perpendicular to the stream channel at the location where structures or uses are proposed in the plan. All of the following measurements are to be performed using County of Summit Geographical Information system data (1994, 2000).

Calculate slope as follows:

Change in elevation from the edge of stream channel to edge of Riparian Setback divided by Horizontal map distance from the edge of stream channel to the edge of the Riparian Setback.

(3) Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:

- A. A 150-foot setback extending beyond the outer boundary of Category 3 wetlands.
- B. A 100-foot setback extending beyond the outer boundary of a Category 2 wetlands.
- C. A 50-foot setback will be required adjacent to Category 1 wetlands.

(4) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio EPA and other protocols of the U.S. Army Corps of Engineers for wetland evaluation approved at the time of application of the regulations.

(5) The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by subsections (b) through (d) hereof, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.

(6) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil- disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed. Permanent marking must be GIS sited and clearly marked using iron pipe after the project is complete.

(7) No approvals or permits shall be issued by the Township prior to delineation of the Riparian Setback in conformance with these regulations.

(8) Upon completion of an approved subdivision, the Riparian Setback shall be

permanently recorded on the plat records for the County of Summit.

USES PERMITTED IN THE RIPARIAN SETBACK

(a) The following open space uses that are passive in character and preserve the riparian setback in its natural state are permitted by right within the Riparian Setbacks without prior approval including, but not limited to, those listed in subsections (a)(1) through (4) hereof. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.

Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.

(1) *Recreational activity.* Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

(2) *Removal of damaged or diseased trees.* Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) *Revegetation and/or reforestation.* The revegetation and/or reforestation of the Riparian Setback shall be allowed with native, non-invasive species. Species of shrubs and vines recommended for stabilizing floodprone areas along streams are available from the Summit County SWCD.

(4) *Landscaping.* The removal of natural vegetation within the riparian setback and the subsequent cultivation landscape shrubbery or trees may be allowed provided that such cultivation is done in conformance with a Landscaping Plan approved by the Zoning Commission. Any costs associated with review of Landscaping Plans may be assessed to the applicant. Landscaping Plans shall meet the following criteria:

A. Maintain trees in the riparian setback larger than nine (9) inches in caliper (diameter) as measured fifty-four inches above the ground to the maximum extent practicable; and

B. Maintain trees, shrubbery, and other non-lawn, woody vegetation in the riparian setback to the maximum extent practicable.

C. Exclude cultivation of lawns and other maintained grassy areas.

(b) The following uses are permitted by right within the Riparian Setbacks with ***prior approval of the design*** by the Township.

(1) Stream bank stabilization/erosion control measures. Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval by the Summit SWCD and compliance with the Township's SWP. If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable

conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to the zoning inspector. Proof of compliance shall be the following:

- A. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
- B. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or,
- C. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit

(2) Crossings. In reviewing plans for stream crossings, the Township may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

A. Limited crossings of designated streams through the Riparian Setback by roads, driveways, easements, bridges, culverts, storm sewers, sewer and / or water lines, and public utility service lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.

B. One driveway crossing per stream per tax parcel will be allowed for individual landowners.

C. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by Springfield Township. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.

D. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.

(3) Placement of stormwater retention or detention facilities must be located at least 50 feet from the ordinary high water mark of the stream or lake or the wetland boundary and riparian setback.

A. Stormwater quality treatment must be:

- 1. Consistent with current Township, county, and state standards
- 2. Incorporated into the basin or design, and
- 3. Provide full water quality volume treatment

(4) Dredging may be permitted, provided the Township or property owner obtains all necessary permits that may be required by the Summit County SWCD and notification and presentation of the plan are provided to the Township for review and approval prior to such activity.

USES PROHIBITED IN THE RIPARIAN SETBACK

The following uses are specifically prohibited within the Riparian Setback:

(a) Construction. There shall be no structures or buildings of any kind, except as permitted under these regulations.

(b) Dredging or Dumping. There shall be no filling or dredging or dumping of soil, spoils, or any material—natural or man-made except as permitted under these regulations.

(c) Mineral Extraction. There shall be no drilling for petroleum or mineral products, or mining activity.

(d) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(e) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(f) Fences and walls. There shall be no fences, walls or other similar barricades except as permitted under these regulations.

(g) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.

(h) Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.

(i) New Surface And/or Subsurface Sewage Disposal or Treatment Area. Riparian Setbacks shall not be used for the disposal or treatment of sewage except for:

(1) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted by and in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the Riparian Setback must be upgraded with approval of the Summit County Health Department and / or the Ohio Environmental Protection Agency.

(2) Sanitary sewer systems, either public or private, that are commensurate with an approved sanitary system permitted by the Ohio Environmental Protection Agency.

NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK

(a) Structures and uses within the Riparian Setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be changed or expanded in footprint or roofline.

(b) If damaged or destroyed, these structures or uses may be repaired or restored within 6 months from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owner's own risk.

(c) A non-conforming or non-permitted structure or use, existing at the time of passage of this chapter and within a riparian setback, that has substantial damage and that is discontinued, terminated, or abandoned for a period of six (6) months or more shall not be

revived, restored, or re-established.

(d) A residential structure or use within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of subsection (c)(1) through (3) hereof.

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or watercourse or the 100-year flood plain.

(3) The expansion must not exceed the footprint of the existing structure or use that lies within the Riparian Setback.

(e) Non-residential structure or use expansions within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of subsection (d)(1) through (3) hereof.

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or watercourse or the 100-year flood plain.

(3) The expansion must not exceed the footprint or roofline of the existing structure or use that lies within the Riparian Setback.

BOUNDARY INTERPRETATION AND APPEALS PROCEDURE

(a) When an applicant disputes the boundary of the Riparian Setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Summit SWCD and the Township that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Township Board of Zoning Appeals or the Summit County Planning Commission within a reasonable period of time not to exceed sixty days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.

(c) The Township Board of Zoning Appeals or the Summit County Planning Commission shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

APPLICATIONS AND SITE PLANS

(a) When making an application for a zoning permit or a conditional use permit for a building, structure, or use regulated by this resolution and proposing soil disturbing activities regulated herein, or within ten (10) feet of, a riparian setback, the applicant shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on all site plans submitted to the zoning inspector.

(b) The zoning inspector may, in reviewing the site plan, consult with the Summit County SWCD or other such experts.

(c) If land development or soil disturbing activities will occur within ten (10) feet of the

outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall be required to be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained on the lot until the completion of such development or soil disturbing activities.

VARIANCES WITHIN RIPARIAN SETBACK

(a) Applications for variances to the provisions of this Section shall be submitted to the Township Board of Zoning Appeals.

(b) In reviewing whether to grant variances, the Township Board of Zoning Appeals shall consider the following:

(1) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in subsections (c) below.

(2) Engineering and technical data including the Ohio Rapid Assessment Method for Wetlands scoring form or other required federal, state or county forms applicable at the time of application. All data and information provided by the applicant or requested by the Board of Zoning Appeals shall be at the cost of the applicant.

(3) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

(4) Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.

(5) The presence of significant impervious cover in the riparian setback compromises its benefits to Springfield Township.

(6) Variances should not be granted for asphalt or concrete paving in the riparian setback.

(7) Whether a property, otherwise buildable under the regulations of Springfield Township will be made unbuildable because of this regulation.

(8) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(c) The Township Board of Zoning Appeals may consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(d) Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all non-residential structures or uses are subject to subsections (d)(1) through (4) below:

(1) The expansion conforms to the existing zoning regulations and lie outside the Riparian Setback area.

(2) The expansion must not impact the stream channel or the 100-year floodplain and comply with the Township SWP.

(3) The expansion of any residential or non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to landowners in those areas. A hydrologic study must be completed by non-residential applicants only as a process of the variance application.

(4) The expansion of a non-residential structure or use will not exceed 25% of the footprint area and must lie outside the Riparian Setback.

(e) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.

(f) No variances shall be granted for expansion or construction of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.

(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, mulching operations and road salt storage barns.

INSPECTION OF RIPARIAN SETBACK

(a) The Riparian Setback shall be inspected by the Township Zoning department:

(1) When a preliminary subdivision plat or other land development plan is submitted to the Township.

(2) When a building or zoning permit is requested.

(3) Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.

(b) The Riparian Setback shall also be inspected annually or as time permits by the Township Zoning department or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Township that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

(c) Violations of these regulations will be handled as noted in Section ...

Staff Comments: The proposed regulations are requiring larger setbacks for riparian areas than the Summit County Riparian regulations.

- For all streams:
 - (2) A minimum of 120 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
 - (3) A minimum of 100 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.

- (4) A minimum of 75 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
- (5) A minimum of 50 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- For slopes:
 - (2) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:
 - Average Percent Slope Width of Setback
 - 0% through 5% Add 20 feet
 - Greater than 5% through 10% Add 30 feet
 - Greater than 10% through 15% Add 40 feet
 - Greater than 15% through 20% Add 50 feet
 - Greater than 20% through 25% Add 75 feet
- For wetlands present:
 - (3) Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:
 - A. A 150-foot setback extending beyond the outer boundary of Category 3 wetlands.
 - B. A 100-foot setback extending beyond the outer boundary of a Category 2 wetlands.
 - C. A 50-foot setback will be required adjacent to Category 1 wetlands.

Adding 20 feet for slopes 0% through 5% is essentially adding 20 feet by default to all riparian setbacks, the county riparian regulations start at 15%-20% for additional setback due to slopes.

“ (6) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil- disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed. Permanent marking must be GIS sited and clearly marked using iron pipe after the project is complete.”

I am not sure what is meant by “GIS sited”

See attached: The Summit County Riparian Ordinance is attached after the staff report.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED with additional review by Summit Soil and Water and the County Engineers Office.**

CHAPTER 937
Riparian Setbacks

- 937.01** Public purpose.
- 937.02** Applicability, compliance, and violations.
- 937.03** Conflicts with other regulations and severability.
- 937.04** Definitions.
- 937.05** Establishment of a Riparian Setback.
- 937.06** Uses permitted in the Riparian Setbacks.
- 937.07** Uses prohibited in the Riparian Setback.
- 937.08** Non-conforming structures or uses in the Riparian Setback.
- 937.09** Boundary interpretation and appeals procedure.
- 937.10** Variances within Riparian Setback.
- 937.11** Inspection of Riparian Setback.

937.01 PUBLIC PURPOSE.

(a) It is hereby determined that the system of streams within the County of Summit contributes to the health, safety and general welfare of the residents of the County of Summit. The purpose of this Riparian Setback chapter is to protect and preserve the water quality within streams of the County of Summit and to protect residents of the County of Summit from property loss and damage because of flooding and other impacts of the stream. The method of implementing this chapter is by controlling uses and developments within a Riparian Setback that would impair the ability of the riparian area to:

- (1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.
- (2) Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- (3) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.
- (4) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter streams.
- (5) Provide areas for natural meandering and lateral movement of stream channels.
- (6) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
- (7) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- (8) Benefit the County of Summit economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the County of Summit, the quality of life of the residents of the County of Summit and corresponding property values.
- (9) Protect the health, safety, and welfare of the citizens of the County of Summit.

(b) The following regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses in riparian setbacks.
(Ord. 2002-154. Adopted 4-29-02.)

937.02 APPLICABILITY, COMPLIANCE, AND VIOLATIONS.

(a) The provisions of this Title Seven shall apply to all lands within unincorporated areas that are within the jurisdiction of the County of Summit.

(b) No preliminary plan, building, or zoning approvals shall be issued by the County of Summit without full compliance with the terms of these regulations where applicable.

(c) Any person or organization who violates Section [937.07](#) of the Codified Ordinances shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in Section [501.99](#) of the Codified Ordinances of the County of Summit and shall be required to restore the Riparian Setback through a plan approved by Summit SWCD.

(d) The provisions of this Title Seven may be enforced through civil or criminal proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

(Ord. 2002-154. Adopted 4-29-02.)

937.03 CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this chapter shall control.

(b) These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in subsection (a) hereof.

(c) If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

(Ord. 2002-154. Adopted 4-29-02.)

937.04 DEFINITIONS.

(a) **APPLICANT:** Any person who executes the necessary forms to procure official approval of a project or a permit to carry out a project.

(b) **BEST MANAGEMENT PRACTICES (BMPs):** Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in “Rainwater and Land Development, Ohio’s Standard for Stormwater Management, Land Development, and Urban Stream Protection” prepared by the Ohio Department of Natural Resources.

(c) **DAMAGED OR DISEASED TREES:** Trees that have a split trunk, broken tops, heart rot, or insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

(d) **DEFINED CHANNEL:** A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.

(e) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.

(f) **FINAL PLAT:** A final tracing of all or a phase of a subdivision and its complete survey information.

(g) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

(h) **NATURAL SUCCESSION:** A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group

modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

(i) **NOXIOUS WEED:** Any plant defined as a “noxious weed and rank vegetation” in Section [521.10](#) in the Codified Ordinances of the County of Summit, Ohio.

(j) **OHIO RAPID ASSESSMENT METHOD:** A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

(k) **100-YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

(l) **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

(m) **POLLUTION:** Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

(1) “POINT SOURCE” pollution is traceable to a discrete point or pipe.

(2) “NON-POINT SOURCE” pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.

(n) **PRELIMINARY PLAN:** A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

(o) **RIPARIAN AREA:** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

(p) **RIPARIAN SETBACK:** The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the County of Summit that fall within the area defined by the criteria set forth in these regulations.

(q) **SOIL AND WATER CONSERVATION DISTRICT (SWCD):** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.

(r) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling or other alteration of the earth’s surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

(s) **STREAM:** A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.

(t) **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater quality.

(u) **STORMWATER QUALITY TREATMENT:** The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

(v) **VARIANCE:** A modification of the enforcement of the Riparian Setback chapter which will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of this chapter would result in undue hardship to the applicant.

(w) **WATERCOURSE:** A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

(x) **WATERSHED:** An area of land that drains into a particular watercourse, usually divided by topography.

(y) **WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(Ord. 2004-133. Adopted 3-15-04.)

937.05 ESTABLISHMENT OF A RIPARIAN SETBACK.

(a) Riparian Setbacks are established as provided in this Title Seven.

(b) Streams addressed by this chapter are those which meet the definition of “stream” in Section [937.04](#) of these regulations and are indicated on at least one of the following maps:

(1) USGS topographical map.

(2) Summit County Riparian Setback map.

(3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

(c) Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:

(1) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.

(2) A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.

(3) A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.

(4) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).

(5) A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).

(d) The following are exempt from the terms and protection of this chapter: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.

(e) The following shall apply to the Riparian Setback:

(1) Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year

floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

(2) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

| Average Percent Slope | Width of Setback |
|------------------------------|-------------------------|
| 15% through 20% | Add 25 feet |
| Greater than 20% through 25% | Add 50 feet |
| Greater than 25% | Add 100 feet |

Average percent slope of the streambank is to be calculated for the area within the Riparian Setback and is to be measured as a line perpendicular to the stream channel at the location where structures or uses are proposed in the plan. All of the following measurements are to be performed using County of Summit Geographical Information system data (1994, 2000).

Calculate slope as follows:

Change in elevation from the edge of stream channel to edge of Riparian Setback divided by Horizontal map distance from the edge of stream channel to the edge of the Riparian Setback.

(3) Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:

- A. A 50-foot setback extending beyond the outer boundary of Category 3 wetlands.
- B. A 30-foot setback extending beyond the outer boundary of a Category 2 wetlands.
- C. No additional setback will be required adjacent to Category 1 wetlands.

(4) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

(5) The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by subsections (b) through (d) hereof, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.

(6) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil- disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(7) No approvals or permits shall be issued by the County of Summit or Township prior to delineation of the Riparian Setback in conformance with these regulations.

(8) Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

(Ord. 2004-133. Adopted 3-15-04.)

937.06 USES PERMITTED IN THE RIPARIAN SETBACK.

(a) The following uses are permitted by right within the Riparian Setbacks without prior approval. Open space uses that are passive in character shall be permitted in the Riparian Setback including, but not limited to, those listed in subsections (a)(1) through (4) hereof. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.

Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.

(1) Recreational activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

(2) Removal of damaged or diseased trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) Revegetation and/or reforestation. The revegetation and/or reforestation of the Riparian Setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing floodprone areas along streams within the County of Summit are listed in the Appendix.

(4) The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6133.15, 6135.01 to 6135.27, and 6137.05.1.

(b) The following uses are permitted by right within the Riparian Setbacks with prior approval of the design.

(1) Stream bank stabilization/erosion control measures. Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.

(2) Crossings. In reviewing plans for stream crossings, the Township may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

A. Limited crossings of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and / or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.

B. One driveway crossing per stream per tax parcel will be allowed for individual landowners.

C. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning

Commission and approving township. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.

D. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.

(3) Placement of stormwater retention or detention facilities may be considered within the Riparian Setback if:

A. Stormwater quality treatment that is consistent with current state standards is incorporated into the basin.

B. The stormwater quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.

(Ord. 2002-154. Adopted 4-29-02; Ord. 2015-555. Adopted 12-14-15.)

937.07 USES PROHIBITED IN THE RIPARIAN SETBACK.

The following uses are specifically prohibited within the Riparian Setback:

(a) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(b) Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soil, spoils, or any material—natural or man-made—except as permitted under these regulations.

(c) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.

(f) Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.

(g) New Surface And/or Subsurface Sewage Disposal or Treatment Area. Riparian Setbacks shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation approval and/or permit approval prior to the enactment of this chapter.

(2) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the Riparian Setback can be upgraded with approval of the Summit County Health Department and / or the Ohio Environmental Protection Agency.

(Ord. 2002-154. Adopted 4-29-02.)

937.08 NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK.

(a) Structures and uses within the Riparian Setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this Title Seven.

(b) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owner's own risk.

(c) A residential structure or use within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of subsection (c)(1) through (3) hereof.

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year flood plain.

(3) The expansion must not exceed an area of 15% of the footprint of the existing structure or use that lies within the Riparian Setback. Expansions exceeding 15% of the footprint within the Riparian Setback must be obtained through the variance process.

(d) Non-residential structure or use expansions will be permitted only through the variance process.

(Ord. 2002-154. Adopted 4-29-02.)

937.09 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

(a) When an applicant disputes the boundary of the Riparian Setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Summit SWCD that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Township Board of Zoning Appeals or the Summit County Planning Commission within a reasonable period of time not to exceed sixty days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.

(c) The Township Board of Zoning Appeals or the Summit County Planning Commission shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

(Ord. 2002-154. Adopted 4-29-02.)

937.10 VARIANCES WITHIN RIPARIAN SETBACK.

(a) Applications for variances to the provisions of this Title Seven shall be submitted as provided in subsections (a)(1) and (2) below:

(1) In Townships which have adopted these regulations or regulations which are determined by the Summit County Planning Commission to be substantially similar to these regulations into their zoning codes, applications for variances shall be submitted to the Township Board of Zoning Appeals.

(2) In Townships which have not adopted these regulations or regulations which are determined by the Summit County Planning Commission to be substantially similar to these regulations into their zoning codes, applications for variances shall be submitted to the Summit County Planning Commission.

(b) The Township Board of Zoning Appeals or the Summit County Planning Commission, shall consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Sanitary Sewer Services of

Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(c) Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all non-residential structures or uses are subject to subsections (c)(1) through (4) below:

(1) The expansion conforms to the existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year floodplain.

(3) The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to landowners in those areas. A hydrologic study must be completed by non-residential applicants only as a process of the variance application.

(4) The expansion of a non-residential structure or use will not exceed 25% of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the Riparian Setback.

(d) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.

(2) A reduction of the setback width, not to exceed 10% of the prescribed Riparian Setback width.

(e) No variances shall be granted for expansion of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.

(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.

(f) In reviewing whether to grant variances, the Township Board of Zoning Appeals or the Summit County Planning Commission shall consider the following:

(1) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in subsections (a) through (e) above.

(2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

(3) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(Ord. 2002-666. Adopted 1-6-03; Ord. 2015-555. Adopted 12-14-15.)

937.11 INSPECTION OF RIPARIAN SETBACK.

(a) The Riparian Setback shall be inspected by the Summit SWCD:

(1) When a preliminary subdivision plat or other land development plan is submitted to the County of Summit.

(2) When a building or zoning permit is requested.

(3) Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.

(b) The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

(c) Violations of these regulations will be handled as noted in Section [937.02\(c\)](#).
(Ord. 2002-154. Adopted 4-29-02.)

2002-154 Appendix: Woody Plants Suitable for Riparian Areas

This list was assembled by Roger Gettig, The Holden Arboretum for Chagrin River Watershed Partners.

| Flood Tolerance* | | Shade Tolerance** | Common Name |
|--------------------------------------|-----------------------|--------------------------|-------------------------|
| High Flood Tolerance | | | |
| Aronia | arbutifolia | 3 | Red chokeberry |
| Aronia | melanocarpa | 3 | Black chokeberry |
| Cephalanthus | occidentalis | 5 | Common buttonbush |
| Clethra | alnifolia | 2 | Summersweet clethra *** |
| Cornus | amomum | 4 | Silky dogwood |
| Cornus | stolonifera (sericea) | 5 | Redosier dogwood |
| Hamamelis | vernalis | 3 | Vernal witchhazel *** |
| Ilex | decidua | 3 | Possumhaw *** |
| Ilex | glabra | 2 | Inkberry *** |
| Ilex | verticillata | 3 | Common winterberry |
| Itea | virginica | 1 | Virginia sweetspire *** |
| Magnolia | virginiana | 2 | Sweetbay magnolia *** |
| Myrica | pennsylvanica | 4 | Northern bayberry |
| Physocarpus | opulifolius | 4 | Common ninebark |
| Potentilla | fruticosa | 4 | Bush cinquefoil |
| Sambucus | canadensis | 1 | American elderberry |
| Salix | x cotteti | 5 | “Bankers” willow *** |
| Salix | exigua | 5 | Sandbar willow |
| Salix | purpurea | 5 | “Streamco” willow *** |
| Viburnum | cassinoides | 2 | Witherod viburnum |
| Parthenocissus | quinquefolia | 1 | Virginia creeper (vine) |
| | | | |
| Moderate Flood Tolerance* | | | |
| Calycanthus | floridus | 1 | Common sweetshrub |
| Hypericum | kalmianum | 5 | Kalm St. Johnswort |
| Viburnum | dentatum | 2 | Arrowwood viburnum |
| Xanthorhiza | simplicissima | 1 | Yellowroot *** |
| | | | |
| Intermediate Flood Tolerance* | | | |
| Aesculus | parviflora | 2 | Bottlebush buckeye *** |
| Aesculus | pavia | 2 | Red buckeye *** |
| Cornus | racemosa | 2 | Gray dogwood |
| Lindera | benzoin | 1 | Common spicebush |

| | | | |
|----------------------------|--------------|---|---------------------------|
| Rosa | setigera | 4 | Prairie rose |
| Campsis | radicans | 3 | Trumpetcreeper (vine) |
| Lonicera | dioica | 2 | Limber honeysuckle (vine) |
| Corylus | americana | 2 | American filbert |
| Diervilla | lonicera | 1 | Dwarf bushhoneysuckle |
| Fothergilla | gardeni | 1 | Dwarf fothergilla *** |
| Fothergilla | major | 1 | Large fothergilla *** |
| Hydrangea | arborescens | 1 | Smooth hydrangea |
| Hydrangea | quericifolia | 1 | Oakleaf hydrangea *** |
| Mahonia | aquifolium | 1 | Oregongrape holly *** |
| Rosa | carolina | 4 | Carolina rose |
| Rubus | odoratus | 1 | Fragrant thimbleberry |
| Vaccinium | stamineum | 2 | |
| Low Flood Tolerance | | | |
| Arctostaphylos | uva-ursi | 4 | Bearberry |
| Cornus | rogusa | 1 | Roundleaf dogwood |
| Corylus | americana | 2 | American filbert |
| Diervilla | lonicera | 1 | Dwarf bushhoneysuckle |
| Fothergilla | gardeni | 1 | Dwarf fothergilla *** |
| Fothergilla | major | 1 | Large fothergilla *** |
| Hydrangea | arborescens | 1 | Smooth hydrangea |
| Hydrangea | quericifolia | 1 | Oakleaf hydrangea *** |
| Mahonia | aquifolium | 1 | Oregongrape holly *** |
| Rosa | carolina | 4 | Carolina rose |
| Rubus | odoratus | 1 | Fragrant thimbleberry |
| Symphoricarpos | albus | 1 | Common snowberry |
| Vaccinium | stamineum | 2 | Common deerberry |
| No Flood Tolerance | | | |
| Amorpha | canescens | 5 | Leadplant *** |
| Ceanothus | americanus | 3 | New Jersey tea |
| Comptonia | peregrina | 2 | Sweetfern |
| Dirca | palustris | 1 | Leatherwood |
| Hypericum | frondosum | 5 | Golden St. Johnswort |
| Juniperus | communis | 5 | Common juniper |
| Juniperus | horizontalis | 5 | Creeping juniper *** |
| Rhus | aromatica | 5 | Fragrant sumac |
| Sambucus | pubens | 1 | Scarlet elder |
| Symphoricarpos | albus | 1 | Common snowberry |

*High Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.

*Moderate Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.

*Intermediate Flood Tolerance: Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.

*Low Flood Tolerance: Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.

*No Flood Tolerance: Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.

**Shade Tolerance: Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.

Note:

1. The majority of plants listed are available on the local commercial market and do not displace native species.
2. The cultivated varieties (“cultivars”) of the species listed above may also be used.
3. Primary information taken from Hightshoe, Gary, 1987. Native Trees, Shrubs, and vines for Urban and Rural America. Van Nostrand. NY, NY
4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNR Scenic Rivers Program. (A.O.)

*** Denotes plant species that are not native to Ohio.

(Ord. 2004-133. Adopted 3-15-04.)



Planning Commission
Zoning Text Amendment
Residential Property Maintenance Checklist
Springfield Township

Item No.: 4
Meeting: September 29, 2022
Applicant: Springfield Zoning Commission
Proposal: **Residential Property Maintenance Checklist**
Processor: Stephen Knittel

Proposal: The applicant has proposed that the Springfield Township Zoning Resolution to amend add a new Residential Property Maintenance Checklist.

Proposed Text Amendments:



2459 Canfield Road, Akron, Ohio 44312
794-0134

Telephone (330)

Township Trustees
Kellie Chapman
Joe Dilauro
Dean Young

Zoning Administrator
Allan Swift

Zoning Inspector
Terry Robinson

Residential Property Maintenance Checklist

The following checklist was created to assist in evaluating the condition of your property. The checklist is only meant to be used as a guide for commonly found property maintenance concerns and what could be potential violations. This list does not cover all code requirements or take into consideration of individual situations that are unique to each property.

If there are any questions concerning any issues or items on your property, please contact our office at 330-794-0134 or by visiting our website www.springfieldtownship.us

Exterior of Structures

- Exterior walls should be free from large gaps, holes or other defects that prevent the building envelope from being weather tight
- Structures shall be free of chipping, peeling paint, and siding should be in good repair
- Broken or missing windows, windowpanes or glazing should be repaired or in proper working order
- Doors shall be secured, able to be locked and weather tight
- Gutters and downspouts if installed shall be in proper working order and direct water away from the walls and foundation
- Soffit, Fascia, and trim shall be in good repair and weather tight
- Any exposed wood made for the exterior shall be weather protected
- Foundations should be in sound, reasonably free of cracks and holes.
- Roofs and Chimneys should be structurally sound, free of leaks and all shingles and flashing in place
- Porches & Decks should be reasonable level and in good repair
- Stair & Steps should be reasonable level, in good repair, any stairs with 4 or more risers require at least 1 handrail
- House numbers at least four (4) inches tall in a contrasting color, should be installed and visible from the right of way

Lawn and Yards

- Grass and noxious weeds shall be maintained and mowed regularly, 8 inches or higher will result in a violation
- Trash, rubbish, junk, and litter items must be picked up and disposed of properly
- No interior furniture, or appliances are to be stored or kept outside
- No outdoor storage of items, like junk vehicles or other materials
- No keeping of products or conditions that create noxious or offensive odors
- Pools and Hot tubs must be free of debris, stagnant water, covered when not in use and a fence may be required
- Vehicles should have current license plates and stored on a hard surface

Fences

- Installation of a fence requires a zoning permit
- Fences shall be maintained in good condition free from large holes, collapse, broken pickets or structural members
- Fences that lean greater than 10 degrees from vertical should be repaired or replaced

Garbage & Recycling

- All trash, recycling or yard debris must follow collection standards set by the Solid Waste & Recycling Department
- Placement of items at the curb not meeting collection standards could result in a violation

Permits

- All accessory buildings, sheds, carports, decks, and patios, portable or permanent
- All new fences or a change of fence material
- Pools, hot tubs and jacuzzies require a permit
- New driveway additions or concrete walkways, if not existing
- Home Occupations, Outdoor Storage, and other additional property uses

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



Planning Commission
Zoning Text Amendment
Box Trucks
Northfield Center Township

Item No.: 7
Meeting: September 29, 2022
Applicant: Northfield Center Zoning Commission
Proposal: **Box Trucks**
Processor: Stephen Knittel

Proposal: To amend the Northfield Center Township Zoning Resolution Box Trucks Chapter 130 Definitions – Chapter 230 General Provisions: To add a definition and regulations regarding Box Trucks.

Proposed Text Amendments:

Add a new definition to Chapter 130 “Definitions” to read:

Box Truck: also known as a box van, cube van, bob truck or cube truck-**is a chassis cab truck with an enclosed cuboid-shaped cargo area.**

Add to Chapter 310 “Residential District Regulations” Section 310.08, letter “G” a new #5 to read:

5. Parking of box trucks is prohibited.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



Item No.: 6
Meeting: September 29, 2022
Applicant: Northfield Center Zoning Commission
Proposal: **Short Term Rental Liability Insurance**
Processor: Stephen Knittel

Proposal: To amend the Northfield Center Township Zoning Resolution Chapter 230 General Provisions: To add new text regulating insurance for short term rentals.

Proposed Text Amendments:

Add to Chapter 230 "General Provisions" a new #3 in Section 230.13 to read:

3. A certificate of insurance evidencing commercial general liability coverage in the minimum amount of \$1,000,000.00 dollars (one million) in the aggregate in a form acceptable to Northfield Center Township and naming Northfield Center Township as an additional insured.

Staff Comments: The City of Dublin Ohio requires for their short term permitting "The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental"

The City of Hudson has the following regulations about short term rental liability insurance: "All short-term rental hosts shall obtain liability insurance for the short-term

rental. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements: A general liability insurance policy or certificate that shall provide the following minimum coverage:

(i) Not less than three hundred thousand dollars (\$300,000). Such policy or certificate must be issued by an insurance company that is admitted to do business in the State of Ohio or by an eligible surplus lines company or risk retention group;

(ii) The policy or certificate shall provide notice of cancellation of insurance to the Community Development Director at least ten (10) days prior to cancellation; and

(iii) Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.”

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED with additional review by legal counsel.**



Planning Commission
Zoning Text Amendment
Mailboxes
Northfield Center Township

Item No.: 5
Meeting: September 29, 2022
Applicant: Northfield Center Zoning Commission
Proposal: Mailboxes
Processor: Stephen Knittel

Proposal: To amend the Northfield Center Township Zoning Resolution Chapter 130 Definitions – Chapter 230 General Provisions: To add a definition and regulations regarding Mailboxes.

Proposed Text Amendments:

Add to Chapter 130 “Definitions” a new definition:

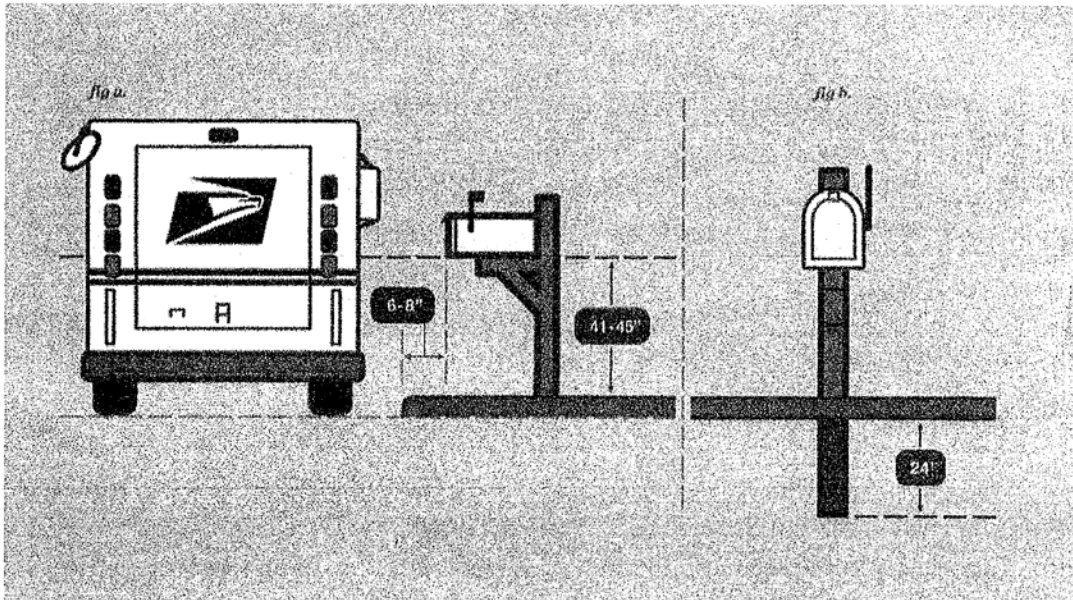
Mail Box: a private box into which mail is delivered, especially one mounted on a post at the entrance to a person’s property.

Add the following proposed text to Chapter 230 “General Provisions”, a new Section 23.018 to read:

230.18 Installation of Mail Box and Post at Curbside:

- a. Refer to www.usps.com/manage/mailboxes/html.

Also add illustration to 230.18:



Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.