

ARTICLE III

GENERAL PROVISIONS and SUPPLEMENTAL REGULATIONS

SEC. 301 ESTABLISHMENT OF DISTRICTS.

For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, Wadsworth Township is hereby divided into districts, as enumerated in Sec. 302, each being of such number, shape, kind and area and of such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purposes of this Resolution, and no building or premises shall be erected or used except in conformity with the regulations herein prescribed for each district.

SEC. 302 TYPE OF DISTRICTS.

R-1 Residential District
R-2 Residential District
R-3 Residential District
C-1 Local Commercial District
C-2 Highway Interchange Commercial District
I-1 Light Industrial District
I-2 Heavy Industrial District

SEC. 303 ZONING DISTRICTS MAP.

These districts so established are bounded and defined as shown on a map entitled “Zoning districts, Map of Wadsworth Township, Ohio” and said map with all the notations, references and other pertinent material shown thereon, is hereby made a part of this Resolution.

SEC. 304 INTERPRETATION OF DISTRICT BOUNDARIES.

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

1. Where Boundaries Approximately Follow Streets, Alleys, or Highways.

Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line of right-of-way lines of highways, such lines

shall be construed to be such district boundaries.

2. Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines.

Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

3. Where Boundaries Approximately Follow Lot Lines.

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

4. Vacation of Public Ways.

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

SEC. 305 GENERAL REGULATIONS APPLICABLE TO ALL USE DISTRICTS.

The following regulations are applicable to all districts:

1. Permitted Uses.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

The Zoning Commission with the approval of the Township Trustees shall have the power to permit any use comparable in character to any of the specified uses listed under the Permitted Uses section of any district as per Section 406-2.4.

2. Permitted Area, Height, Number of Families and Yard.

No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, height, number of families and yard regulations of the district in which the building is located.

3. Permitted Height Exceptions.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein after established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. Such structure shall not have a total area greater than twenty-five (25%) percent of the roof area of the building; nor shall such structures be used for any residential purpose other than a use incidental to the main use of the building. Radio, television and wireless aerials or masts may be erected to any height subject to Federal Aeronautic Administration (FAA) Regulations. Nothing in this paragraph nor in this Resolution shall be interpreted to permit the erection of any structure in violation of any applicable provisions of any airport zoning regulations.

4. Airports.

As governed by current Federal Aviation Administration's regulations.

5. Front Yard Variances in Residential Districts.

In any R-District where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said

existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least twenty-five (25) feet and need not exceed one hundred (100) feet. This does not apply to lots fronting on major or collector thoroughfares as shown on the Land Use and Thoroughfare Plan where the front yard depth shall be measured from the proposed right-of-way line and shall adhere to the requirements of this Resolution.

6. Front Yard Depth on Major and Collector Thoroughfares.

Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front yard depth shall be measured from the proposed right-of-way line.

7. Building Permit or Zoning Certificate.

No Building Permit or Zoning Certificate shall be issued without evidence that the Medina County Health Department, County Sanitary Engineer's Office or the Ohio Environmental Protection Administration (OEPA) has approved the proposed sanitary sewage disposal facilities and water supply facilities for the use for which the building permit or zoning certificate has been requested.

8. Telecommunication Towers.

Pursuant to Section 305 (1) Permitted Uses, telecommunication towers shall not be a "Permitted Use" under the Wadsworth Township Zoning Resolution. Wadsworth Township hereby expressly regulates Telecommunication Towers in residential areas under the authority granted in the Ohio Revised Code by requiring a variance. Any proposed Telecommunication Tower must comply with the requirements of the Ohio Revised Code and, if objected to, must request a variance from the Wadsworth Township Board of Zoning Appeals.

9. Construction.

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this

Resolution and upon which building actual construction has been diligently carried on and provided further that such building shall be completed within two (2) years from the date of passage of this Resolution.

10. Principal Building.

No more than one principal building shall be permitted on any one residential lot and every principal building shall be located on a lot having frontage on a public street.

11. Substandard Lots.

Any legal lot in a single ownership, which ownership was of record at the time of adoption of this Resolution that does not meet the requirements of this Resolution for yards, or other area of open space may be utilized for single residence purposes, provided the necessary requirements for sanitary sewage facilities and water as established by the County Board of Health can be safely accommodated. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

12. Corner Lots.

Corner lots in all districts are required to have the minimum front yard depth requirements, as indicated in that district, facing both streets.

13. Lots and Yards.

No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, or front yard that is required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard requirement of or for any other building.

14. Visibility.

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which obstructs or interferes with traffic visibility. No construction or planting of any shrubbery shall be allowed in the

public right-of-ways.

15. Dwellings in Other Than Main Structure.

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

16. Dwellings in Non-Residential Districts.

No dwelling shall be erected in any C District or I District except as otherwise provided in this Resolution (See Sec. 404). However, sleeping quarters of a watchman or caretaker may be permitted. Also, however, the owner or operator of any Commercial or Industrial establishment may use for a residence the top floor or rear portion of the main structure of such establishment providing the residential use is clearly incidental to the main use of the structure for Commercial or Industrial purposes.

17. Accessory Building - Attached.

An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution applicable to the principal building.

18. Accessory Building - Detached.

An accessory building not attached to the principal building on a lot in any residential district shall be limited to a maximum dimension of 32 feet by 40 feet or 1280 square feet in area.

19. Accessory Buildings and Uses - Yard Exceptions.

In any district off-street parking spaces, private garages or other accessory buildings one story in height and detached from the main building, when located between the front of the main building and the rear lot line, may be placed five (5) feet from the side and rear property lines. One story building is not to exceed twenty (20) feet in height.

20. Approval of Plats.

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum area and width requirements set forth in the various districts of this Resolution.

21. Inconsistencies.

In the event of any of the requirements or regulatory provisions of this Resolution are found to be internally incompatible, or inconsistent one with another, the more restrictive or greater requirement shall be deemed in each case to be applicable.

22. Prohibited Uses.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements prescribed is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, glare, electrical interference, refuse matters, or water carried wastes. Trailers, basement homes, tents, and other temporary living quarters shall be prohibited.

No land shall be used to store, sell or dump partly dismantled, obsolete, or wrecked vehicles or their parts, second hand building materials, junk, paper, containers, or other salvaged articles, including, without limitation, old iron, glass, cartage waste, discarded materials, which have outlived their usefulness in their original form.

23. The Keeping of Wild, Exotic or Non-Domesticated Animals in Residential Areas.

No person shall keep, maintain or have in their possession for any reason within any residential area of Wadsworth Township, as determined by the application of the provisions contained in Section 519.21(B) of the Ohio Revised Code, any wild, exotic or non-domesticated animal (and/or as a pet) as defined in this Resolution. In other areas of the Township no person shall keep, maintain or have in their possession any such animal unless a Conditional Zoning Certificate in accordance with Article IX, Section 902.129 has been issued by the Township or the keeping of such animal is specifically exempted by Section 519.21 of the Ohio Revised Code.

- a. Animal shall mean any live vertebrate or invertebrate creature, domestic or wild.
- b. Pet shall mean any animal kept for pleasure.
- c. Wild, exotic or non-domesticated animal shall mean any poisonous animal, fish or reptile; apes (chimpanzees, gibbons, gorillas, orangutans, and siamangs); baboons; bears; cheetahs; crocodilians; pythons or boa constrictors; deer; elephants; game cocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; piranha fish; pumas (also known as cougars, mountain lions and panthers); rhinoceroses; sharks; snow leopards; tigers; coyotes; or, wolves.

24. Erection of Satellite Earth Stations.

Any type of free standing communication device larger than 9 feet in diameter, including satellite dishes, shall not be located within fifteen (15) feet of the main building, may not be built within twenty (20) feet of the side and rear lot lines and cannot be erected in the front yard.

There shall be no advertising on any type of free-standing communication device including satellite dishes beyond that which is provided by the original manufacturer.

25. Ponds and Lakes.

Ponds and lakes shall be considered as structures for purposes of permits. The toe of slope on all sides of the pond or lake shall conform to all required setback lines. Where embankments are utilized, the toe of the slope for said embankment shall be a minimum of twenty-five (25) feet from any property line and fifty (50) feet from any right-of-way line.

Ponds or lakes shall be at least twenty-five (25) feet from the principal building.

All ponds or lakes shall meet the specifications of the Medina County

Stormwater Management and Sediment Control Rules and Regulations, the Medina County Soil and Water Conservation District, and Chapter 1521 of the Ohio Revised Code (ORC). Lakes or ponds used for domestic water supply shall also meet the requirements of the private water system rules for the State of Ohio, ORC 3701-28.

Upon making application for a zoning permit, the applicant is required to submit to the Zoning Inspector, a copy of the proposed pond or lake plans which have been reviewed under the Stormwater Management and Sediment Control rules and Regulations by the Medina County Engineer's Office and by the Medina County Health Department (if applicable in the case of lakes or ponds for domestic water supply).

After construction of any pond or lake, all overflow shall be directed so that it leaves the property at the same point that it left the property before the pond was constructed.

The Zoning Inspector may request a review by the Medina County Engineer's Office to ensure conformity with approved plans. The Zoning Inspector shall inspect to ensure conformance with applicable setback requirements.

Ponds or lakes utilizing more than ten (10) acres of drainage area shall have plans prepared by a professional engineer.

26. Setback Lines, Front.

In all zoning districts the setback line shall be established by measuring perpendicularly from the existing street right-of-way or proposed street right-of-way of the property.

In the case of rear lot parcels, the front set back line shall be measured from the front property line which is herein defined as the property line of the rear lot parcel that is closest to the street from which the drive access to the parcel is provided.

27. Lot Frontage.

Lot frontages on the circular (bulb) turnaround of Cul-De-Sac streets may be reduced to 60 feet, however, the required lot width must be

obtained at the minimum building setback line. Lot Frontages on the outside curve of a curved street may be reduced to 100 feet, however, the required lot width must be obtained at the minimum building setback line.

28. Standards for Residential Development.

All new single and two family homes (including homes in new subdivisions) shall meet the following standards and criteria:

- a. All single and two family homes must meet or exceed the minimum living floor area per dwelling unit as permitted in the zoning district for which it is to be located.
- b. All single and two family homes must be a minimum of twenty-four feet (24') width.
- c. All single and two family homes must be covered with exterior wall materials of a nature that will not adversely affect the economic values of surrounding properties. The exterior siding material must extend to the ground except when a concrete or masonry foundation is used, the siding material need not extend below the top of the foundation.
- d. All single and two family homes, including factory built housing, must be placed on a permanent full perimeter frost-free foundation system built to the satisfaction of the Medina County Building Department.
- e. All exterior roofing material used shall be of a nature that will not adversely affect the economic values of surrounding properties.
- f. For a manufactured home, once in place on the full perimeter frost-free permanent foundation, all aspects of mobility, such as axles, wheels, undercarriage assemblies and tongues must be removed.
- g. For real estate taxation purposes, the "Origin of Title"

for manufactured homes must be converted to a real estate deed as opposed to obtaining a “Certificate of Title.”

- h. All manufactured homes, and single and two family homes must meet HUD Specifications in effect at time of construction, if required.
- i. This Zoning Resolution recognizes no distinction between manufactured and stick built housing when defining single and two-family housing.

29. Swimming Pools.

a. Private Family Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- 1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- 2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line or easement.
- 3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in

height, and it shall be maintained in good condition with a gate and lock.

b. Private Community or Club Swimming Pools

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members, families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than fifty (50) feet to any property line or easement.
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light

directly upon adjacent properties.

c. Public Swimming Pools

1. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than fifty (50) feet to any property line or easement.
2. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
3. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

30. Gas, Oil Wells and Associated Activities.

a. Definitions

For the purposes of these regulations, the following definitions apply:

1. **"Gas"** means all natural gas and all other fluid hydrocarbons not defined as oil, including condensate.
2. **"Waste"** includes (1) physical waste, as such term is generally understood

in the oil and gas industry; (2) inefficient storing of oil or gas; (3) locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary to excessive surface loss or destruction of oil or gas; (4) other underground or surface waste in the production or storage of oil, gas or condensate, however caused.

3. **"Owner"** means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.
4. **"Pool"** means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.
5. **"Drilling unit"** means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.
6. **"Tract"** means a single, individually taxed, parcel of land appearing on the tax list.

7. **"Brine"** means all saline geological formation water resulting, obtained or produced in connection with the exploration, drilling or production of oil or gas.
8. **"Dormant/Inactive Well"** means an oil and gas well that meets all of the following criteria:
 - a. The owner of the well has received a permit under existing law to drill, re-open, convert or plug back to a new source of supply from the Chief of the Division of Oil and Gas in the Ohio Department of Natural Resources.
 - b. Drilling of the well has been completed.
 - c. The well is fully equipped and capable of production.
 - d. The well has been out of production for at least twelve months.
9. **"Producer"** means the owner of a well capable of producing oil or gas or both; or a person intending to produce an oil and gas well.
10. **"Contractor/Subcontractor"** means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

b. Filing Requirements

Prior to the commencement of any drilling operation, the driller/owner shall file and deposit with the Zoning Inspector:

1. A plat, drawn to scale, of the township lot, showing the proposed or existing location of:
 - a. Ingress and egress points;
 - b. The well;
 - c. All known wells within 1000 feet;
 - d. Storage tanks;
 - e. Separator units;
 - f. Power shutoffs;
 - g. Transmission lines within 1000 feet of the well;
 - h. Oil flow shutoffs;
 - i. Permanent and temporary pits;
 - j. Access roads;
 - k. All dikes and swales for erosion control and spill prevention
2. A list of emergency telephone numbers of all contractors and/or subcontractors responsible for work on the tract.
3. A copy of a valid oil or gas well drilling permit from the Ohio Department of Natural Resources, Division of Oil and Gas. In the event a rush permit is issued by the Division of Oil and Gas, a copy shall be provided to the Township as soon as

possible.

4. Applicant shall submit a signed affidavit to the Zoning Inspector indicating that the applicant has a brine injection well(s) available with sufficient capacity to accept all materials to be removed and that said injection well or wells have been inspected and approved by the State of Ohio.
5. A copy of the Spill Prevention Control and Countermeasure Plan as required by Title 40 Code of Federal Regulations, part 112.
6. A schedule of the proposed starting date and dates of drilling operations.
7. Proof of liability insurance for all operations related to drilling, production, storage and transmission of all products, byproducts and wastes.
8. A copy of the permit for oversized/overweight vehicles as issued by the Medina County Highway Engineer.
9. A copy of certified test results from a state licensed testing laboratory of a representative private water supply well from each aquifer encompassed by the drilling unit. Each representative water supply well shall be selected based on the depth of the well, the aquifer it is located in, direction of groundwater flow, and surface topography as well as other currently accepted hydrologic

sampling methods and procedures. The test is to include, but is not limited to: chloride, magnesium, sodium, strontium, calcium, sulfate, potassium, alkalinity, barium, total dissolved solids, and electrical conductivity corrected to 25 degrees Centigrade.

c. General Regulations Applicable to Oil and/or Gas Well Operations

1. Signs. Prior to the beginning of drilling, a permanent, weatherproof sign, two square feet in size, with legible letters and numerals, shall be posted and maintained at the site at all times. Said sign shall show:
 - a. Access street name, number or both;
 - b. Owner's name;
 - c. Lease name;
 - d. Well number;
 - e. Permit number;
 - f. Sign shall be installed at entrance to access road.
 - g. Any emergency telephone numbers.

2. Access Roads. Prior to the beginning of drilling, all access roads shall be graded with slag, gravel, crushed stone or other suitable material, shall be a minimum of twelve (12) feet wide and capable of supporting the load of Fire Department equipment without displacement. All access roads shall be clearly marked, and shall have a graded turnaround of sufficient size for rescue vehicles used by the Township. All access roads

shall be kept in repair and maintained at all times and shall be kept plowed and free of snow to allow access by safety vehicles.

The Owner, Producer and/or Contractor shall keep all roads over which any drilling equipment or associated vehicles travel, free from accumulations of mud and dirt as a result of drilling, production, transmission, hauling or abandonment proceedings.

3. Erosion Control. All disturbed areas are to be fine graded, seeded and mulched upon completion of drilling operations. Between November 1 and March 1, disturbed areas are to be mulched with fine grading and seeding completed when weather permits. Weather permitting, all grading required herein shall be completed within fourteen (14) days after completion of drilling and all landscaping required herein shall be completed within sixty (60) days after completion of drilling.
4. Removal of Drilling Equipment. After conclusion of the drilling stage, and upon the date when notice is required to be given to the Township of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site. All portable pits shall be removed.
5. Storage Tanks. If a well is located on a steep slope or in a flood plain,

storage tanks only shall be used. All tanks shall be adequately and permanently anchored. All tanks shall be liquid tight.

6. Fencing and Clearing. The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen feet (15') in all directions and shall be enclosed by a chain-link fence not less than six feet (6') in height. Fence shall have a chain-link gate which is locked against entry at all times.
7. Burial of Lines. All gas and oil lines shall be at least fifteen feet (15') from any property line not within the drilling unit and shall be buried at a minimum depth of twenty-four inches (24"). The location of such lines shall be drawn on a map and a copy deposited with the Township Zoning Inspector and Township Fire Department.

All buried transmission lines crossing or intersecting any public road shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the Township Trustees or their representative. The minimum depth of such lines below road, perennial or intermittent streams, and ditches shall be established by the Township Trustees or their representative prior to excavation to install such lines. No transmission lines intended for burial under public roads shall be covered until the installed line is inspected by

the Township Trustees or their representative. The applicant also shall coordinate the laying of transmission lines with all public utilities servicing the Township.

8. Sanitary Facilities. The Owner, Producer and/or Contractor shall provide suitable and adequate sanitary toilet facilities to accommodate workers on the site and the toilet facilities shall be maintained in a clean and sanitary condition during construction operations.
9. Parking. All truck loading and parking areas shall be located outside of any street right-of-way or easement.
10. New Construction. No residential or public building or structure shall be erected within three hundred feet (300') of any gas/oil well, injection well, separator unit or tanks.
11. Minimum Distances. Any gas/oil well, or injection well shall be located in compliance with the requirements of Ohio Administrative Code Section 1501:9.
12. Maintenance of Site. Applicant shall at all times maintain, repair, repaint and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Resolution. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike or any other structure or apparatus contained on the drilling

unit for the purpose of oil and gas well drilling, production or transmission, the same shall be a violation of this Zoning Resolution.

13. Zoning Inspector. The Wadsworth Township Zoning Inspector may inspect oil and gas wells and storage facilities at any time to insure compliance with local zoning regulations.

In the event the Township Zoning Inspector determines that site preparation, drilling operations, fracturing operations or producing operations become hazardous, or may cause damage to surrounding properties and said operations will adversely affect the health and safety of the residents of the Township, the Zoning Inspector shall issue a written notice to the designated representative of the Owner/Producer and then the following steps must be followed:

- a. The Fire Chief and the Medina County Emergency Management Agency Director or their duly appointed representative must be contacted.
- b. The Chief or a representative of the Chief from the State of Ohio, Department of Natural Resources, Division of Oil and Gas must be contacted.

c. The Zoning Inspector must consult with the aforementioned parties. If the representative from the State of Ohio, Department of Natural Resources, Division of Oil and Gas feels that the notice has properly identified a violation which poses an immediate threat to public health and safety, shut down will occur until the violation is corrected and there is not an immediate threat to public health and safety.

14. Fire Inspection. The Fire Prevention/Inspection officer of Wadsworth Township may inspect oil and gas wells and storage facilities at any time to insure compliance with local fire regulations.

15. Removal of Storage Tanks. All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within two years after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well within said two year period.

16. Plugging of Well. In the event an

applicant at any time determines to plug a producing well, the applicant shall notify the Zoning Inspector. The applicant shall advise the Zoning Inspector of the length of time said well shall be plugged and shall further notify the Zoning Inspector when the well will again be made productive, if known.

17. Reclamation. Applicant shall reclaim the site according to state specifications.
18. Cost Recovery. The Owner, Producer and/or Contractor shall replace or pay for any fire fighting foam used by the Fire Department.

SEC. 306 REAR LOT DEVELOPMENT.

SEC 306-1 The following regulations are applicable to rear lot development:

1. A maximum of one (1) single-family dwelling per rear lot parcel. Two-family and multifamily dwelling units shall not be permitted on rear lots. No dwelling shall be erected or altered or used unless the same shall have access to a public street of not less than a sixty (60) foot street frontage and such reserved strip may not form a part of any required lot width, lot yard or lot area required by this resolution.
2. Said access way shall be sixty (60) feet in width and joined by deed to the main parcel and shall be executed with the requirements provided by law for deeds and shall be filed with the recorder of this county for record.

SEC 306-2 REAR LOT REQUIREMENTS.

1. Minimum lot area shall be five (5) acres exclusive of access drive.

2. Minimum lot width shall be 200 feet.
3. Only square or rectangular shaped rear lots or those that approximate squares or rectangles shall be permitted unless either topography or the layout of the original parcel from which the rear lots are being created does not permit the creation of square or rectangular lots.

SEC. 306-3 YARD REQUIREMENTS.

The minimum yard and setback requirements for rear lot developments are the same as required in the zoning district in which the rear lot parcel is located, except that front yard setback measurements shall be taken from the front property line which is herein defined as the property line of the rear lot parcel closest to the street from which the drive access is provided, exclusive of the drive access portion of the rear lot parcel.

SEC. 306-4 LANDSCAPING AND BUFFERING REQUIREMENTS.

Given the unique nature of this form of development, it is necessary to require landscaping and buffering requirements beyond those associated with traditional residential development patterns. The adverse impact residential development of this nature can have on surrounding properties is recognized and, therefore, necessitates the installation of auditory and visual buffering where it is not naturally present. This may be achieved through the installation of fencing, earthen mounding, non-deciduous trees and shrubbery, or any combination thereof that provide a dense, year around screening effect along the common property line of the front and rear lot parcels.

SEC. 306-5. ACCESS DRIVEWAY REQUIREMENTS.

1. Maximum one (1) single-family dwelling per drive access.
2. Driveways shall be installed before construction of buildings can begin. This installation shall consist of an all-weather driving surface capable of bearing the load of construction, emergency and passenger vehicles accessing the rear lot without displacement. An all-weather driving surface is a

surface such as: compacted stone or gravel, brick, asphalt or concrete.

3. Driveway widths shall be a minimum of ten (10) feet of all-weather driving surface with an additional three (3) feet of level berm on each side unobstructed to a height of sixteen (16) feet.
4. The driveway access shall not be located in a watercourse, drainage ditch, or swale. Where a driveway must cross a watercourse, ditch, or swale; bridging, culverts, or other approved means shall be used to prevent flooding and to provide for adequate drainage or water flow along the waterway.
5. Where a curve occurs in a driveway, the inside edge of the drive surface shall have a minimum radius of thirty-five (35) feet.
6. Exact location of the access driveway shall be shown on a plot plan presented to the Zoning Inspector and Fire Chief and approved by same.
7. All driveway surfaces or beginning of slope must be ten (10) feet from all side and rear lot lines.
8. All rear lot access drives shall be constructed with a turn around at the distal end of the drive from the street right-of-way. The turn around may be constructed as either a radial or "T" shaped turn around. All turn around must meet the minimum turn around requirements for the largest fire emergency vehicle that may have cause to access a rear lot. Therefore, all access driveway turnarounds must be approved by the Fire Chief. Turn around areas shall remain unobstructed at all times.
9. The minimum distance between rear lot access driveway locations shall be four hundred (400) feet along the adjacent public thoroughfare. If two (2) rear lot access driveways are adjacent to each other, then the minimum distance between additional rear lot access driveway locations shall be six hundred (600) feet.

10. Access driveways longer than five hundred (500) feet shall include passing lanes at a minimum of every five hundred (500) feet. Passing lanes shall consist of an additional ten (10) feet of width of all weather pavement material for a length of fifty (50) feet.
11. A street number identification sign shall be placed at the access driveway entrance. Minimum sign size shall be six (6) inches by eighteen (18) inches, with light reflecting numerals used for the house numbers.

SEC. 306-6 APPLICATION FOR ZONING CERTIFICATE FOR REAR LOT DEVELOPMENT.

All applications for a zoning permit for rear lot development shall be accompanied by a signed and notarized affidavit attesting to the following:

“The undersigned grantee(s) hereby acknowledge(s) the premises described in the attached application and shown on the attached plot plan is located on a undedicated easement of access or access driveway, and further the grantee(s) understand(s) that no governmental body is or shall become responsible for the care and/or maintenance of such access.”

SEC. 307 ACCESSORY APARTMENTS.

SEC. 307-1 INTENT AND PURPOSE.

The purpose of this regulation is to address the identified need of providing and preserving affordable and secure housing for the elderly and handicapped residents of Wadsworth Township, while preserving the appearance and character of the Township’s neighborhoods; by permitting, as an accessory use, the creation of a separate, self-contained living unit within, incidental and subordinate to, an existing single-family residence.

SEC. 307-2 DEFINITIONS.

1. For the purposes of this regulation, the term "accessory apartment" shall be defined as a separate, self-contained living unit within and subordinate to, an existing single-family residence.

2. For purposes of this regulation, the term “primary dwelling” shall be defined as the unconverted portion of an existing single-family residence.
3. For purposes of this regulation, the term “principal owner” shall be defined as the owner of not less than a fifty (50) percent interest in the residence.

SEC. 307-3 SPECIFIED REQUIREMENTS.

A one-family residence located within lawful setbacks and situated in a R-1, R-2 and R-3 Zones may be converted into a one-family dwelling with a single accessory apartment, subject to the following conditions and requirements:

1. A principal owner of the residence must reside in either the primary dwelling or the accessory apartment throughout the duration of the permit as referred to in Sect. 307.4.1.
2. The accessory apartment shall contain not less than 480 square feet and not more than forty (40) percent of the floor area of the originally existing residence.
3. Any exterior alterations to the originally existing residence shall be made on the existing foundation, with the exception that alterations made solely for the purpose of providing access and egress need not be made on the existing foundation. No separate access to the accessory apartment from the outside shall be provided.
4. The number of off-street parking spaces for the accessory apartment shall not be less than one.
5. The occupancy of the accessory apartment shall be limited to not more than two persons.
6. If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to

approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire and health code requirements.

SEC. 307-4 APPLICATION PROCEDURE.

No conversion contemplated by this regulation shall occur, nor shall an associated Building Permit or Certificate of Occupancy be issued until the owner of the residence to be converted has received a written permit from the Zoning Inspector. The applicant shall first submit the following supporting data for review by the Zoning Inspector:

1. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
2. Interior floor plans showing the floor area of the proposed accessory apartment and primary dwelling.
3. A site plan showing location of required parking for the premises and that all yard area requirements will be satisfied.

SEC. 307-5 DURATION.

The permit and any other form of approval for a dwelling conversion issued hereunder shall be subject to revocation upon a finding of noncompliance with the provisions of this Resolution.

SEC. 308 SITE PLAN REVIEW.

SEC. 308-1 PURPOSE.

The purpose of this Section is to establish the procedures for site plan review in order to assure that all the elements required in this Resolution are present in a site plan and that their design, location and relationship to one another, to the site and to adjacent properties are appropriate to achieve the intent and goals of this Resolution.

SEC. 308-2 PROJECTS REQUIRING SITE PLAN REVIEW.

The Zoning Commission shall conduct a site plan

review for all projects to come before it, as set forth in this Section and all other applicable sections of this Zoning Resolution. The Board of Zoning Appeals shall conduct a site plan review for all projects and/or development types that come before it including those projects that are appealing a decision to disapprove the proposed site plan by the Zoning Commission, as set forth in this Section and all other applicable sections of this Zoning Resolution. Site plan review shall be required for the following types of projects/developments:

1. New construction or relocation of building for all development types, except for single family and two family dwellings;
2. Conversions of an existing structure to another permitted use, where no new exterior construction or site development is planned. "Use conversion" status will be moving from one of the following use categories to another:
 - a. Residential to Commercial or Industrial;
 - b. Commercial to Industrial; or,
 - c. Industrial to Commercial.
3. Projects listed in Sections 404 through Section 407, which are contemplating an addition or expansion, which have at least one of the following effects:
 - a. Alterations or rearrangement of on-site parking which results in a reduction or increase in the number of parking spaces or placement within a required front yard area;
 - b. Increasing floor area by 50% or more of the existing floor area;

- c. Alteration of traffic flows by way of ingress and egress or within the site itself;
- d. The construction of public or private off-street parking areas where they are permitted under this Resolution; and,
- e. Employment increases where such increase in employment requires additional parking to be provided in order to remain in compliance with the parking requirements set forth in Article V of this Resolution.

SEC. 308-3 SITE PLAN APPLICATION REQUIREMENTS.

When the Zoning Inspector has determined that a proposed project requires site plan review, an application shall be sent or given to the developer or agent.

The application for site plan review shall include the following items:

- 1. Completed application form;
- 2. Architectural plans three (3) copies showing exterior elevations and floor Plans. If exterior elevations are not available, reasonable graphic representations may be submitted;
- 3. Site plan seven (7) copies, showing the following items and drawn at a scale of either one hundred feet or fifty feet to the inch:
 - a. General vicinity map;
 - b. Property boundary lines and setback lines;
 - c. Elevation contours, existing and proposed;

- d. Traffic and circulation plan;
- e. Adjacent streets;
- f. Parking and loading plan;
- g. Landscaping plan;
- h. Grading and erosion control, surface drainage plan;
- i. Proposed signage;
- j. Footprints of existing and proposed structures;
- k. Utilities plan; and,
- l. All easements and rights-of-way affecting the site.

All site plan drawings shall be clearly drawn and prepared by a professional engineer, architect or surveyor, as applicable and shall bear their professional seal on the plans.

- 4. The application shall be accompanied by a fee as required by Section 1001-5 of this Resolution. Applications without fees will not be processed.
- 5. A list of the name and addresses of all property owners within 200 feet of the property lines of the subject property, as they appear on the County Auditor's current tax list or Treasurer's mailing list.
- 6. Copies of current tax map pages for the subject and above properties.
- 7. Project cost estimates for site improvements.

SEC. 308-4 REVIEW PROCESS.

Once a complete application for site plan review has been filed, the Zoning Inspector shall:

1. As needed, circulate copies of the site plan to those officials and technicians that would have information or knowledge pertinent to the project such as the County Planning Commission, County Building Inspector, Sheriff Department, Fire Chief, County Highway Engineer, County Sanitary Engineer, County Health Department, and such other individuals as necessary for review and comment.

Reviews by outside agencies or individuals shall be returned to the Zoning Inspector within ten (10) working days of the date of mailing if they are to be considered by the Township.

2. Within five (5) working days of the return date of all comments the Zoning Inspector shall arrange for a meeting with the applicant if there are any comments to discuss. Any necessary revisions should be made prior to the Zoning Commission or Board of Zoning Appeals meeting.
3. The Zoning Inspector shall notify the identified property owners, applicant and other interested parties by mail, no less than fifteen (15) days prior to the Zoning Commission meeting, or Board of Zoning Appeals meeting (if the applicant is contesting a decision of the Zoning Commission or if the applicant is seeking a conditional use permit requiring site plan review), at which the subject site plan will be considered. The notice shall indicate an interested party may review a case file by contacting the Zoning Inspector to arrange a time when the case file may be reviewed.

SEC. 308-5 SITE PLAN REVIEW OF PLANS.

The Zoning Commission or Board of Zoning Appeals, where applicable, shall conduct a Site Plan Review so that it may determine if the specific requirements of this Resolution are being satisfied in

the planning of the proposed project. The Zoning Commission or Board of Zoning Appeals may also take into account comments from Township Officials or the general public in its evaluation of the project.

Where it finds it necessary, the Zoning Commission or Board of Zoning Appeals, where applicable, may require changes be made to the site plan in order to insure the health, safety, and welfare of the public as well as the integrity of an existing neighborhood in proximity to the development.

1. Special Studies Required. In the event the Zoning Commission or Board of Zoning Appeals feels that additional information is necessary in order to make its decision, it may instruct the applicant to conduct additional studies, or seek expert advice. The cost of such studies shall be borne by the applicant.
2. Decision. The Zoning Commission or Board of Zoning Appeals shall approve or disapprove all site plans to come before it within sixty (60) days of the initial Site Plan Review meeting. Such period may be extended by the Zoning Commission or the Board of Zoning Appeals in the event that additional special studies are required.
3. Disapproval by Zoning Commission. In the event the Zoning Commission does not approve a proposed site plan, the Zoning Commission shall notify the applicant in writing of its decision. When a site plan is not approved by the Zoning Commission the applicant shall be informed that they may appeal the decision of the Zoning Commission to the Board of Zoning Appeals. The Board of Zoning Appeals shall review the complete site plan and consider any requirements made by the Zoning Commission as well as any comments received from Township Officials, the general public and the applicant during its re-view of the site plan. The Board of Zoning Appeals may attach any reasonable conditions to the approval of the site plan that it deems necessary to insure the health, safety, and welfare of the public as

well as the integrity of an existing neighborhood in proximity to the development.

If the applicant does not appeal the decision of the Zoning Commission to the Board of Zoning Appeals, they may not resubmit the plan to the Zoning Commission for review in less than one (1) year from the date of the decision, unless correcting revisions have been made to the original plans. All re-submittals shall follow the application requirements set forth in this Section.

4. Disapproval by Board of Zoning Appeals. In the event the Board of Zoning Appeals does not approve a proposed site plan, the Board of Zoning Appeals shall notify the applicant in writing of its decision. The applicant may not resubmit the plan to the Board of Zoning Appeals unless correcting revisions have been made to the original plans. All re-submittals shall follow the application requirements set forth in this Section.
5. Approval. In the event that the Zoning Commission or Board of Zoning Appeals approves a proposed site plan, the Zoning Commission or Board of Appeals shall notify the applicant in writing of its decisions. The Chairman of the Zoning Commission or Board of Zoning Appeals, or their designee shall sign and date a copy of the approved plans and this copy shall become the officially approved site plan. Upon approval, the applicant shall have one (1) year from the date of approval to obtain a Zoning Permit. The Zoning Permit shall be obtained in accordance with this Resolution. Should this one year period elapse without the applicant having obtained the Zoning Permit, the Site Plan Approval shall become null and void. Should this become the case, the applicant may resubmit an application in conformance with the requirements of this Section.
6. Conformance with Site Plan Approval. All projects are to be constructed in accordance with the approved

site plan. Any change from the approved site plan shall be submitted to the appropriate reviewing body for their review and approval prior to construction. Any variation from the approved site plan shall be treated as a violation of this Resolution and shall be subject to penalty as specified in Section 1002-4 of this Resolution.

SEC 308-6 STAGED DEVELOPMENT.

Where a proposed site plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of the initial approval providing that the initial stage is completed in conformance with Section 1001-4.3, and that the latter stages are constructed in conformance with all applicable local, state and federal regulations. Upon the expiration of this ten (10) year period any and all development which has not commenced shall be subject to the application and review requirements stated within this Section and amendments thereto.

SEC. 308-7 FINANCIAL GUARANTEES.

Prior to issuance of zoning or building permits, a cash performance bond or other acceptable financial guarantee shall be placed on deposit with the Township to ensure that site improvements, landscaping, surface drainage, sidewalks, etc. are installed in conformance with the approved site plan. The bond or guarantee shall be for the total construction cost estimate of the site improvements plus 10% of the estimate, in lieu of increased costs, and shall be for a period not to exceed two (2) years, providing for the complete construction of the site improvements within that period. If the development is to be developed in stages, each stage shall have a separate financial guarantee.