

ARTICLE IX

CONDITIONAL ZONING CERTIFICATE

SEC. 901 PURPOSE.

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditionally Permissible Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

SEC. 901-1 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure use permitted under this Resolution shall be submitted in accordance with the following procedures:

1. Application Submitted to Zoning Inspector

An application shall be submitted to the Zoning Inspector on a special form for that purpose, supplied

by the Zoning Inspector. Each application shall be accompanied by the payment of a fee, which fee shall not be refundable. In addition, the Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and said report shall be furnished to the Board of Zoning Appeals as soon as it is practicable.

2. Data Required with Application

- a. Form supplied by Zoning Inspector completed by applicant.
- b. Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
- c. Complete plans and specifications for all proposed development and construction.
- d. A statement supported by substantiating evidence regarding the requirements enumerated in Section 901-2 below.

3. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Resolution.

4. Hearing

The Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general

circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

5. Issuance and Revocation of Conditional Zoning Certificates, Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a conditional zoning certificate. The breach of any condition, safeguard, or requirement shall constitute a violation of this Resolution. Such violation shall be punishable as per Section 1002.

6. Reapplication

No application for a conditional zoning certificate which has been denied wholly or in part by the Board of Zoning Appeals may be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration, as determined by the Board of Zoning Appeals.

7. Continuation of Existing Uses Conditionally Permissible

All uses existing at the time of passage of this Resolution and conditionally permissible in their respective districts under this Resolution, may request that a Conditional Zoning Certificate be issued by the Board of Zoning Appeals.

SEC. 901-2 BASIS OF DETERMINATION - CONDITIONAL ZONING CERTIFICATES.

The Board of Zoning Appeals shall establish that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary

for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed.

1. General Standards - Conditional Zoning Certificates

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- a. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Wadsworth Land Use and Thoroughfare Plan of current adoption and this Resolution.
- b. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- c. Will not be hazardous or disturbing to existing or future neighboring uses.
- d. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- f. All structures, roads and utilities, shall be in compliance with the Medina County Subdivisions Regulations, the Board of Health

Standards and the County Building Code.

- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

SEC. 902 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 305-23, 401-3, 402-3, 403-3, 404-3, 405-3, 406-3, 407-3.

- 101. All structures and activity areas should be located at least fifty (50) feet from all property lines.
- 102. Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103. Recreational facilities shall be provided as deemed necessary.
- 104. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares; no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- 105. There shall be no more than one advertisement oriented to each abutting road identifying the activity.
- 106. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 107. Such structures should be located on a collector or minor thoroughfare.
- 108. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 109. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial or commercial districts.
- 110. Any temporary structures must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval.
- 111. Such structures shall not be continued as permanent structures. The period of

continuance shall be set by the Board of Zoning Appeals.

112. Such use shall not require uneconomic extensions of utility services at the expense of the community.
113. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
114. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
115. Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
116. No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.
117. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
118. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
119. Shall indicate established routes for truck movement in and out of the development in such a way that it will minimize the wear on public streets and that it will prevent hazard and damage to other properties in the community.
120. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
121. Such uses shall be permitted under the following conditions:

- a. All activities, except those required to be performed at the fuel pumps and car washing, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
 - b. No more than one (1) driveway approach shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
 - c. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.
 - d. At least a six (6) inch pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
122. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
123. Such establishments shall be devoted primarily to selling their output at retail on the premises and employing not more than (10) persons on the premises.
124. Such uses shall be so designed to encourage the sound development of highway frontage near interchanges and reduce the safety hazards and traffic congestion in such areas.
125. Such uses shall be secondary in importance to the use of the dwelling for dwelling purposes.

a. Definition

- 1. Type 1 home occupation is a nonresidential use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.
- 2. Type 2 home occupation is a non-residential use conducted in an accessory building on a residential

property and is carried on by the property's residents and a maximum of one employee, which use is clearly incidental and secondary to the use of the property for dwelling purposes.

b. Type 1 Criteria

1. Such use shall be conducted by persons residing on the premises, with no non-residential employees.
2. Such occupation shall be carried on entirely within the dwelling.
3. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five (25%) percent of the living area of the dwelling unit shall be used in the conduct of the home occupation; if the basement of a residence is used in the conduct of a home occupation, not more than fifty (50%) percent of the floor area of the basement shall be used for such purposes.
4. No activity, materials, goods or equipment indicative of the occupation shall be visible from the public way or adjacent property.
5. No Traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site.
6. No alteration to the exterior of the residential building shall be made which changes its character as a dwelling.
7. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.

c. Type 2 Criteria

1. Such use shall be conducted by persons residing on the premises with no more than one non-resident employee.
2. Such occupation shall be carried on entirely within an accessory structure that is separated from all property lines by at least 100 feet.
3. Such occupation shall be clearly incidental and subordinate to the land use for residential purposes, and there shall be no new buildings or building expansion specifically constructed for any home occupation.
4. No activity, material, goods or equipment indicative of the occupation shall be visible from any public way or adjacent property.
5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.
6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site.
7. Accessory structures for home occupations may be a garage or other building. The maximum floor area for a Type 2 home occupation shall be 800 square feet.
8. Accessory structures for home occupations shall comply with all additional requirements in the applicable zoning district.
9. No equipment or process shall be used in such

occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors or electrical interference. Evidence of the above objectionable elements shall not be discernable beyond the lot lines of the property.

- 126. Such uses should be located on a major thoroughfare, adjacent to non-residential uses such as commerce, industry or recreation or adjacent to sparsely settled residential uses.
- 127. Bed and Breakfast shall meet the following requirements:
 - a. No more than two (2) adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
 - b. The facility shall contain not more than four (4) sleeping rooms for guests.
 - c. One (1) on-site parking space for each one (1) rental sleeping room.
 - d. The facility shall be located on minor arterial, major collector, minor collector road as described by Wadsworth Township Trustees.
- 128. (This section intentionally left blank)
- 129. The following specific guidelines shall be met in addition to the General Provisions of Section 305.23, before the issuance of a Conditional Zoning Certificate, to house or cage Non-Domestic Animals:
 - a. Cage, pen, housing, or structure shall be built in such a way that:
 - 1. The animal cannot escape.
 - 2. Unauthorized persons cannot enter.
 - 3. It is enclosed on all sides, including the top.
 - 4. A gate with padlock and key, or other locking

device requiring a key to open is provided.

5. Floor of cage or pen is constructed of concrete, blacktop, or other sufficient material to keep the animal from digging out of the enclosure.
 6. A full perimeter fence surrounding the cage, pen, housing or structure is provided that prevents unauthorized individuals from reaching into the structure or otherwise coming into contact with any animal housed therein.
- b. Facility is to be inspected by the Township Zoning Inspector.
 - c. Other animals shall not be housed in the same structure, without being approved by the Board of Zoning Appeals.
 - d. Adequate proof of personal injury and property damage insurance must be submitted to the Board of Zoning Appeals at the time of the public hearing. Applicant is to provide proof of payment of insurance premium annually to the Zoning Inspector
 - e. State or Federal permits, if required, must be obtained before the Issuance of a Conditional Zoning Certificate.