



**Summit County Planning Commission (SCPC)**

Thursday, September 19, 2024 - 3:00 p.m.

County of Summit, County Council Chambers

175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio

**Meeting Agenda**

- |    |   |                             |
|----|---|-----------------------------|
| A. | Call to Order                                 | <b>Chair Allen Mavrides</b> |
| B. | Roll Call                                     | <b>Dennis Tubbs</b>         |
| C. | Approval of the August 22, 2024, SCPC Minutes | <b>Chair Allen Mavrides</b> |
| D. | Business Items                                | <b>Stephen Knittel</b>      |

**New Business**

1. **Kingdom Preserve Variance Request – Springfield Township** – Requesting a variance from section 1108.07 section f Geometric Design for Subdivision – Each intersecting road shall have a tangent distance of at least 100 feet for local roads or a curve with a minimum 1400 foot radius. The applicant is requesting a variance to allow no vertical tangent distance at the road intersection.
2. **Kingdom Preserve Preliminary Plan – Springfield Township** – Proposing 36 units on a proposed public cul-de-sac off of Killian Road. 28 units in the current phase.
3. **Conditional Use in SRB District – Text Amendment – Boston Township** – Proposing to amend 702A to delete “Vehicle Wash” from the list of conditional uses in SRB District.
4. **Zoning Permit – Text Amendment – Boston Township** – Proposing to amend 902.05 to allow permitting one time 6 month extension of a previously approved zoning permit.
5. **Home Occupations – Text Amendment – Boston Township** – Proposing to amend Chapter 2 Definitions, Chapters 501, 502, 601, 602, 701 and 702 Use Lists in each district, Chapter 512 to adopt the standards applicable to all home occupations, Chapter 802 Conditional Use standards to only apply to Type III in the BC district, and to delete existing 802b5 as it repeats text of existing 406.04 to clarify and update Home Occupation regulations.
6. **Fences – Text Amendment – Boston Township** – Proposing to amend Chapter 2 Definitions, Chapter 4 General Provisions, Chapter 5 Residential District Regulations, Chapter 6 Village Residential District Regulations, Chapter 7 Fences in Commercial Districts and Chapter 7A Fences in Seasons Road Business District, to clarify and update Fence regulations throughout.
7. **Chapter 4 General Provisions – Text Amendment – Boston Township** – Proposing to relocate all provisions of Chapter 4 to other chapters of the zoning resolution and to delete Chapter 4.

**Old Business**

8. **None**

- |    |                                  |  |
|----|----------------------------------|--|
| E. | Report from Assistant Director   | <b>Assistant Director Dennis Tubbs</b> |
| F. | Comments from Public             | <b>Chair Allen Mavrides</b>            |
| G. | Comments from Commission Members | <b>Chair Allen Mavrides</b>            |
| H. | Other                            |  |
|    | 1. Legal Update                  | <b>Attorney Marvin Evans</b>           |
| I. | Adjournment                      | <b>Chair Allen Mavrides</b>            |



**Summit County Planning Commission (SCPC)**  
 Thursday, August 22, 2024 - 3:00 p.m.  
 County of Summit, County Council Chambers  
 175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Minutes**

A. Call to Order **Chair Allen Mavrides**  
*Chair Allen Mavrides* called to order the *Thursday, August 22<sup>nd</sup>, 2024 - SCPC* monthly meeting at 3:01 p.m.

B. Roll Call **Dennis Tubbs**

SCPC Member	Present
Dickinson, Erin	
Wiedie- Higham, Christine	X
Jones-Capers, Halle	
Kline, David	
Mavrides, Allen	X
Reville, Rich	X
Segedy, Jason	
Snell, Jeff	X
Stoiber, Dennis	X
Terry, Robert	X
Whited, David	X

Reported by *Dennis Tubbs*, we have a quorum for SCPC meeting Thursday, August 22<sup>nd</sup>, 2024 – SCPC monthly meeting at 3:01 p.m.

Assistant Director Dennis Tubbs introduced our new member Mr. David Whited to the SCPC council, he was appointed at the previous months meeting.

*David Whited* is a 40-year resident of Summit County and a former Director of Planning for Summit Natural Parks. He has spent most of his life in public service and felt this was a great time to continue this.

Welcome!

C. Approval of the July 25, 2024, SCPC Minutes

**Chair Allen Mavrides**

*Chair Allen Mavrides* made a motion to the members for approval of the Thursday, July 25<sup>th</sup>, 2024, Summit County Planning Commission Meeting minutes as submitted.

D.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Dickinson, Erin					
Wiedie- Higham, Christine					X
Jones-Capers, Halle					
Kline, David					
Mavrides, Allen			X		
Reville, Rich		X	X		
Segedy, Jason					
Snell, Jeff					
Stoiber, Dennis	X		X		
Terry, Robert			X		
Whited, David					X

**Motion**

*Dennis Stoiber* made a motion to *approve* the **SCPC Meeting Minutes for Thursday, July 25<sup>th</sup>, 2024, as presented** and it was seconded by *Rich Reville*, ***all in favor, aye, oppose\_0\_***, **SCPC Meeting Minutes for Thursday, July 25<sup>th</sup>, 2024**, was *approved* with 1 abstentions (*Christine Wiedie-Higham and David Whited*).

E. Business Items

**Stephen Knittel**

*Stephen Knittel* reported that Items 1a and 1b have been withdrawn as the applicant is pursuing a different direction than previously.

**New Business**

- 1a - Replat of Marks Subdivision – Copley Township – Parcel 1505903** – The applicant would like to Replat Marks Subdivision to remove a reservation strip at the end of Dexter Road to allow for driveway access.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David					
Mavrides, Allen					
Reville, Rich					



Segedy, Jason					
Snell, Jeff					
Stoiber, Dennis					
Terry, Robert					
Whited, David					

**Motion**

\_\_\_\_\_ made a motion to \_\_\_\_\_ the **Item #1a - Replat of Marks Subdivision – Copley Township – Parcel 1505903** and it was seconded by \_\_\_\_\_, *all in favor*, \_\_\_\_\_, *oppose* \_\_\_\_, **Item #1a - Replat of Marks Subdivision – Copley Township – Parcel 1505903**, was \_\_\_\_\_ with \_\_ abstentions. **\*\*ITEM REMOVED AT APPLICANT’S REQUEST\*\***

**1b - Preliminary Plan for Dexter Road Cul-De-Sac – Parcel 1505903** – The applicant requests that if the Replat to remove the reservation strip is refused, that this plan to extend Dexter to a proposed Cul-De-Sac on parcel 1505903 be considered so that from the proposed cul-de-sac a driveway may extend.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David					
Mavrides, Allen					
Reville, Rich					
Segedy, Jason					
Snell, Jeff					
Stoiber, Dennis					
Terry, Robert					
Whited, David					

**Motion**

\_\_\_\_\_ made a motion to \_\_\_\_\_ the **Item #1b - Preliminary Plan for Dexter Road Cul-De-Sac – Parcel 1505903** and it was seconded by \_\_\_\_\_, *all in favor*, \_\_\_\_\_, *oppose* \_\_\_\_, **Item #1b - Preliminary Plan for Dexter Road Cul-De-Sac – Parcel 1505903**, was \_\_\_\_\_ with \_\_ abstentions. **\*\*ITEM REMOVED AT APPLICANT’S REQUEST\*\***

- Zoning Map Amendment – Copley Township – Parcel 1508672**, 804 White Pond Drive, would like to rezone from Open Space Conservation (O-C) to Commercial Neighborhood Retail (C-NR).

*Reported by Stephen Knittel:*

Stephen Knittel reported that the applicant is requesting a zoning map amendment at 804 White Pond Drive, Copley Township. The applicant is requesting to rezone from open space conservation to commercial neighborhood retail.

*Staff recommendation is to approve the rezoning with due consideration of doing a split of zoned along the parcel so that the back part of the parcel with remain open space conservation and the front part of the parcel along White Pond Drive will be the commercial neighborhood real estate.*

The site they are adjacent to commercial neighborhood retail parcels, the commercial neighborhood retails the use of it is to accommodate individual and on relatively smaller lots of 2 acres or less, in residential districts. The parcel in question the total of it is 10.8 acres roughly, which is why the split zoning is being recommended. It makes sense to staff.

The future land use plan calls for commercial office retail in this area. Speaking with Copley Township similar use to the commercial office retail, the commercial neighborhood retail has similar intensity and would kind of flow with that intension. Especially, as we have seen in the recent years the demand for office space has diminished, especially where we thought the future land use plan was written.

*Questions/Comments from the members:*

*Rich Reville* asked is this one (1) parcel 804 White Pond with properties going to the south is it still going to stay open as open space conservation. (*referring to mapping of parcel*)

*Mr. Knittel* responded, yes, the property to the south of 804 White Pond it is still zoned open space conservation.

(*Referred to applicant: The small parcel is not owned by the applicant it is owned by the JCC where the signage is.*)

*Knittel* explained that right below the UPD 21 Akron that's in yellow, there is a little parcel of open space that belongs to the property to the north the JCC.

*David Whited* asked is the split zoning is there any requirement for connection or easement to a road for adjacent properties to assume access through the first property?

*Knittel* answered the split zoning would not split the property or parcel at all, it intentionally would be zoned for use of this section or that section back here. It would be a buffer per se in this regard.

*Allen Mavrides* address *Mr. Knittel*, if you had to draw a line on this parcel where would you draw it for the piece you are proposing?

*Knittel* answered at the tree line would be his thought, possibly.

*Applicant:*

Steve and Jen Boyd

*S&J Boyd Properties LLC*

804 White Pond Drive

Copley, OH 44320

330-715-9649

*Steve Boyd* stated they started this project nearly 2 years ago they bought an old farmhouse that was existing on the property from the 1840 and they had stated renovating and had plans to keep the original chicken coop and wanted to create a venue of much smaller scale than what they ended up tearing down and building when they found that the chicken coop was not structurally sound. So, the way it started it was 99 occupants: 40 events per year. Once they progressed into the 2<sup>nd</sup> year and designed a building and started

building the building, they started to receive feedback from the township and different organizations, they thought this could possibly be a little bit bogger than just 40 events per year and 99 guests per event. They talked to Shana at Copley and asked what they needed to do to be able to host 125 to 150 guest per year, they received feedback from Akron U, JCC, Akron Art Museum, The Ballroom Society, etc. wanting to host at their venue. They never anticipated it to grow like this. The community and the Chamber are very supportive as they stated there was nothing like that there and are interested in utilizing the venue, but the size is not accommodating. When they built it they had to do everything commercial, it kind of roller-coastered into this and they are now requesting change to this property.

*Dennis Stoiber* asked what did you find out from the township was the problem of the current zoning? Or what you planned to do did not fit into the current zoning?

*Jen Boyd* responded the conditional uses is 99 guests 40 events, its that straight forward. And that is the reason that they want to go commercial so that they may have more people and hold more events. It's that simple. They are not changing anything they are not changing the vision.

*Steve Boyd* added when they were approached with the split zoning, they did not know what it was at the time, but they want to preserve the back 2/3rds its all-wooded area and the park system is backing up to their property at least they know its protected. They are just asking for the property to the road only.

*Representation for the Township:*

Shawna Gfroerer

*Zoning Inspector, Copley Township*

1540 S. Cleveland-Massillon Road

Copley, Ohio 44321-1908

*Shawna Gfroerer* this has been quite a project in process for the Boyd's. About 2 years ago they came in front of Copley Township, this property has been family ownership for about 100 years an old farmhouse, chicken coop the original structure is still there. They were selling, and the Boyd's were interested in using this property for this idea of an event center. They began working with the Boyd's, Copley Township does have a conditional permitted use in the residential open space conservation district for event centers and those event centers are given conditional rights by the amount of acres that they have.

10 acres or less up to 99 persons

20 acres = 200 persons

30 acres = 300 persons

So, with the events it is written in the conditional use certificate as well maximum of 40 events per calendar year. The time periods they can operated hours of operation are very similar to the Summit County noise ordinance so those match up and align as well. Their conditional use was originally permitted about 2 years ago and at that time they were working through the restrictions with the building department and other county agencies. They were required to first to connect this project to centralized services that is apart of conditional use because they are on septic and well which they became apart of the JEDD. Which they were successful at completing. Their original building after inspected was found not structurally sound so they had to demo the building.

*Dennis Stoiber* commented it seems like a good solution you are retaining the conservation portion and enabling the build facilities they have what is needed. All we seem to be saying is that you can have more events and more people.

County Engineer's Office:  
Joe Paradise  
County Engineers Office

Joe Paradise stated that he hates to lose conserved areas, open spaces, on one hand it says no the other understands what is going on. They are more concerned primarily about traffic and storm water. How are they going to handle and maintain storm water out there. White Pond is low land/wet land. Whether you need detention ponds or underground storage as there is no place to drain it to. He addressed the applicants to have their engineer contact Tim Boley as soon as they can before they design a lot of infrastructure. Its easier to change now or in the future.

Steve and Jen Boyd responded that they have a storm water draining system on property.

Mr. Paradise asked, is it a draining system or retention system?

Steve and Jen Boyd responded it's a retaining system.

Mr. Paradise asked to see they calculations for it.

Steve and Jen Boyd responded it has all been submitted to Tim Boley and has been approved.

Steve and Jen Boyd responded that they are doing the TIS it is with the Traffic Engineer, and he has been speaking to Tim Boley and they do not think it is going to be a problem right now due to when they are conducting business most businesses are already closed, and the traffic is light. But they did hire a Traffic Engineer.

Allen Mavrides commented looking at the maps, does the property go to the center of the street? Is there something that the County would want taken care of?

Joe Paradise responded the road was just resurfaced so there should not be anything wrong.

Mr. Mavrides final comment was that the new zoning line will need to be surveyed.

Summit Soil and Water: Not in attendance.

Questions from the Public: No one from public wished to speak in this item.

Discussion from the members: No further comments from the SCPC members

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Dickinson, Erin					
Wiedie- Higham, Christine			X		
Jones-Capers, Halle					
Kline, David					
Mavrides, Allen			X		

Reville, Rich			X		
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
Whited, David		X	X		

**Motion**

*Dennis Stoiber* made a motion to *approve* the **Zoning Map Amendment – Copley Township – Parcel 1508672 with due consideration to staff and SCPC member comments** and it was seconded by *David Whited, all in favor, aye, oppose\_0\_, Zoning Map Amendment – Copley Township – Parcel 1508672, was approved with \_0\_ abstentions.*

**Old Business**

3. **None**

E. Report from Assistant Director

**Assistant Director Dennis Tubbs**

*Assistant Director Dennis Tubbs* reported the 2<sup>nd</sup> General Plan Steering committee meeting on Tuesday, August 27<sup>th</sup>. The agenda was sent over to the committee chair Jason Segedy by James Taylor and I was approved. The review for the Steering committee was to review Chapters 1 & 2 and then they to get through the 10 chapters. We are required to hold public meetings, so we are looking to have a meeting to the north and the south in the upcoming year.

Welcome Department of Development new staff member Donald Harpster.

F. Comments from Public

**Chair Allen Mavrides**

No one from public wished to speak.

G. Comments from Commission Members

**Chair Allen Mavrides**

Check out site:

**Swimply at <https://swimply.com/>**

Rent private pools, courts, backyards, and more by the hour.

H. Other

1. Legal Update

**Attorney Marvin Evans**

No report from Legal.

I. Adjournment

**Chair Allen Mavrides**

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Dickinson, Erin					
Wiedie- Higham, Christine			X		

Jones-Capers, Halle					
Kline, David					
Mavrides, Allen			X		
Reville, Rich		X	X		
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert			X		
Whited, David			X		

**Motion**

*Dennis Stoiber* made a motion to *adjourn* the **SCPC meeting held Thursday, August 22<sup>nd</sup>, 2024**, and it was seconded by *Rich Reville*, ***all in favor, aye***, the **SCPC meeting held Thursday, August 22<sup>nd</sup>, 2024**, the motion was *adjourned* with   0   abstentions at 3:40 p.m.

*Good, better, best. Never let it rest. 'Til your good is better and your better is best.*

*-Robert Terry*

*8/22/2024*

*These minutes were recorded, prepared, and represent the writer's best recollection of the items discussed by:*

*Tazena Long, Executive Assistant*

*Department of Community and Economic Development*

*Tuesday, September 3rd, 2024 @ 5:39 p.m.*



Planning Commission  
 Variance Request  
**Kingdom Preserve**  
 Springfield Township

## EXECUTIVE SUMMARY

Located in Springfield Township off of Killian Road, east of the intersection with Pickle Rd. Applicant requests variance from section 1108.07 section f Geometric Design for Subdivision – Each intersecting road shall have a tangent distance of at least 100 feet for local roads or a curve with a minimum 1400 foot radius. The variance request is to reduce the requirement from 100ft to 89ft, an 11ft variance.

Staff recommends the SCPC **APPROVE** this Variance Request

<b>Item No.:</b> 1	<b>Lots:</b> 36 Units
<b>Meeting:</b> September 19, 2024	<b>Streets:</b> 50' R/W
<b>Developer:</b> Rick Kiphen	<b>Utilities:</b> DSSS & Akron Water
<b>Parcel No.:</b> 5110230	<b>Council District:</b> District 8
<b>Area:</b> 21.2632 Acres	<b>Processor:</b> Stephen Knittel

**From Applicant:**

“From centerline of Killian Road to the start of the curve on the new road is 108.35 feet.

From existing edge of pavement of Killian Road to the start of the curve on the new road is 89.07 feet.”

**Site Conditions:** County GIS shows Riparian and wetlands along the southern portion of the parcel.

<b>Zoning:</b> The Zoning of the site is O-C (Open Space Conservation) and R-2 (Residential)			
Direction	Zoning	Land Use	Municipality
North	O-R	Residential	Springfield Township
East	R-2	Residential	Springfield Township
South	O-C & R-2	Residential	Springfield Township
West	O-c & R-2	Church	Springfield Township

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**Proposal:** Applicant requests a variance from section 1108.07 section f Geometric Design for Subdivision – Each intersecting road shall have a tangent distance of at least 100 feet for local roads or a curve with a minimum 1400 foot radius. The applicant is requesting a variance to allow no vertical tangent distance at the road intersection.

The following narratives were submitted in response to the questions posed in the variance application. Staff comments are ***bold and italicized***.

- i. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If, so please explain.

Yes. There are several topographic limitations that restrict the use to this parcel. 1. Riparian setbacks off Tuscarawas River. 2. Wetland setbacks. 3. 100 year floodplain restrictions. And 4. Sewer easements. The proposed subdivision has been specifically designed to meet all setbacks and other restrictions within these various constraints. The 21.26 acres only currently has 6.72 acres of land that is residential developable.

***There are exceptional topographic or other physical conditions peculiar to this parcel including a river in the southern portion that has riparian setbacks as well as wetlands and 100 year floodplain.***

- ii. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set forth in subparagraph (i.) herein?

If the 100 foot vertical tangent distance off the intersection was enforced, the straightening of the road prior to curve would result in approximately 10-12 condos no longer fitting within the various other setback requirements.

***The layout of lots would change, resulting in loss of potential lots.***

- iii. Did the special conditions specified in subparagraph (i.) result from previous actions by the applicant? Please explain.

Yes, we have modified the plans several times to ensure all limitation of the land complied with the township requirements, including all storm management being outside of require setbacks.

***No, the developer did not cause any of the existing environmental constraints on the property.***

- iv. Explain whether the variance requested is substantial.

The variance is substantial because enforcing Section f of Rule 1108.07 would dramatically alter the proposed road design and eliminate approximately 1/3 of all condos that we are seeking to develop. Such reduction in condos will make the



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development unfeasible to continue forward based on fixed costs of the road with available total building lots.

***The variance request is to reduce the requirement from 100ft to 89ft, an 11ft variance.***

- v. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

There would be no detriment to adjoining properties as the land largely backs up to wetlands and undisturbed land. Of the 21.26 acres only 6.72 acres is being developed and much of the land will be left as forestry and preserved – hence the name behind “Kingdom Preserve”. Adjacent properties are Marantha Bible Church which would be several hundred feet away from any residential condos. The development will not affect any other neighborhoods.

***The essential character of the neighborhood would not change with the granting of the variance nor would adjoining properties suffer substantial detriment.***

- vi. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

No. The road is a small no outlet road with open space for emergency vehicles to navigate as needed.

***This variance would not adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land.***

- vii. Explain whether the Subdivision Regulation was in effect at the time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

The regulation was in effect at time of purchase. We did not have knowledge of the regulation as a similar development was proposed by GPD Engineers for a previous builder and their development did not include a 100 foot vertical tangent off the intersection either – likely due to the same restrictions and limited developable space that we are dealing with.

***The regulation was in effect. The applicant did not have knowledge.***

- viii. Explain whether the applicant’s predicament can be feasibly solved through some method other than a variance.

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There are no other known alternatives to solve the 100 foot vertical tangent regulation without substantially altering the development and making it unfeasible to move forward with.

***The change of site design to meet the tangent distance required could result in loss of potential buildable lots.***

- ix. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

We are planning to develop high quality, affordable single family housing for Springfield Township and Summit County – affordable housing new construction has been a challenging objective due to high building and development costs. The public will enjoy the small intimate development filled with trees and private views with nearly 66% being preserved undisturbed land.

- x. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

We have carefully designed the plan to meet all other subdivision regulations, including road curvature and all setbacks. Due to the small size of the development and the site/property existing conditions (shape, wetlands, riparian setbacks from the river) we have made extensive efforts to develop a thoughtful plan that has made all intentions of meeting subdivision regulations.

***The spirit and intent of the following purposes and objectives of the Regulations as listed in § 1101.02:***

- (a) The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.  
***The variance request is to reduce the requirement from 100ft to 89ft, an 11ft variance.***
- (b) Adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population.  
***This variance would not adversely affect the adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population.***
- (c) The orderly, efficient, and appropriate development of land.  
***This would not impact the orderly, efficient and appropriate development of land.***
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.  
***This would not impact the orderly and efficient provision of community***

- 
- facilities.*
- (e) Safe and convenient vehicular and pedestrian movement.  
*The variance request is to reduce the requirement from 100ft to 89ft, an 11ft variance.*
  - (f) The promotion of public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.  
*This variance request would not impact public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.*
  - (g) The accurate surveying of land, preparing and recording of plats.  
*This would not impact the accurate surveying of land, preparing and recording of plats.*
  - (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.
- xi. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

We developed the plan with the straightest road curvature possible while staying within other setback requirements. There is no additional space that we could extend the vertical component of the road without placing condos within the riparian or wetland setbacks.

*There are exceptional topographic or other physical conditions peculiar to this parcel including a river in the southern portion that has riparian setbacks as well as wetlands and 100 year floodplain. The change of site design to meet the tangent distance required could result in loss of potential buildable lots.*

**Staff Comments:** There are exceptional topographic or other physical conditions peculiar to this parcel including a river in the southern portion that has riparian setbacks as well as wetlands and 100 year floodplain.

We received further clarification that the variance request is to reduce the requirement from 100ft to 89ft, an 11ft variance.

**Staff recommends** the SCPC **APPROVE** this Variance Request



*Planning Commission*  
 Preliminary Plan  
**Kingdom Preserve**  
 Springfield Township

## EXECUTIVE SUMMARY

Located in Springfield Township off of Killian Road, east of the intersection with Pickle Rd. Applicant proposes 36 Units (28 Units in phase 1 and the remainder for future development pending a 100 year flood plain map amendment) and a permanent cul-de-sac.

Staff recommends the SCPC this Preliminary Plan.

<b>Item No.:</b> 2	<b>Lots:</b> 36 Units
<b>Meeting:</b> September 19, 2024	<b>Streets:</b> 50' R/W
<b>Developer:</b> Rick Kiphen	<b>Utilities:</b> DSSS & Akron Water
<b>Parcel No.:</b> 5110230	<b>Council District:</b> District 8
<b>Zoning:</b> O-C & R-2	
<b>Area:</b> 21.2632 Acres	<b>Processor:</b> Stephen Knittel

### Plan History:

- There was a Concept Plan Meeting held on June 2, 2023.
- There was a site visit on November 16, 2023.

**Site Conditions:** County GIS shows Riparian and wetlands along the southern portion of the parcel.

<b>Zoning:</b> The Zoning of the site is O-C (Open Space Conservation) and R-2 (Residential)			
Direction	Zoning	Land Use	Municipality
North	O-R	Residential	Springfield Township
East	R-2	Residential	Springfield Township
South	O-C & R-2	Residential	Springfield Township
West	O-c & R-2	Church	Springfield Township

**Proposal:** Applicant proposes 36 Units and a permanent cul-de-sac.

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**Agency Comments:** *Italicized text indicates quotations from submitted agency comments.*

**SCE:** Andy Dunchuck, 09/12/2024: *Our office has reviewed the above referenced and attached Preliminary Plan and has the following comments. If you have any questions regarding this matter, please contact our office.*

**Review Comments**

1. *All Stormwater Management for the site must follow the SCE Stormwater Drainage Manual, Current Edition (Revised 1/1/20). All SWM Facilities must be located outside of the Wetland and Riparian Setbacks and the 100-Year Flood Plain. In addition, the outlet pipe for the proposed SWM Basin must have an adequate outlet.*
2. *A 100-Year Overland Flow Path across the site to the SWM Facility is required. When the flow path is located outside of the Access and Utility Easement/R/W, it must be centered in a minimum 30' wide SWM Easement.*
3. *Review Fees to comply with Summit County Ordinance 943 must be submitted. The non-refundable application fee is \$250 and ½ the estimated review fee is \$2,900.00, for a total amount of \$3,150.00. The check should be made payable to: Summit County Engineer, 538 East South Street, Akron, Ohio 44311.*
4. *A Traffic Impact Questionnaire for the project must be completed to determine if additional Studies are warranted.*
5. *Since the proposed road will be servicing 28 Units and potentially 36 Units, the road is classified as a Residential Medium Traffic Road which requires a minimum 26' Wide Pavement (Curb and Gutter) or 24' (Open Ditch).*
6. *Kingdom Way, where it intersects Killian Road, has a tangent distance of approximately 89'...100' is required. A variance from Subdivision Regulation 1108.07 (f) will need to be obtained.*
7. *All Catch/Inlet Basins, Storm Manholes, Headwalls, Monument Boxes, Curb and Gutter, etc... utilized on this project must follow Current ODOT Standard Construction Drawings.*
8. *The Proposed Sidewalk must be a minimum of 5' in width and ADA Compliant Curb Ramps must be provided.*
9. *An additional 10' of R/W or permanent Highway Easement along the frontage of the South side of Killian Road shall be dedicated to Summit County for future road improvement purposes.*
10. *Provide a Wetland Delineation for the Project.*

---

11. *All Proposed Utilities must be located outside of the pavement.*

12. *A Road Opening Permit will be required for the proposed work within the R/W of Killian Road.*

**Staff Comments:**

1. Land parcels within the Subdivision not to be divided into lots shall be shown as blocks and labeled by consecutive letters and proposed use, and any limitations of use.
2. Common areas reserved or dedicated for open space, parks, playgrounds, water and sewage treatment sites, storm water retention or detention sites, fire ponds or other public uses. For sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a description of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan.
3. Kingdom Way, where it intersects Killian Road, has a tangent distance of approximately 89'...100' is required. A variance from Subdivision Regulation 1108.07 (f) will need to be obtained.
4. Soils in the Subdivision shall be identified.
5. Provide a Wetland Delineation for the Project.
6. A tabulation of the total Subdivision data including:
  - a. Area in lots (in acres).
  - b. Area in roads (in acres).
  - c. Areas in Open Spaces, Common Areas, recreation areas, water, and sewage treatment sites, and any other public or private sites (in acres).
  - d. Total area in the Subdivision (in acres).
  - e. Total length of roads (lineal feet).
  - f. Total number of lots.
  - g. If two family dwelling units or multiple family dwelling units are proposed, a statement regarding the number of buildings and dwelling units contained therein for each proposed lot and the total number of buildings and dwelling units for the entire Subdivision.

**Recommendation:** It is Staff's recommendation that the SCPC this Preliminary Plan.



NO	DATE	REVISION CENTERLINE	BY	DESCRIPTION
1	8/10/24		JRL	

PRELIMINARY PLAN

HETTLER · LARGENT  
Civil & Construction Consultants



1225 North Main Street | Suite A | North Canton, OH 44720  
PH: (330) 966-1776 | MOBILE: (330) 986-2521  
rlargent@hettlerlargent.com | www.hettlerlargent.com

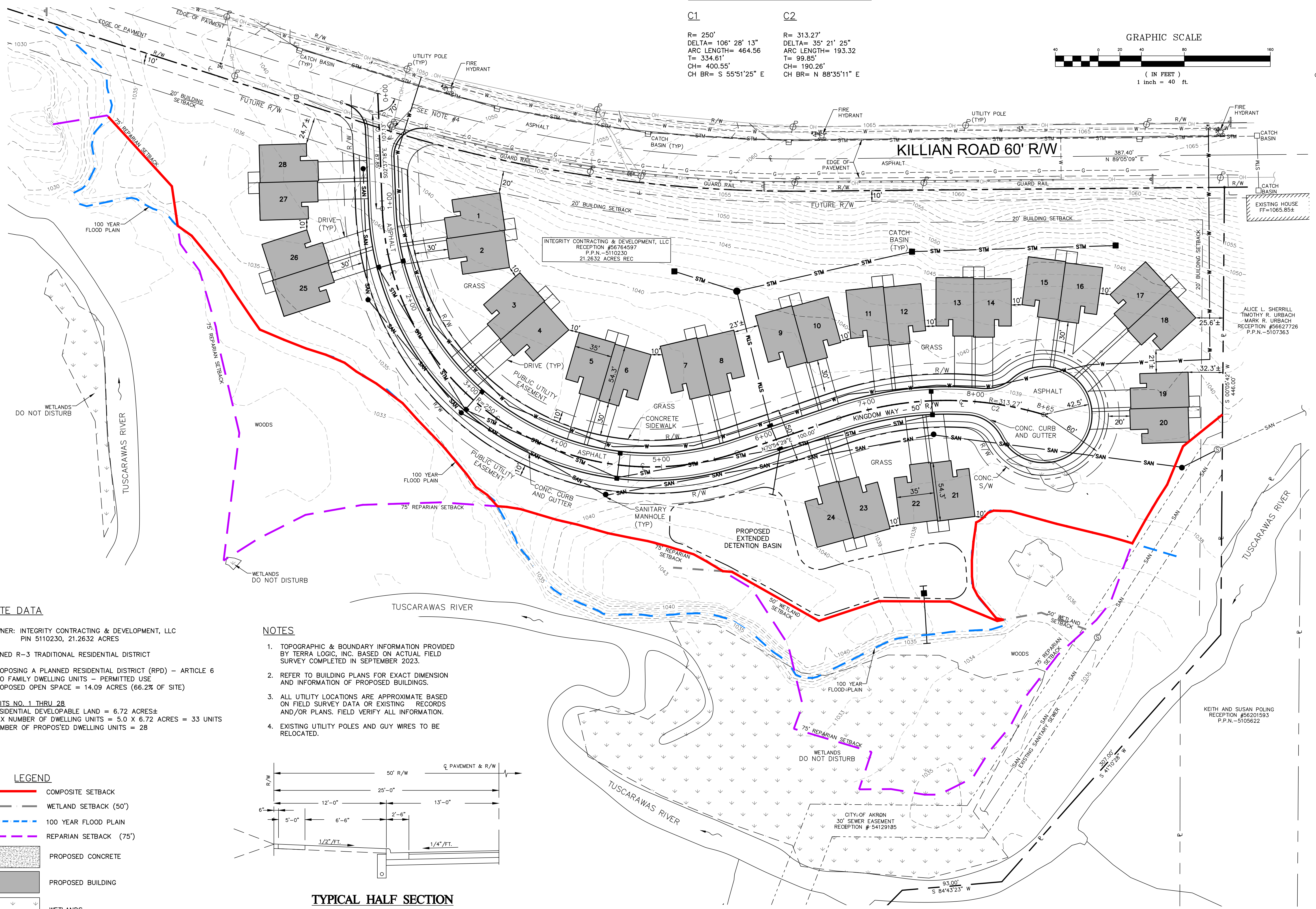
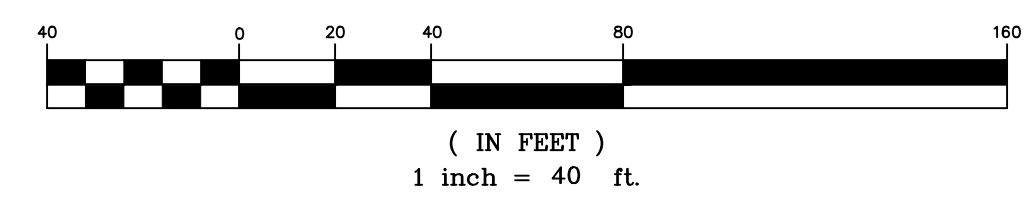
KINGDOM PRESERVE  
PARCEL NO. 5110230  
SPRINGFIELD TOWNSHIP  
SUMMIT COUNTY, OHIO

AUGUST 10, 2024 2:55PM

PROPOSED CENTERLINE CURVE DATA

C1	C2
R= 250'	R= 313.27'
DELTA= 106° 28' 13"	DELTA= 35° 21' 25"
ARC LENGTH= 464.56'	ARC LENGTH= 193.32'
T= 334.61'	T= 99.85'
CH= 400.55'	CH= 190.26'
CH BR= S 55°51'25" E	CH BR= N 88°35'11" E

GRAPHIC SCALE



SITE DATA

OWNER: INTEGRITY CONTRACTING & DEVELOPMENT, LLC  
PIN 5110230, 21.2632 ACRES

ZONED R-3 TRADITIONAL RESIDENTIAL DISTRICT

PROPOSING A PLANNED RESIDENTIAL DISTRICT (RPD) – ARTICLE 6  
TWO FAMILY DWELLING UNITS – PERMITTED USE  
PROPOSED OPEN SPACE = 14.09 ACRES (66.2% OF SITE)

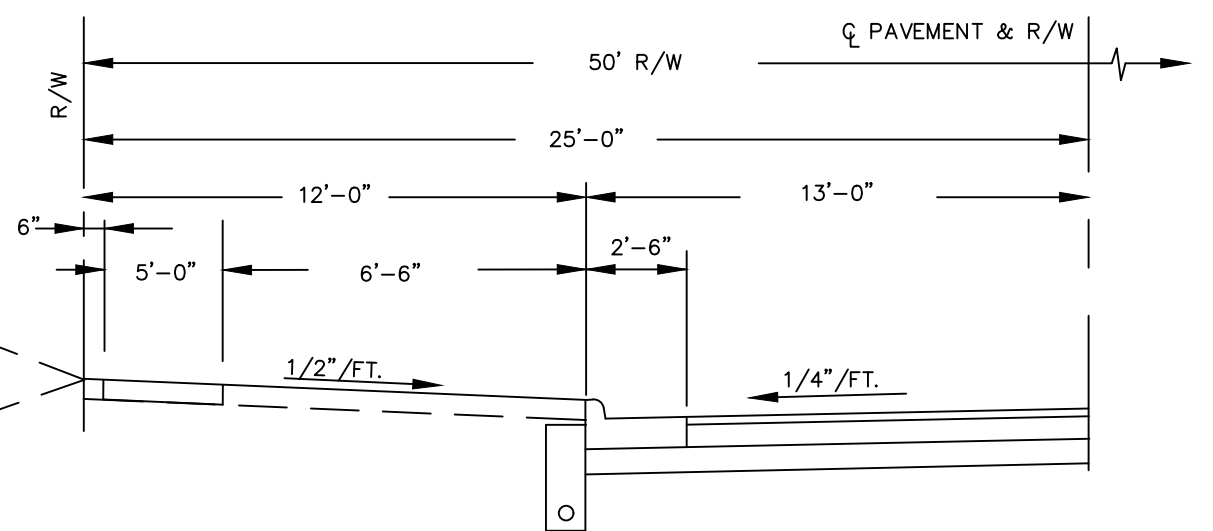
UNITS NO. 1 THRU 28  
RESIDENTIAL DEVELOPABLE LAND = 6.72 ACRES±  
MAX NUMBER OF DWELLING UNITS = 5.0 X 6.72 ACRES = 33 UNITS  
NUMBER OF PROPOSED DWELLING UNITS = 28

NOTES

- TOPOGRAPHIC & BOUNDARY INFORMATION PROVIDED BY TERRA LOGIC, INC. BASED ON ACTUAL FIELD SURVEY COMPLETED IN SEPTEMBER 2023.
- REFER TO BUILDING PLANS FOR EXACT DIMENSION AND INFORMATION OF PROPOSED BUILDINGS.
- ALL UTILITY LOCATIONS ARE APPROXIMATE BASED ON FIELD SURVEY DATA OR EXISTING RECORDS AND/OR PLANS. FIELD VERIFY ALL INFORMATION.
- EXISTING UTILITY POLES AND GUY WIRES TO BE RELOCATED.

**LEGEND**

	COMPOSITE SETBACK
	WETLAND SETBACK (50')
	100 YEAR FLOOD PLAIN
	REPARIAN SETBACK (75')
	PROPOSED CONCRETE
	PROPOSED BUILDING
	WETLANDS

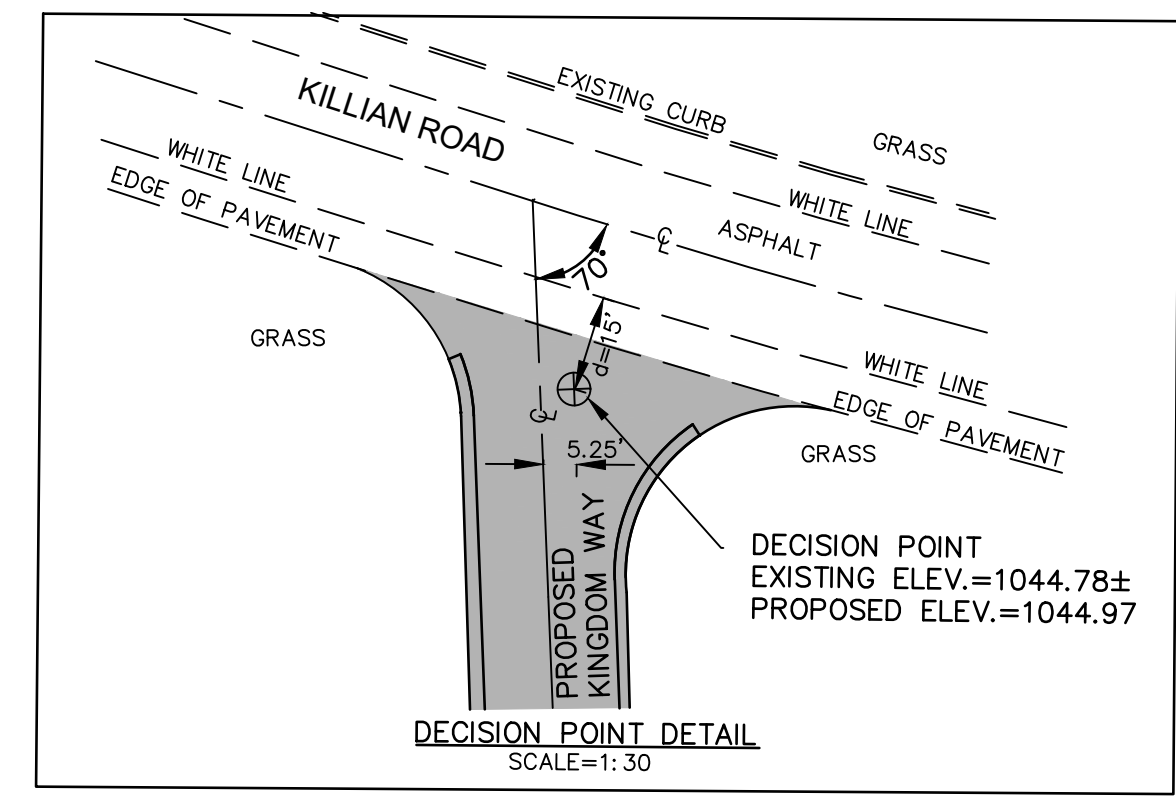


TYPICAL HALF SECTION  
50' RIGHT OF WAY  
SCALE: NONE

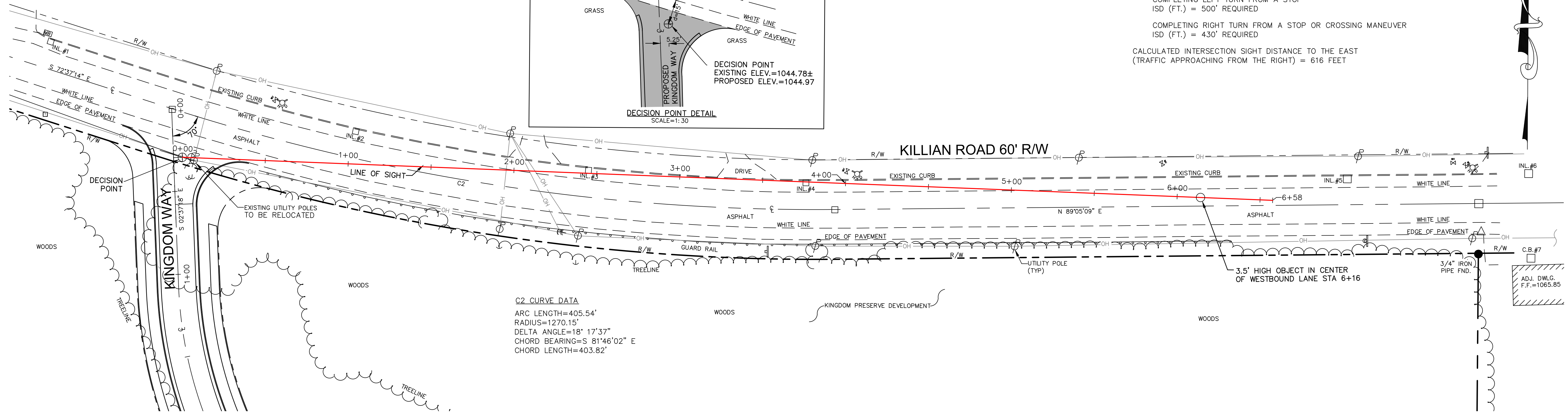
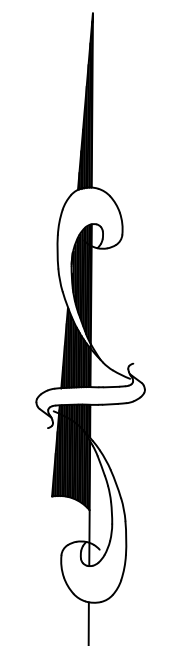
DATE: AUGUST 2024



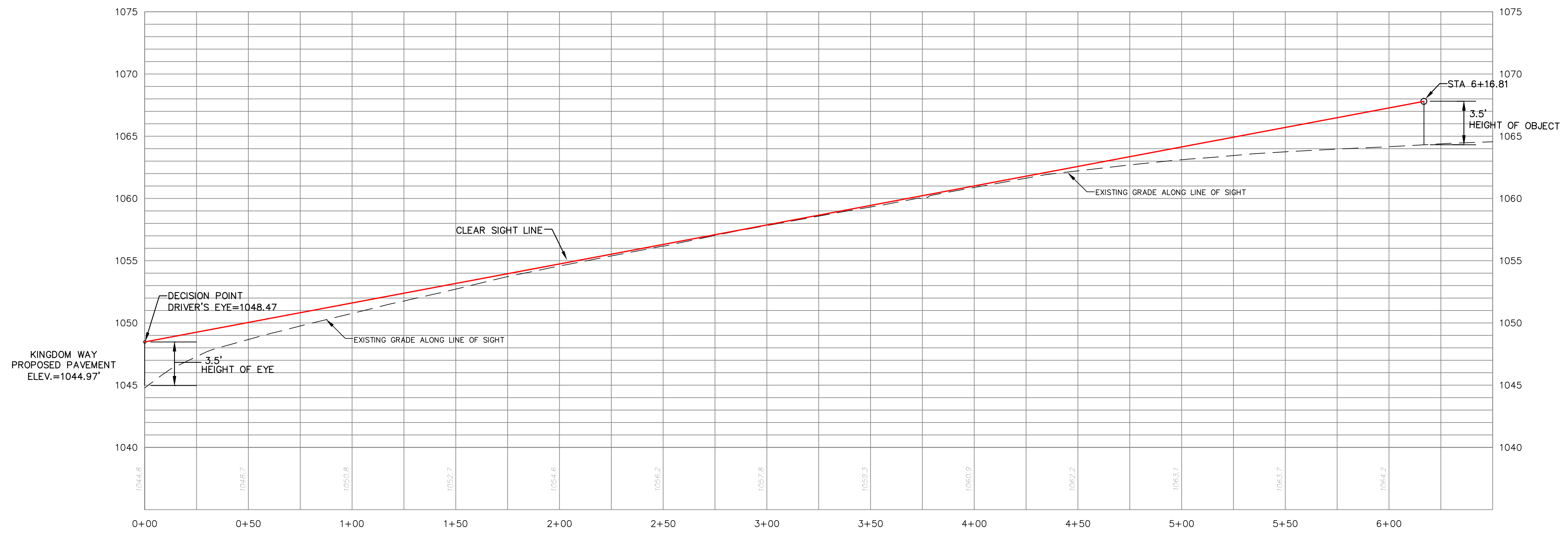
**NOTES**  
 1. TOPOGRAPHIC AND BOUNDARY INFORMATION PROVIDED BY TERRA LOGIC, INC AND IS BASED ON ACTUAL FIELD SURVEY COMPLETED IN APRIL OF 2024.



**INTERSECTION SIGHT DISTANCE**  
 (PER ODOT 201-4, 201-5)  
 CURRENT SPEED LIMIT ON KILLIAN ROAD = 40 MPH  
 (USING A DESIGN SPEED OF 45 MPH FOR ANALYSIS)  
 PER ODOT 201-5:  
 COMPLETING LEFT TURN FROM A STOP  
 ISD (FT.) = 500' REQUIRED  
 COMPLETING RIGHT TURN FROM A STOP OR CROSSING MANEUVER  
 ISD (FT.) = 430' REQUIRED  
 CALCULATED INTERSECTION SIGHT DISTANCE TO THE EAST  
 (TRAFFIC APPROACHING FROM THE RIGHT) = 616 FEET

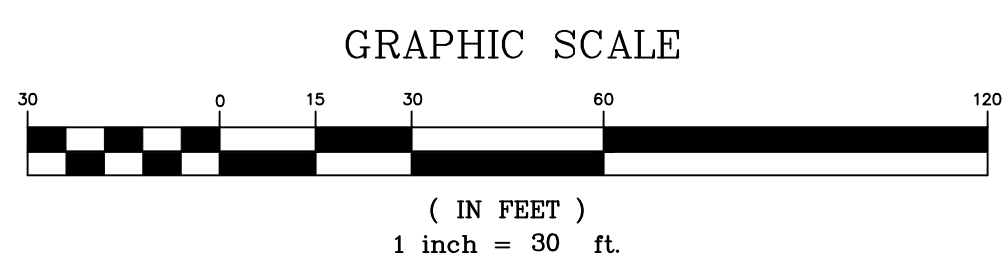


**C2 CURVE DATA**  
 ARC LENGTH=405.54'  
 RADIUS=1270.15'  
 DELTA ANGLE=18° 17'37\"/>



**SIGHT LINE PROFILE  
 KILLIAN ROAD-EAST**

SCALE: H: 1"=30'  
 V: 1"=5'



DATE: AUGUST 2024

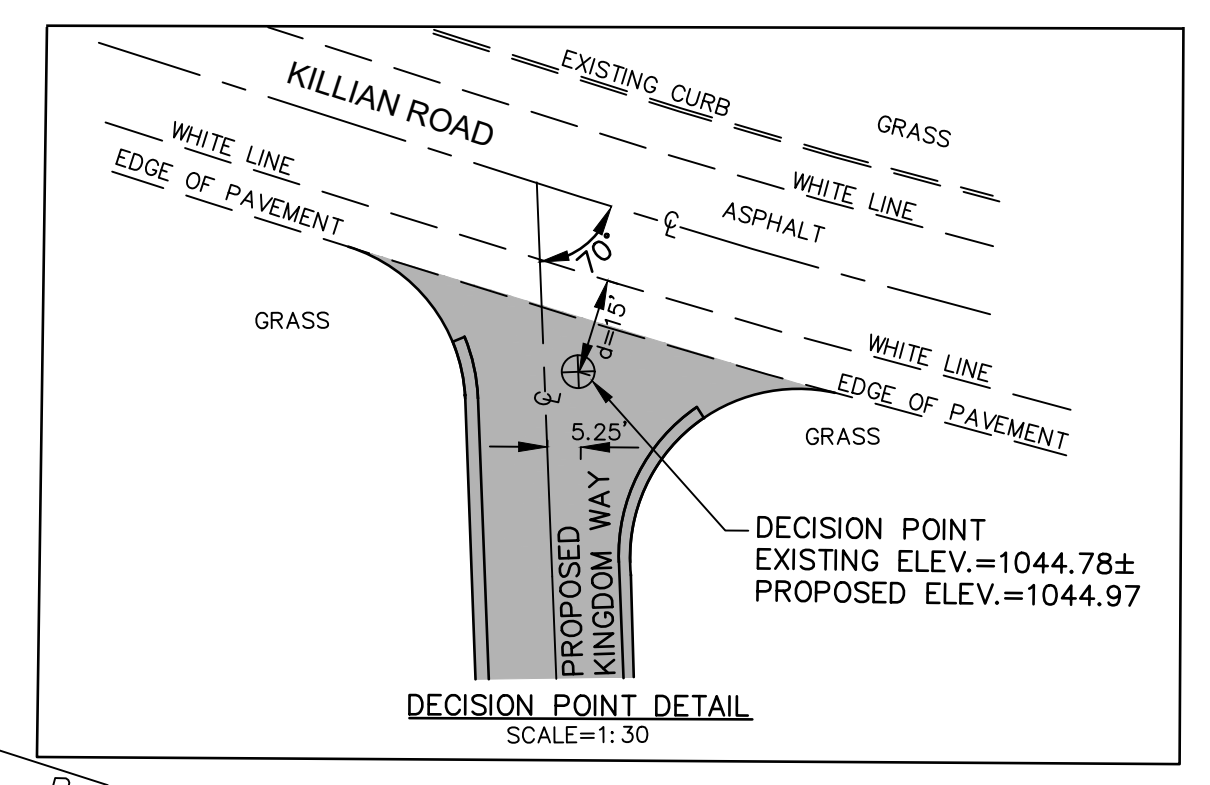
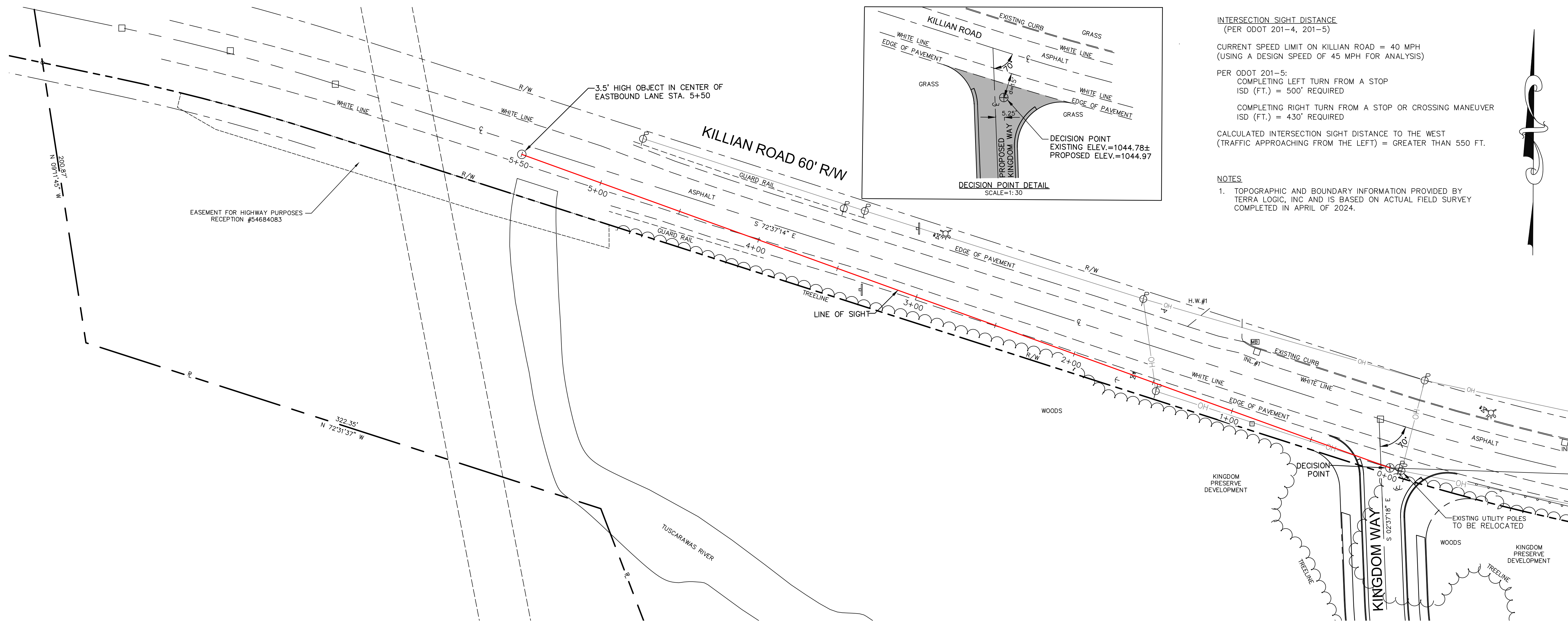
NO	DATE	DESCRIPTION	BY

**INTERSECTION SIGHT DISTANCE  
 PLAN & PROFILE**  
 (TRAFFIC APPROACHING FROM THE RIGHT)

**HETTLER · LARGENT**  
 Civil & Construction Consultants  
 1225 North Main Street | Suite A | North Canton, OH 44720  
 PH: (330) 966-1776 | MOBILE: (330) 388-2521  
 hlargent@hettlerlargent.com | www.hettlerlargent.com

**KINGDOM PRESERVE DEVELOPMENT  
 SPRINGFIELD TOWNSHIP  
 SUMMIT COUNTY, OHIO  
 PARCEL NO. 5110230**





**INTERSECTION SIGHT DISTANCE**  
(PER ODOT 201-4, 201-5)

CURRENT SPEED LIMIT ON KILLIAN ROAD = 40 MPH  
(USING A DESIGN SPEED OF 45 MPH FOR ANALYSIS)

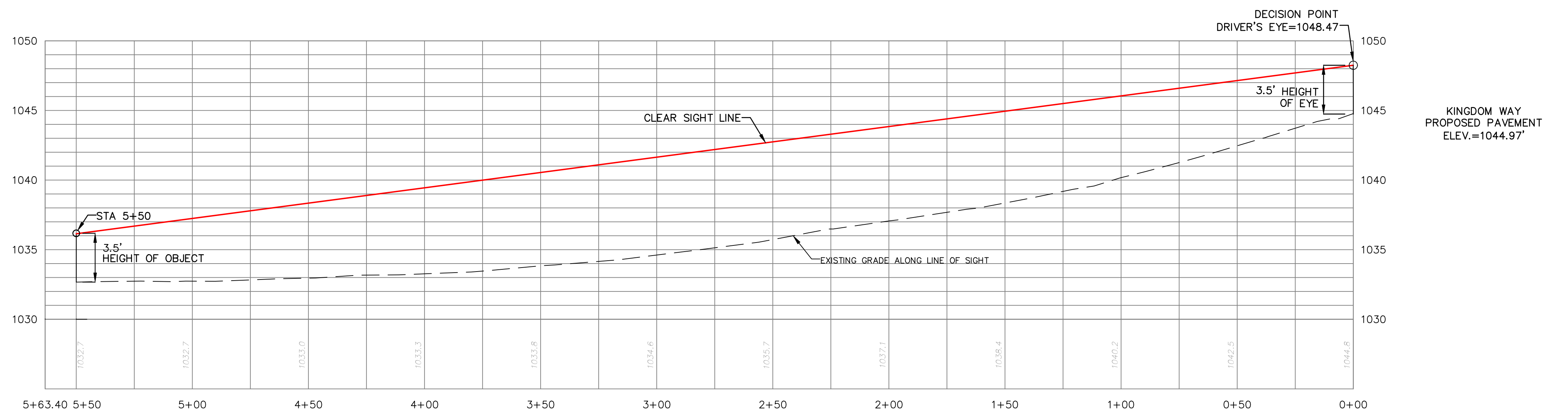
PER ODOT 201-5:  
COMPLETING LEFT TURN FROM A STOP  
ISD (FT.) = 500' REQUIRED

COMPLETING RIGHT TURN FROM A STOP OR CROSSING MANEUVER  
ISD (FT.) = 430' REQUIRED

CALCULATED INTERSECTION SIGHT DISTANCE TO THE WEST  
(TRAFFIC APPROACHING FROM THE LEFT) = GREATER THAN 550 FT.

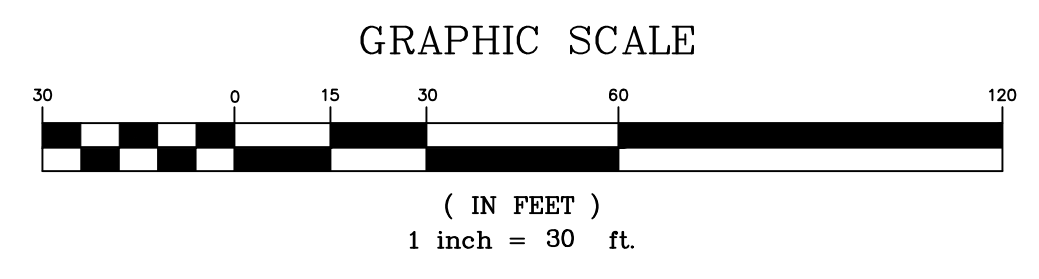
**NOTES**

1. TOPOGRAPHIC AND BOUNDARY INFORMATION PROVIDED BY TERRA LOGIC, INC AND IS BASED ON ACTUAL FIELD SURVEY COMPLETED IN APRIL OF 2024.



**SIGHT LINE PROFILE**  
**KILLIAN ROAD-WEST**

SCALE: H: 1"=30'  
V: 1"=5'



NO	DATE	DESCRIPTION	BY

**INTERSECTION SIGHT DISTANCE**  
**PLAN & PROFILE**  
(TRAFFIC APPROACHING FROM THE LEFT)

**HETTLER · LARGENT**  
Civil & Construction Consultants

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hlargent@hettlerlargenteng.com | www.hettlerlargenteng.com

**KINGDOM PRESERVE DEVELOPMENT**  
**SPRINGFIELD TOWNSHIP**  
**SUMMIT COUNTY, OHIO**  
**PARCEL NO. 5110230**



*Planning Commission*  
Zoning Text Amendment  
**Conditional Use in SRB District**  
Boston Township

---

**Item No.:** 3  
**Meeting:** July 27, 2024  
**Proposal:** **Conditional Use in SRB District**  
**Processor:** Stephen Knittel

---

**Proposal:** - The applicant has proposed to amend 702A to delete "Vehicle Wash" from the list of conditional uses in SRB District.

[Proposed Text Changes Attached]

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

# NORTHSTAR

planning + design

## MEMORANDUM

TO: Boston Township Zoning Commission  
FROM: Mark Majewski  
Northstar Planning & Design LLC  
RE: ZONING TEXT AMENDMENTS TO 702A AND TO 902.05  
FINAL VERSION AS REQUESTED BY COMMISSION  
DATE: 13 August 2024

This memo reflects the Zoning Commission's additional recommendations approved on 13 August 2024 for transmission to the Summit County Planning Commission.

### **DELETE "VEHICLE WASH" FROM CONDITIONAL USE LIST IN SRB DISTRICT**

Remove item 702A h. Vehicle Wash from the list of conditionally permitted uses in the Seasons Road Business District (SRB). Adjust remaining outline as needed.

#### CHAPTER 7A: SEASONS ROAD BUSINESS DISTRICT (SRB)

##### 702A Conditionally Permitted Uses

The following uses may be approved as conditionally permitted uses subject to the provisions of Chapter 8 Conditional Zoning Certificates and other applicable provisions of this Resolution.

- a. Adult or child day care center
- b. A drive through facility accessory to any use listed in 701A as a permitted use, in 702A as a conditionally permitted use, or to a use determined to be a similar use by the Board of Zoning Appeals.
- c. Outdoor storage or display accessory to any use listed in 701A as a permitted use, in 702A as a conditionally permitted use, or to a use determined to be a similar use by the Board of Zoning Appeals
- d. Restaurant, Carry Out or Drive Through Restaurant. A retail service establishment whose principal business is the sale of foods, frozen desserts or beverages in ready to consume individual servings for carryout and/or drive through service.
- e. Automotive filling station, provided no vehicle servicing or repair conducted on the site
- f. Hotels and motels
- g. A building or buildings on a single lot having a total floor area greater than 10,000 square feet. Such building or buildings approved in a Planned Development shall not require a conditional use permit.
- ~~h. Vehicle wash~~
- i. Building exceeding 35 feet or three (3) stories in height, except where approved in a Planned Development
- j. Similar uses determined by the Board of Zoning Appeals as provided in this Resolution.



Planning Commission  
Zoning Text Amendment  
**Zoning Permit**  
Boston Township

---

**Item No.:** 4  
**Meeting:** July 27, 2024  
**Proposal:** **Zoning Permit**  
**Processor:** Stephen Knittel

---

**Proposal:** - The applicant has proposed to amend 902.05 to allow permitting one time 6 month extension of a previously approved zoning permit.

[Proposed Text Changes Attached]

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



**ADD CLAUSE to 902.05 PERMITTING EXTENSION OF ZONING PERMIT FOR 6 MONTHS**

Add a fourth paragraph to section 902.05 authorizing the Zoning Inspector to approve a one-time extension of 6 months to a previously approved zoning permit provided that the request is made prior to expiration of the permit and that a fee is paid.

CHAPTER 9: ADMINISTRATION AND ENFORCEMENT PROCEDURES Enforcement, Fees, and Penalties

902.05 Expiration of Zoning Permits

Zoning permits shall be effective for six (6) months and shall not be invalidated by a change in zoning during that period.

A permit shall expire at the end of six (6) months unless the footer or other base for the structure has been completed in compliance with the plans presented when the zoning permit was issued.

If, after the footer or base has been completed but construction has been stopped for more than six (6) months, the permit is automatically canceled and a new permit shall be required before construction can proceed.

**The Zoning Inspector may approve a one-time six (6) month extension to a zoning permit if the request is made prior to its expiration. The approval is not granted unless a fee as noted in the schedule has been paid within fifteen (15) days of the request.**



*Planning Commission*  
Zoning Text Amendment  
**Home Occupations**  
Boston Township

---

**Item No.:** 5  
**Meeting:** July 27, 2024  
**Proposal:** **Home Occupations**  
**Processor:** Stephen Knittel

---

**Proposal:** - The applicant has proposed to amend to amend Chapter 2 Definitions, Chapters 501, 502, 601, 602, 701 and 702 Use Lists in each district, Chapter 512 to adopt the standards applicable to all home occupations, Chapter 802 Conditional Use standards to only apply to Type III in the BC district, and to delete existing 802b5 as it repeats text of existing 406.04 to clarify and update Home Occupation regulations.

[Proposed Text Changes Attached]

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

MEMORANDUM

TO: Boston Township Zoning Commission  
FROM: Mark Majewski  
Northstar Planning & Design LLC  
RE: ZONING TEXT AMENDMENTS FOR HOME OCCUPATIONS  
FINAL VERSION AS REQUESTED BY COMMISSION  
DATE: 13 August 2024

This memo reflects the Zoning Commission's recommendations approved on 13 August 2024 for transmission to the Summit County Planning Commission.

Attached are the relevant sections of the Zoning Resolution marked up as follows.

~~Strikeouts~~ indicate text recommended to be deleted.

**Bold** indicates recommended new text.

## 1. AMEND THE DEFINITION OF HOME OCCUPATION IN CHAPTER 2 DEFINITIONS

Home Occupation: Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted ~~entirely within the dwelling unit~~ in **conformance with this Resolution** without any adverse effect upon the surrounding neighborhood **or with only limited or mitigated effects**.

Uses otherwise defined and regulated by this Resolution shall not be deemed home occupations. (e.g. Bed and Breakfast, Day Care Facility)

Home occupations are of three types (Home Occupation Type I, Home Occupation Type II, and Home Occupation Type III) that may be listed as permitted or conditionally permitted uses in each district.

**Home Occupation Type I:** This use is generally described as a home occupation use which has no impact or very low impact on adjoining properties and there is no evidence of the home occupation visible, audible, or otherwise apparent from the property lines inconsistent with the impacts of a typical dwelling use.

**Home Occupation Type II:** This use is generally described as a home occupation use which has low impact on adjoining properties and there may be limited evidence of the home occupation visible, audible, or otherwise apparent from the property lines. Impacts are deemed negligible, sufficiently infrequent, acceptable, sufficiently mitigated, and compatible with the residential surrounds.

**Home Occupation Type III: This use is generally described as a home occupation use that has or may have greater impacts than Type I or Type II that are unsuited to a residential district but may be compatible in the BC District if established in a legally existing dwelling.**

## **2. AMEND THE USE LISTS IN EACH DISTRICT**

### *501 Permitted Uses (Residential District)*

In a residential district land and structures may be used, occupied, constructed or altered only for the use specified or conditional use as permitted and regulated herein.

**e. Home occupation Type I**

**f. Home occupation Type II subject to a zoning permit**

### *502 Conditionally Permitted Uses (Residential District)*

The categories of conditional uses which may be **conditionally** permitted, provided they conform to the conditions, standards, and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8: Conditional Zoning Certificates, and shall include the following:

~~h. Home occupations subject to Section 802.a~~

### *601 Permitted Uses (Village Residential District)*

In the Village Residential District, land and structures may be used, occupied, constructed or altered only for the use specified.

Principle Uses:

a. Single family dwellings

601.01 Permitted accessory uses are as follows:

**b. Home occupation Type I in compliance with Section 512**

**c. Home occupation Type II subject to a zoning permit in compliance with Section 512**

### *602 Conditionally Permitted Uses (Village Residential District)*

The categories of conditional uses which may be permitted, provided they conform to the conditions, standards and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8 Conditional Zoning Permits, and per Section 800.05 Special provisions for review, and shall include the following:

~~e. Home occupations subject to Section 802.a~~

### *701 Permitted Uses (Business Corridor District)*

**m. Home occupation in compliance with Section 512**

### *702 Conditionally Permitted Uses (Business Corridor District)*

**r. Type III Home Occupation in compliance with Section 512 and Section 802b**



### 3. ADOPT THE STANDARDS APPLICABLE TO ALL HOME OCCUPATIONS

#### 512 Home Occupations

Home Occupations shall be subject to the following special requirements:

- a. Permitting
  1. A Type I home occupation shall be permitted by right without requiring any zoning permit provided that the home occupation is conducted in conformance with the provisions of this Resolution.
  2. A Type II home occupation shall be permitted by right provided that a zoning permit is required and provided that the home occupation is conducted in conformance with the provisions of this Resolution.
  3. A Type III home occupation shall only be permitted in the BC District and only as a conditional use conducted in conformance with the provisions of this Resolution including the provisions of Section 802.
  
- b. Home occupations may include the following activities and other activities if they comply with the requirements of this Resolution as set forth in the table below for Type I, II, and III:
  1. Office work, "knowledge work", products and services provided only via communication technology (i.e., computers, phones, internet).
  2. Production or sale of goods small enough to be transported by a non-commercial vehicle such as an auto, SUV, domestic van, or pickup truck. Examples of this type of home occupation include home baking, home canning, small equipment repairs, furniture repair, craft production such as artwork or clothing, and woodworking.
  
- c. The following specific home occupations and home occupations having the specified characteristics shall always be interpreted and regulated as Type II or Type III due to the common impacts of such uses, to ensure management of the impacts, and to ensure that the owner/operator is fully informed of the regulations.
  1. Landscaper, building contractor, or similar business having any outdoor equipment, vehicles or trailers on site other than an auto, SUV, domestic van, or pickup truck
  2. Any home occupation use having outdoor storage of vehicles, equipment, materials, or waste
  3. Any home occupation use involving machinery, equipment, or procedures which generate smoke, odors, or noise that may be audible outdoors including times when windows may be open.
  4. Any home occupation conducted in whole or part in an accessory building.
  5. In-person professional or personal services such as counseling, massage, hair styling, studio photography, medical or dental treatment, accounting, tax preparation, music instruction, and tutoring.
  
- d. General requirements for all Home Occupations:
  1. Incidental and Subordinate to Residential Use.
    - Every home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes.
    - The dwelling in which the home occupation is located must be the primary residence of the owner and operator of the home occupation.

2. **Owner and Employees.**
  - The home occupation shall be owned, operated, and conducted by a person for whom the dwelling is the person's principal residence.
  - The occupation shall be conducted only by members of the family living in the dwelling. Except as otherwise provided, no person who is not a member of the family living in the dwelling shall be employed on site.
  - Persons employed off-site by the home occupation and who do not regularly enter onto the property as part of their employment are not considered employees for purposes of these regulations.
3. **Traffic Generation.**
  - The occupation shall not generate traffic in greater volume than normal for a dwelling.
  - All parking shall be in the driveway on the same lot as the home occupation use.
4. **Appearance and Changes.** There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation except for permanent additions consistent with those customarily found in a dwelling.
5. **Use of Accessory Building.** Home occupation use of any part of an accessory building, including the storage of materials and supplies, shall only be permitted as provided in Table 512 below.
6. **Outdoor Storage.** Outdoor storage of materials, products, waste, equipment, vehicles, trailers, or other items associated with the home occupation shall only be permitted as provided in Table 512 below.
7. **Multiple Home Occupations.** More than one home occupation may be conducted on a property provided that the sum of the impacts, including maximum floor areas, comply with the requirements for one home occupation.
8. **On-site sales of merchandise** shall not be conducted as a primary activity or regularly scheduled activity of the home occupation.
9. **Display of products outside of buildings** is not permitted.
10. **No equipment or process** shall be permitted which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses at any property line of the lot.
11. **Except as otherwise provided in Table 512 below**, any activities associated with the home occupation that are conducted outside of the dwelling shall only be conducted in the rear yard or in an accessory building and only between the hours of 7:00 a.m. and 7:00 p.m.

**Table 512**  
**TABLE OF REQUIREMENTS FOR HOME OCCUPATIONS BY TYPE**

	Home Occupation Type I	Home Occupation Type II	Home Occupation Type III <i>Conditional Use in BC District only</i>
Districts where use is listed: <ul style="list-style-type: none"> <li>• Residential</li> <li>• Village Residential</li> <li>• Business Corridor District</li> </ul>	Yes Yes Yes	Yes Yes Yes	No No Yes
Required zoning permits or approvals	No permit required	Zoning permit issued by the Zoning Inspector required	Conditional use permit required
General requirements for all Home Occupations <i>(See General Requirements above)</i>	Compliance required	Compliance required	Compliance required except as modified by conditional use permit
Employees	Dwelling occupants only. No non-resident employees on-site.	Dwelling occupants plus no more than one (1) non-resident employee on-site.	Dwelling occupants plus up to four (4) non-resident employees permitted subject to conditional use permit conditions addressing parking demand and availability, days and hours of employment, location and amount of workspace, nature of work, impacts generated, and proximity to other dwellings.
Dwellings occupied by home occupation.	Space in dwellings occupied by home occupations shall not exceed 35% of the habitable floor area of the dwelling.		
Accessory Building(s) used for home occupation	Not permitted	The total of the floor area occupied in dwellings and accessory buildings by home occupations shall not exceed an area equal to 35% of the habitable floor area of the dwelling. Home occupations may be conducted in accessory buildings that comply with the requirements of the District in which they are located.	
Customers, Clients, Patients	No customers, clients, or patients permitted to visit site.	Occasional visits by customers, clients, or patients permitted by <u>appointment only</u> between 7a.m. and 7p.m. No more than two (2) customers, clients or patients on-site at any time.	
Deliveries/Shipping	Regular shipping or delivery shall only occur in single rear axle straight trucks or smaller vehicles normally serving residential areas and only between 7a.m. and 7p.m.		
Parking	Dedicated off-street parking not required.	Sufficient on-site parking required for all vehicles of employees and visitors.	
Outside Storage of goods or materials	Outdoor storage of goods and materials not permitted.	Outdoor storage of goods and materials permitted in rear yard area not exceeding 400 square feet, screened by solid fencing on all sides, and setback from abutting properties.	Outdoor storage of goods and materials permitted subject to conditional use permit conditions as clearly described and identified in the conditional use permit.

		All of the above to be clearly described and identified in the zoning permit.	
Outside storage of vehicles and equipment	No vehicle larger than an auto, SUV, domestic van or pickup truck permitted.	No more than one (1) open or enclosed trailer and not more than one (1) single axle truck or van	On-site storage of vehicles permitted subject to conditional use permit conditions as clearly described and identified in the conditional use permit.
Signs	Signs shall comply with the regulations applicable to the zoning district.		

#### 4. AMEND EXISTING CONDITIONAL USE STANDARDS IN 802 TO ONLY APPLY TO TYPE III IN THE BC DISTRICT

##### 802 Special Requirements for Conditional Uses

In addition to the requirements of this Chapter, the following conditional uses shall meet additional requirements.

a. ~~Home Occupations shall be subject to the following special requirements:~~

- ~~1. The occupation shall be conducted only by members of the family living in the dwelling and no one from outside the family shall be employed.~~
- ~~2. The occupation shall be conducted solely within the principal building and space used for sales, service, or production shall occupy no more than thirty five (35) percent of the total floor area of the dwelling.~~
- ~~3. The occupation shall not generate a significantly greater volume of traffic than would normally be expected in a residential area and all parking shall be in the resident's driveway.~~
- ~~5. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation.~~
- ~~6. No home occupation, or any aspect thereof, including the storage of materials and supplies, shall be conducted in any accessory building.~~
- ~~7. Said home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes.~~
- ~~8. There shall be no outside storage of any kind related to the home occupational use.~~

b. **Type III Home Occupations in Business Corridor District**

1. If there is an existing ~~home~~ **dwelling** on the property, it may be lived in by property/business owner or immediate family **as the owner's principle residence** and used as office to business that is being run on ~~said the~~ property.
2. The occupation shall be conducted on ~~said the~~ property and can have employees from outside the family **as provided in Section 512 and Table 512.**
3. The occupation may be conducted within the principal building or accessory buildings on the property. **as provided in Section 512 and Table 512.**
4. Home occupations must comply with all setbacks and yard requirements set forth in this resolution in Chapter 7.
5. **A home occupation shall only be conducted in a legally existing dwelling in the BC District.**

## 5. DELETE EXISTING 802b5 – REPEATS TEXT OF EXISTING 406.04

~~5. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be restored for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:~~

- ~~i. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.~~
- ~~ii. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.~~



Planning Commission  
Zoning Text Amendment  
**Fences**  
Boston Township

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**Item No.:** 6  
**Meeting:** July 27, 2024  
**Proposal:** Fences  
**Processor:** Stephen Knittel

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**Proposal:** - The applicant has proposed to amend Chapter 2 Definitions, Chapter 4 General Provisions, Chapter 5 Residential District Regulations, Chapter 6 Village Residential District Regulations, Chapter 7 Fences in Commercial Districts and Chapter 7A Fences in Seasons Road Business District, to clarify and update Fence regulations throughout.

[Proposed Text Changes Attached]

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

# NORTHSTAR

planning + design

## MEMORANDUM

TO: Boston Township Zoning Commission  
FROM: Mark Majewski  
Northstar Planning & Design LLC  
RE: UPDATED DRAFT ZONING TEXT AMENDMENTS FOR FENCES  
FINAL VERSION AS REQUESTED BY COMMISSION  
DATE: 13 August 2024

This memo reflects the Zoning Commission's recommendations approved on 13 August 2024 for transmission to the Summit County Planning Commission.

## CHAPTER 2: DEFINITIONS

**Fence:** A structure composed of non-living material (**usually comprised of posts, wood boards, wire, metal bars, or vinyl elements**) which may be constructed for privacy, security, screening, **enclosure** or decoration.

## CHAPTER 4: GENERAL PROVISIONS

*Recommend Deleting Section 409 and relocating/amending in Chap 5 Residential and Chap 6 Village Residential. Some parts also into Chap 7 Business Corridor, Chap 7A Seasons Road Business, and Chap 15 Economic Activity.*

### ~~409 Fences, Walls, and Hedges~~

~~For residential property, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three (3) feet in height. For residential property, fences, walls or hedges may be permitted along the side or rear lot lines to a height of not more than eight (8) feet provided said fence does not extend past the front building line of the principal structure. The eight (8) feet will be measured from lots finished grading not proposed surface. Fences, walls and hedges shall not exceed eight (8) feet in height for non-residential uses.~~

~~In any zoning district on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle twenty (20) feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.~~

~~Any fence erected on any property conforming to the requirements of this Zoning Resolution shall be constructed so that the finished side of the fence is facing all adjoining properties and/or rights-of-way.~~

CHAPTER 5: RESIDENTIAL DISTRICT REGULATIONS

*NOTE: Both existing 508 and 509 regulate non-residential uses in Residential Districts.*

**508 Supplemental Regulations for non-residential uses**

Nonresidential buildings or uses shall not be located or conducted closer than thirty (30) feet to any residential lot line within this residential district. Screening or buffering shall be provided for any non-residential uses which abut any residential lot line within this residential district per Section 509.

**509 Screening required for non-residential uses**

- a. Screening may consist of one or more of the following:
  1. A solid masonry wall;
  2. A solidly constructed decorative fence complying with the standards for permitted fence styles and materials in Section 513;
  3. Dense vegetative plantings;
  4. A landscaped mound or berm.
- b. Height of screening shall be in accordance with the following:
  1. Visual screening walls, fences, plantings or mounds shall be a minimum of five (5) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than three (3) feet.

**513 Fences in Residential Districts**

~~For residential property,~~ **In the Residential District and Village Residential District,** fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that:

- a. **Location.** The property owner and applicant shall be responsible for locating any fence as required by this ordinance in relation to the locations of property lines and right-of-way lines.
- b. **Front yard.** No fence, wall, or hedge ~~along the sides or front edge of~~ in any front yard shall be over three (3) feet in height **except as provided in subsection 513g below.**
- c. **Side or rear yard.** ~~For residential property, fences, walls or hedges may be permitted along the side or rear lot lines~~ **A fence, wall, or hedge may be permitted in side or rear yard to a height of not more than eight (8) six (6) feet provided said fence does not extend past it is not located in the front yard or closer to the front yard than the front building line of the principal structure except as provided in subsection 513g below.**
- d. **Measuring Fence Height.** ~~The eight (8) feet will be measured from lots finished grading not proposed surface.~~ **Fence height shall be measured from the average natural ground level of the fence location. The fence location shall not be filled to increase permitted fence height. Where fence location is sloped, fence height shall follow the slope.**
- e. **Maximum Height.** Fences, walls and hedges shall not exceed ~~eight (8) six (6) feet~~ in height.
- f. **Sight triangle required.** In any zoning district on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle **abutting the right-of way lines and extending at least twenty (20) feet along each line** from the intersection of the right-of-way lines **so that the structure or planting does not** ~~which may~~ interfere with traffic visibility across the corner.



g. **Finished side out.** Any fence erected on any property conforming to the requirements of this Zoning Resolution shall be constructed so that the finished side of the fence (**as determined by the Zoning Inspector**) is facing all adjoining properties and/or rights-of-way. Generally, that side on which the exposed posts or supporting cross members are most visible shall be faced into the lot on which the fence is located.

h. **Permitted Fence Styles and Materials.**

In the Residential District and Village Residential District, fences shall be constructed with a design and materials which are typical for residential locations. Fences shall be constructed in a professional manner and shall be maintained in good condition.

Permitted fence types In the Residential District and Village Residential District			
	Front Yard <i>* See notes at bottom of this table</i>	Side Yard	Rear Yard
Wrought iron style (in iron, steel, aluminum or vinyl)	Yes	Yes	Yes
Picket	Yes	Yes	Yes
Split rail	Yes	Yes	Yes
Stockade	No*	Yes	Yes
Board on board	No*	Yes	Yes
Louvered	No*	Yes	Yes
Chain link	No*	Yes	Yes
Hedge. No permit required.	Yes	Yes	Yes
"Deer fence"	Light wire or net fencing material may be installed up to a height of 8 feet to prevent incursion by deer. No permit required.		
"Chicken wire"	Chicken wire or other light wire or fencing material may be installed to surround the sides of a garden or chicken enclosure area in the side or rear yard. No permit required.		
Tree guards	Material such as wire, mesh, or plastic tubes may be installed to surround and protect a tree or shrub from deer damage. No permit required.		
Brick or stone wall	Yes	Yes	Yes
Prohibited fence types	Sheet metal, razor wire, barbed wire, pallets, electrified and similar fence materials are not permitted.		
<p><b>* Notes re Front Yard Fences.</b></p> <p>1. The surface of front yard fences shall be no more than 50% opaque with all elements evenly spaced except as provided in item 3 below.</p> <p>2. Maximum height of fences in the front yard shall be 36 inches, except as provided in item 3 below.</p> <p>3. A fence in a front yard may be constructed of any material listed in this table above (including stockade, board on board, louvered, or chain link) to a height of up to 6 feet provided that it is setback at least 30 feet from any abutting right-of-way line, at least 15 feet from any other side line, and that the setback area is landscaped and maintained with at least 1 shrub or tree per 10 feet of fence length.</p>			

- i. **Permit Required.** A permit must be obtained before construction of a new fence and before replacement of a fence. A permit is not required to repair up to 25% of the area of an existing fence.
- j. **Gates.**
  - i. A gate constructed separately or as part of a fence shall be considered a fence for the purpose of these regulations.
  - ii. A gate in a front yard may be constructed up to six (6) feet in height and shall not exceed twelve (12) feet in width.
  - iii. Gated entries to fenced areas shall be setback a sufficient distance to permit vehicles stopping at the gate to adequately clear the nearest travel lane of the public street so as not to obstruct the flow of vehicular traffic.
- k. **Snow fences.** Temporary snow fences may be erected in front yards provided that:
  - i. Snow fences are located a minimum of ten (10) feet from any property line;
  - ii. Snow fences are erected after November 15th and are removed prior to April 1st;
  - iii. A temporary zoning permit is required for any lot on which more than 50 linear feet of snow fence will be erected. No fee is required. The property owner or occupant must obtain the permit from the Zoning Inspector prior to erecting the fence; and
  - iv. Temporary snow fence shall mean wood roll fencing consisting of one and one half (1½) inch wood slats with two and one quarter (2¼) inch spacing or plastic equivalent and forty-eight (48) inches in height.

**610 Fences in Village Residential Districts**

Fences in the Village Residential District shall comply with the provisions of Section 513.

**CHAPTER 7 BUSINESS CORRIDOR DISTRICT REGULATIONS**

**709 Landscaping Requirements**

**g. Yards Adjoining Land in a Residential District**

In all side and rear yards abutting residential districts, the following minimum landscape improvements are required to be installed and maintained:

- 1. **Wood Fence(s)**
  - i. A wood fence (or fences) shall be installed parallel to rear and side lot lines abutting residential districts.
  - ii. Fences shall be 6 feet in height.
  - iii. Fences shall be weather-resistant wood stockade, board-on-board, or similar design to provide opaque appearance.
  - iv. Fences shall be located at least twenty (20) feet from the residential district line.
  - v. In a side yard, the fence shall extend from a point fifty (50) feet from the right-of-way line to a point at least fifty (50) feet closer to the rear lot line than any building, parking, or other use.
  - vi. In a rear yard, the fence shall extend across the entire width of the lot except for its point of connection to a similar fence in the side yard.
- 2. **Earth Mounds, Masonry Walls.**
  - i. Earth mounds, masonry walls, or combinations thereof may be installed in lieu of parts or all of required fences.
  - ii. Mounds or walls shall be a least six (6) feet in height and sloped to ensure stability

- and minimize erosion.
- iii. Mound surfaces shall be planted or mulched to minimize erosion.
- iv. Mounds shall be located and constructed to prevent storm water runoff impacts on abutting properties.
- 3. Trees and Shrubs.
  - i. A minimum of one (1) evergreen shrub shall be planted on the residential district side of the fence (or mound or wall) for each ten (10) feet of fence length.
  - ii. A minimum of one (1) shade tree (minimum six feet height and 2-inch caliper at time of planting) shall be planted for each 2,500 square feet of required side and rear yard.
- h. Miscellaneous
  - a. Waste Receptacles/Dumpsters
    - i. Waste receptacles shall be screened on all sides by a six-foot-high solid fence/ wall.
  - b. Fences
    - i. Fences shall be constructed of ~~wood, vinyl, iron, decorative aluminum, stone/brick, or decorative block~~ **materials complying with Section 513 except as provided in subsections ii and iii below.**
    - ii. Retaining walls shall be stone, ~~decorative-~~ masonry wall systems, or brick.
    - iii. Chain link fences shall only be permitted in the side and rear yards of lots, but not in yards which abut a residential district.
    - iv. Fences shall not exceed six (6) feet in height.
    - v. Locations of trees and shrubs need not be uniform or equally spaced but should be arranged to promote effective buffering of residential areas and attractive appearance.

### 713 FENCES IN COMMERCIAL DISTRICTS

- A. Fences shall only be constructed in conformance with an approved site plan. The property owner and applicant shall be responsible for locating any fence as required by this ordinance in relation to the locations of property lines and right-of-way lines.
- B. Fences shall not exceed six (6) feet in height.
- C. Fences shall not be located in the required front building setback or in required side yards abutting a public right-of-way.
- D. Fences located in front of or at the same setback as the principal building shall be board-on-board, stockade, picket, wrought iron, split rail or brick and/or stone wall and shall not exceed six (6) feet in height.
- E. Woven wire, chain link, and similar utility fencing shall not be permitted at the minimum building setback line or between the principal building and any public street right-of-way. Electric fences, razor wire fences, fences made of chicken wire barbed wire or pallets shall not be permitted.
- F. Gated entries to fenced areas shall be setback a sufficient distance to permit trucks stopping at the gate to adequately clear the nearest travel lane of the public street so as not to obstruct the flow of vehicular traffic.
- G. Snow fences. Temporary snow fences may be erected within front yards provided that:
  - i. Snow fences are located a minimum of ten (10) feet from any property line;
  - ii. Snow fences are erected after November 15th and are removed prior to April 1st;
  - iii. A temporary no fee zoning permit is required for any lot on which more than 50 linear feet of snow fence will be erected and the property owner or occupant must obtain the permit

- from the Zoning Inspector prior to erecting the fence; and
- iv. Temporary snow fence shall mean wood roll fencing consisting of one and one half (1½) inch wood slats with two and one quarter (2¼) inch spacing or plastic equivalent and forty-eight (48) inches in height.

#### CHAPTER 7A: SEASONS ROAD BUSINESS DISTRICT (SRB)

##### 706A Additional Design Standards

- a. Traffic Access/Curb Cut Requirements. Shall comply with Section 708.
- b. Landscaping Requirements. Shall comply with Section 709.
- c. Lighting Requirements. Shall comply with Section 710.
- d. Exterior building equipment which generates noise, including but not limited to HVAC equipment shall be located on the building or site in a manner which prevents noise transmission to nearby residential neighborhoods
- e. **Fences. Shall comply with Section 713.**



*Planning Commission*  
Zoning Text Amendment  
**Chapter 4 General Provisions**  
Boston Township

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**Item No.:** 7  
**Meeting:** July 27, 2024  
**Proposal:** Chapter 4 General Provisions  
**Processor:** Stephen Knittel

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**Proposal:** - The applicant has proposed to relocate all provisions of Chapter 4 to other chapters of the zoning resolution and to delete Chapter 4.

[Proposed Text Changes Attached]

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

# NORTHSTAR

planning + design

## MEMORANDUM

TO: Boston Township Zoning Commission  
FROM: Mark Majewski  
Northstar Planning & Design LLC  
RE: CHAPTER 4 AMENDMENTS  
FINAL VERSION AS REQUESTED BY COMMISSION  
DATE: 13 August 2024

This memo reflects the Zoning Commission's recommendations approved on 13 August 2024 for transmission to the Summit County Planning Commission.

We have previously discussed relocating the provisions of Chapter 4. We agreed that the sections which apply generally to all Districts could be moved into an amended Chapter 1. We also agreed that the sections which have significant impact in specific districts should be relocated (with some amendments) into those specific District chapters.

The following amendments respond to those discussions.

~~Strikeout~~ = recommended to delete

**Bold** = recommended additions and text relocations

AMEND CHAPTER 1 AS FOLLOWS WITH RELOCTED SECTIONS FROM CHAPTER 4:

### CHAPTER 1: **GENERAL PROVISIONS AND INTERPRETATION**

#### 101: Purpose

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the Township of Boston; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of this Resolution; including the provision of penalties for its violation; and for any other purpose provided in the Resolution and the Ohio Revised Code.

#### **102** ~~400~~ Interpretation of Standards

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern. If a use is not listed as a permitted or conditionally permitted use, then it is in fact prohibited.



### **103** ~~401~~ Validity

If any section, subsection or any provision of this Resolution or amendment thereto be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **104** ~~402~~ Compliance with This Resolution

No land or structure shall be used or occupied and no structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure. No yard or lot existing upon the effective date of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Resolution shall meet at least the minimum requirements herein established.

### **105** ~~405~~ Supplemental Regulations

**105.01** ~~405.01~~ No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District regulations established by this Resolution for the District in which the building is located.

**105.02** ~~405.02~~ The minimum yards and other open spaces, including the density of population provisions contained in this Resolution for each and every building existing on the effective date of this Resolution or any building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

### **105.03** ~~405.03~~ Exemption of Agriculture

Pursuant to Section 519.21 of the Ohio Revised Code, nothing in this Resolution shall confer any power upon the Trustees or upon the Board of Zoning Appeals of the Township to prohibit the use of any land for agricultural purposes or the construction or use of building or structures incident to the use for agricultural purposes of land on which such building or structures are located, and no zoning certificate shall be required for any such building or structure. Nothing within this section shall permit the construction or use of residential structures in violation of other sections of this Zoning Resolution. Any buildings located in such a way as to be a hazard to the traveling public or residents of this township shall not be permitted to be located in violation of setback regulations for the district in which their property is zoned.

### **105.04** ~~405.04~~ Mobile Home Parks

No new mobile home parks shall be permitted on land within Boston Township.

**105.05** ~~405.05~~ Mobile homes, camp buses or other vehicles on or off wheels and occupied as a residence shall not be permitted on lots or lands in any of the district classifications herein established. However, the Board of Zoning Appeals (after notice to parties of interest) may permit a mobile home to occupy space upon a lot or lands for a period not to exceed two (2) years, providing a zoning certificate has been obtained for construction of a permanent residence, and adjacent property owners are notified in writing by the Zoning Inspector. When said residential structure is ready for occupancy said mobile home shall be removed from the premises. A recreational vehicle may be permitted on an owner-occupied premise by visitors no more than two (2) times in a twelve (12) month period and shall not exceed twenty (20) days in total during that twelve (12) month period. A permit must be obtained from the Zoning Inspector with a signed and notarized affidavit before the recreational vehicle is moved

onto the property. Failure to obtain such a permit subjects the violator to penalty as outlined in this resolution.

**105.06** ~~405.06~~ Junk Yards

No junk yard, automobile dismantling and/or discarded motor vehicle dumps shall be permitted within the confines of Boston Township.

**106** ~~406~~ Non-Conforming Uses

**106.01** ~~406.01~~ Single Non-Conforming Lots of Record

Any lot of record whether within a recorded allotment or not, located in any of the residential districts established by this Zoning Resolution, which is served by adequate sewer and water facilities controlled or operated by a duly constituted public authority, with such sewer and water facilities connected to any dwelling located or to be located thereon, may be used for single residence purposes, including accessory building and uses, irrespective of the residential district regulations appearing elsewhere in this Resolution, provided that such lot has an area of not less than twenty thousand (20,000) square feet and that the dwelling thereon must comply with all setback requirements.

**106.02** ~~406.02~~ Non-Conforming Lots of Record in Combination

If two or more lots are in single ownership were lots of record at the time of passage of this Zoning Resolution and have no buildings on the lots, and do not meet the requirements established for lot width and area, the lots involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

**106.03** ~~406.03~~ Non-Conforming Uses of Land

Where, at the time of the adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

- a. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- b. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution.

**106.04** ~~406.04~~ Termination of Use by Damage or Destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be restored for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- a. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

**107** ~~407~~ Non-Conforming Signs

**107.01** ~~407.01~~ Replacement. Any sign replacing a non-conforming sign shall conform with the provisions of this Zoning Resolution, and the non-conforming sign shall no longer be displayed.



**107.02 407.02** Abandonment. If a non-conforming sign associated with a use or structure has been abandoned for at least six (6) months (i.e. the structure has not been occupied for six months) then the non-conforming sign shall be removed.

**108 408 Environmental Performance Standards**

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is required. The Environmental Performance Standards are to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be construed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside said uses' lot line. Materials used and products produced shall be adequately housed, shielded or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

**108.01 408.01** Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below that creates a nuisance to surrounding properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as decibels (dBA). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property. In using the Table below, day time shall be considered as the hours between 7:00 A.M. and 10:00 P.M. Night time shall be considered as the hours after 10:00 P.M.

MAXIMUM PERMITTED SOUND LEVELS	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
<b>NOISE SOURCE</b>				
Residential	Day time	55 dBA	55 dBA	55 dBA
Residential	Night time	50	50	50
Commercial	Day time	55	60	60
Commercial	Night time	50	50	50
Industrial	Day time	55	60	70
Industrial	Night time	50	50	60

**RELOCATE AND AMEND ACCESSORY BUILDING PROVISIONS TO CHAPTERS 5 AND 6**

**403 Accessory Buildings**

~~No accessory building shall be located on a lot without a principal building.~~

~~Accessory buildings shall not be a part of the principal building, and may be built in a rear yard no less than ten (10) feet of the rear lot line and ten (10) feet of side lot lines.~~

~~An accessory building which is not a part of the principal building shall be located in line with or behind the main structure, and no closer than twenty (20) feet to the principal structure.~~

~~The total square footage of any accessory building in any district shall be limited to a maximum of 1280 square feet. Limited of two (2) buildings per property.~~

**513 Accessory Buildings in Residential Districts**

- a. An accessory building shall only be located on a lot with a principal building.

- b. An accessory building shall not be a part of or connected in any manner to the principal building.
- c. An accessory building shall only be built in a rear yard and setback not less than ten (10) feet from the rear lot line and ten (10) feet from side lot lines.
- d. An accessory building shall not be located closer than twenty (20) feet to the principal structure.
- e. The total floor area of each accessory building shall not exceed 1280 square feet.
- f. No more than two (2) accessory buildings are permitted on one lot.

**611 Accessory Buildings in Village Residential Districts**  
**Accessory Buildings in the Village Residential Districts shall comply with the provisions of Section 513.**

RELOCATE and AMEND THIS ZONING PERMIT PROVISION TO CHAPTER 9

~~404 Zoning Certificate~~

~~No Zoning Certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been required.~~

900 Zoning Permits

**901** No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector.

**902** Zoning Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Appeals deciding an appeal, variance, or conditional use, or from the Zoning Commission approving a site plan or as provided by this Resolution.

**903** No Zoning Permit shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been required.

RELOCATE and AMEND CURB CUT STANDARDS TO CHAPTER 11: PARKING AND LOADING

~~405.07 Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.~~

~~In business/ commercial areas such access driveways shall not be less than fifteen (15) feet nor more than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street.~~

~~Residential use may have access ways of not less than twelve (12) feet at highway right of way line or less than fifteen (15) feet at the ditch, or curb, or culvert line.~~

~~Standard drive access for all service stations in the township shall comply with State Highway Regulations.~~

**1106 DRIVEWAYS IN RESIDENTIAL DISTRICTS**

Except as otherwise regulated by the State of Ohio or Summit County, driveways for vehicular use in the Residential and Village Residential Districts shall comply with the following:

- a. Drives shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.



- b. Drives for residential/dwelling use shall not exceed twelve (12) feet at road right of way line or shall not be less than fifteen (15) feet wide at the ditch, or curb, or culvert line.

#### 1107 DRIVEWAYS IN BUSINESS DISTRICTS

Except as otherwise regulated by the State of Ohio or Summit County, or as otherwise approved in a site plan based on a written recommendation from a qualified traffic engineer, driveways for vehicular use in the Business Corridor and Seasons Road Business Districts shall comply with the following:

- a. Drives shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.
- b. Drives for residential/dwelling use shall not exceed twenty (20) feet at road right of way line or shall not be more than thirty (30) feet wide at the ditch, or curb, or culvert line.

#### RELOCATE 405.08 HEIGHT PROVISIONS TO CHAPTERS 5, 6, AND 7

~~405.08 Public, semi-public service buildings or schools, when permitted in a district may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.~~

#### 505 Building Requirements

- a. Principal building: Height limit of 35 feet
- b. Accessory building: Height limit of 18 feet
- c. **Public, semi-public service buildings or schools, may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district.**

#### 605 Building Requirements

- a. Principal building: Height limit of 35 feet
- b. Accessory building: Height limit of 18 feet
- c. **Public, semi-public service buildings or schools, may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district.**

#### 707 Building Requirements

- a. The height of a permitted main building shall not exceed 35 feet except as provided below.
- b. Building height not greater than 60 feet may be approved as a conditionally permitted use provided that:
  - 1. The Board of Zoning Appeals determines on the basis of information from the Fire Department and other safety officials that the building will comply with applicable safety standards;
  - 2. The building is set back at least 200 feet from any residential zoning district.
- c. Appurtenant features such as chimneys, sky lights, domes, elevator penthouses or similar feature which are an integral part of the building may be constructed above the height limit but in no case shall such feature exceed ten feet above the maximum

height of 35 feet.

- d. Accessory buildings shall not exceed 18 ft. in height.
- e. Exterior building equipment which generates noise, including but not limited to HVAC equipment, fans, pumps, engines, turbines, compressors, generators, motors, or similar devices, equipment or apparatus shall be located on the building or site in a manner which prevents noise transmission to nearby residential neighborhoods. Exterior building equipment shall not generate sound or noise which exceeds 55 db (55 decibels) as measured by a sound level meter at any line of a residential zoning district.
- f. Building equipment mounted on the roof of a building (including but not limited to air conditioning components and other ventilation equipment) shall be surrounded by parapets or other screening to prevent view of the equipment from surrounding lots.
- g. **Public, semi-public service buildings or schools, may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district.**

#### RELOCATE GARAGE SALES PROVISIONS TO CHAPTER 5, NEW 611 AND 714

##### **513 Garage Sales in Residential Districts**

~~405.09~~ Garage Sales. All Garage and Yard Sales shall be subject to the following regulations:

- a. The sale of used household items and others conducted from or on residential premises in any zone as defined in the zoning resolution. Garage sale includes, but is not limited to lawn, basement, yard, attic, porch, room, backyard, patio, tag, estate or rummage sale.
- b. There shall be no more than two (2) garage sales conducted at the same address within a calendar year. The duration of the sales event shall be a maximum of three consecutive days. The sale of fireworks, hazardous material, firearms and ammunition as defined by the ORC shall be prohibited.
- c. A limit of five (5) sale signs one (1) at the place of sale and the other four (4) at the sales operator's choice), provided they are not covering public signs or are placed on utility structures, stop signs, parking signs, or in the public right-of-way. All signs must be removed within twelve (12) hours after the event.
- d. Sale shall be during daylight hours only.
- e. After each and every Garage or Yard Sale, as listed above, property shall be cleared and all unsold sales items, trash and other remnants of sale removed from site.
- f. Parking shall not create a traffic hazard. Neighbors shall not be disturbed by excessive noise, light or traffic congestion.
- g. No zoning certificate or fee shall be required, but the Zoning Inspector shall be notified, in writing not less than seven (7) days prior to sale. Application form is available on the Boston Township website or can be requested from the Zoning Inspector, Boston Township, P.O. Box 123, Peninsula, OH 44264. (Failure to register or comply with the rules and regulations may result in a fine compounded daily until compliance is met.)

##### **611 Garage Sales in Village Residential Districts**

**Garage sales in the Village Residential Districts shall comply with the provisions of Section 513.**

## 714 Garage Sales in Business Districts

Garage sales in the Business Corridor District or Seasons Road Business District shall only be conducted by the occupants of a legally existing dwelling on the same site and shall comply with the provisions of Section 513.

## DELETE CHAPTER 4 – ALL PROVISIONS OF THIS CHAPTER - ALL ARE RECOMMENDED TO BE MOVED TO OTHER CHAPTERS OF THE ZONING RESOLUTION

### CHAPTER 4: GENERAL PROVISIONS

#### General Provisions Governing the Applicability of this Zoning Resolution

##### 400 Interpretation of Standards

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern. If a use is not listed as a permitted or conditionally permitted use, then it is in fact prohibited.

##### 401 Validity

If any section, subsection or any provision of this Resolution or amendment thereto be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

##### 402 Compliance with This Resolution

No land or structure shall be used or occupied and no structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure. No yard or lot existing upon the effective date of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Resolution shall meet at least the minimum requirements herein established.

##### 403 Accessory Buildings

No accessory building shall be located on a lot without a principal building.

Accessory buildings shall not be a part of the principal building, and may be built in a rear yard no less than ten (10) feet of the rear lot line and ten (10) feet of side lot lines.

An accessory building which is not a part of the principal building shall be located in line with or behind the main structure, and no closer than twenty (20) feet to the principal structure.

The total square footage of any accessory building in any district shall be limited to a maximum of 1280 square feet. Limited of two (2) buildings per property.

##### 404 Zoning Certificate

No Zoning Certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been required.

##### 405 Supplemental Regulations

405.01 No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District regulations established by this Resolution for the District in which the building is located.

405.02 The minimum yards and other open spaces, including the density of population provisions contained in this Resolution for each and every building existing on the effective date of this Resolution or any building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

##### 405.03 Exemption of Agriculture

Pursuant to Section 519.21 of the Ohio Revised Code, nothing in this Resolution shall confer any power upon the Trustees or upon the Board of Zoning Appeals of the Township to prohibit the use of any land for agricultural purposes or the construction



or use of building or structures incident to the use for agricultural purposes of land on which such building or structures are located, and no zoning certificate shall be required for any such building or structure. Nothing within this section shall permit the construction or use of residential structures in violation of other sections of this Zoning Resolution. Any buildings located in such a way as to be a hazard to the traveling public or residents of this township shall not be permitted to be located in violation of setback regulations for the district in which their property is zoned.

#### 405.04 Mobile Home Parks

No new mobile home parks shall be permitted on land within Boston Township.

405.05 Mobile homes, camp buses or other vehicles on or off wheels and occupied as a residence shall not be permitted on lots or lands in any of the district classifications herein established. However, the Board of Zoning Appeals (after notice to parties of interest) may permit a mobile home to occupy space upon a lot or lands for a period not to exceed two (2) years, providing a zoning certificate has been obtained for construction of a permanent residence, and adjacent property owners are notified in writing by the Zoning Inspector. When said residential structure is ready for occupancy said mobile home shall be removed from the premises. A recreational vehicle may be permitted on an owner-occupied premise by visitors no more than two (2) times in a twelve (12) month period and shall not to exceed twenty (20) days in total during that twelve (12) month period. A permit must be obtained from the Zoning Inspector with a signed and notarized affidavit before the recreational vehicle is moved onto the property. Failure to obtain such a permit subjects the violator to penalty as outlined in this resolution.

#### 405.06 Junk Yards

No junk yard, automobile dismantling and/or discarded motor vehicle dumps shall be permitted within the confines of Boston Township.

405.07 Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners.

In business/ commercial areas such access driveways shall not be less than fifteen (15) feet nor more than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street.

Residential use may have access ways of not less than twelve (12) feet at highway right of way line or less than fifteen (15) feet at the ditch, or curb, or culvert line.

Standard drive access for all service stations in the township shall comply with State Highway Regulations.

405.08 Public, semi-public service buildings or schools, when permitted in a district may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

405.09 Garage Sales. All Garage and Yard Sales shall be subject to the following regulations:

- a. The sale of used household items and others conducted from or on residential premises in any zone as defined in the zoning resolution. Garage sale includes, but is not limited to lawn, basement, yard, attic, porch, room, backyard, patio, tag, estate or rummage sale.
- b. There shall be no more than two (2) garage sales conducted at the same address within a calendar year. The duration of the sales event shall be a maximum of three consecutive days. The sale of fireworks, hazardous material, firearms and ammunition as defined by the ORC shall be prohibited.
- c. A limit of five (5) sale signs one (1) at the place of sale and the other four (4) at the sales operator's choice, provided they are not covering public signs or are placed on utility structures, stop signs, parking signs, or in the public right of way. All signs must be removed within twelve (12) hours after the event.
- d. Sale shall be during daylight hours only.
- e. After each and every Garage or Yard Sale, as listed above, property shall be cleared and all unsold sales items, trash and other remnants of sale removed from site.
- f. Parking shall not create a traffic hazard. Neighbors shall not be disturbed by excessive noise, light or traffic congestion.
- g. No zoning certificate or fee shall be required, but the Zoning Inspector shall be notified, in writing not less than seven (7) days prior to sale. Application form is available on the Boston Township website or can be requested from the Zoning Inspector, Boston Township, P.O. Box 123, Peninsula, OH 44264. (Failure to register or comply with the rules and regulations may result in a fine compounded daily until compliance is met.)

## 406 Non-Conforming Uses

### 406.01 Single Non-Conforming Lots of Record

Any lot of record whether within a recorded allotment or not, located in any of the residential districts established by this Zoning Resolution, which is served by adequate sewer and water facilities controlled or operated by a duly constituted public authority, with such sewer and water facilities connected to any dwelling located or to be located thereon, may be used for single residence purposes, including accessory building and uses, irrespective of the residential district regulations appearing elsewhere in this Resolution, provided that such lot has an area of not less than twenty thousand (20,000) square feet and that the dwelling thereon must comply with all setback requirements.

**406.02 Non-Conforming Lots of Record in Combination**

If two or more lots are in single ownership were lots of record at the time of passage of this Zoning Resolution and have no buildings on the lots, and do not meet the requirements established for lot width and area, the lots involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

**406.03 Non-Conforming Uses of Land**

Where, at the time of the adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

- a. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- b. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution.

**406.04 Termination of Use by Damage or Destruction**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be restored for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- a. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

**407 Non-Conforming Signs**

**407.01 Replacement.** Any sign replacing a non-conforming sign shall conform with the provisions of this Zoning Resolution, and the non-conforming sign shall no longer be displayed.

**407.02 Abandonment.** If a non-conforming sign associated with a use or structure has been abandoned for at least six (6) months (i.e. the structure has not been occupied for six months) then the non-conforming sign shall be removed.

**408 Environmental Performance Standards**

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is required. The Environmental Performance Standards are to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be construed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside said uses' lot line. Materials used and products produced shall be adequately housed, shielded or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

**408.01 Noise**

No activity on private property shall emit noise in excess or sound levels indicated in the table below that creates a nuisance to surrounding properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as decibels (dBA). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property. In using the Table below, day time shall be considered as the hours between 7:00 A.M. and 10:00 P.M. Night time shall be considered as the hours after 10:00 P.M.

<b>MAXIMUM PERMITTED SOUND LEVELS NOISE SOURCE</b>	<b>TIME</b>	<b>RESIDENTIAL</b>	<b>COMMERCIAL</b>	<b>INDUSTRIAL</b>
Residential	Day time	55 dBA	55 dBA	55 dBA
Residential	Night time	50	50	50
Commercial	Day time	55	60	60

Commercial	Night time	50	50	50
Industrial	Day time	55	60	70
Industrial	Night time	50	50	60

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