

**ZONING RESOLUTION**  
**WADSWORTH TOWNSHIP**  
**MEDINA COUNTY**  
**OHIO**

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# WADSWORTH TOWNSHIP ZONING RESOLUTION

## REVISION PAGE

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| <u>Revision</u> | <u>Trustee<br/>Resolution</u> | <u>Effective Date<br/>of Change</u> | <u>Description</u>   |
|-----------------|-------------------------------|-------------------------------------|--|
| A               | 01-02                         | February 02, 2002                   | Removed and revised sections referencing telecommunication towers  |
| B               | 04-70                         | January 06, 2005                    | Revised to add day care facilities as a permitted use in residential and commercial areas                        |
| C               | 09-26                         | April 16, 2009                      | Revised the height of swimming pool fences and added regulations for the height of one story accessory buildings |
| D               | 09-46                         | October 01, 2009                    | Added Article XIV, Establishment of Riparian Setbacks  |

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## **ARTICLE I**

### **TITLE, AUTHORIZATION, PURPOSE**

**SEC. 101      TITLE**

A Resolution to provide for the comprehensive zoning of Wadsworth Township, Medina County, Ohio: establish use districts, height and area regulations; control non-conforming uses; provide for off-street parking; authorize conditional zoning certificates; provide for the administration and enforcement of the Resolution; and to repeal the existing Zoning Resolution of Wadsworth Township.

**SEC. 102      SHORT TITLE**

This Resolution shall be known as the “Zoning Resolution of Wadsworth Township, Ohio.”

**SEC. 103      AUTHORIZATION**

This Resolution is authorized by Chapter 519 of the Revised Code of the State of Ohio.

**SEC. 104      STATEMENT OF LEGISLATIVE PURPOSE**

The Wadsworth Area, including both the City and the township, originated as a farm trade and service center, expanded because of coal mining, the railroad and industries prior to World War II and then further expanded because of the dominant use of the motor vehicle after World War II. Today the Wadsworth Area functions as a shopping center, an industrial core and also as a living area for workers of nearby communities. The City of Wadsworth and Wadsworth Township are strategically located in respect to the major highways of U.S. 224(I-76) and U.S. 21 and also is within the area of influence of the expanding metropolitan region of the City of Akron. These factors deem it inevitable that future expansion of residential, commercial and industrial land uses will occur.

It is essential to the well-being of the area that such development shall take place in an orderly manner so as to place no undue burden upon developers, industry, commerce or residents. It is the purpose of this Resolution to provide for that orderly development; to assure the provision of adequate sites for industry, commerce and residence; to provide for free movement of vehicles upon the public streets and highways of the area; to protect industry, commerce and residences against

incompatible uses of land; to assure the provision of adequate space for the parking of vehicles of customers using the commercial, retail and industrial areas. In addition to the above, it is recognized that it is the purpose of industry and commerce to provide the means for decent and respectable lives for the citizens of a community. In the interests of public health, safety, morals and the general welfare, it is essential that all districts be considered equal since all districts perform an equally important function within the community, and that districts be adequately protected in order to enable them to best perform their function within the community. It is also essential that all of the uses of land and buildings within the Wadsworth Area be so related as to provide for economy in government and so that they may mutually support each other in order that the fullest benefit may be derived from industrial, commercial and living areas.

## ARTICLE II

### DEFINITIONS

**SEC. 201** As used in this Resolution, the following words shall have the meaning ascribed to them in this article, except as and if the context clearly indicates or requires a different meaning:

“**Accessory Use**” is a use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

“**Airport Hazard**” means any structure or object of natural growth or use of land within an airport hazard area which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.

“**Alley**” is a public way which affords only a secondary means of access to abutting property.

“**Alteration**” as applied to a building or structure, is a change or rearrangement in the structural part or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

“**Antenna**” is any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennae shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

“**Billboard**” other than directional signs to local businesses, is a sign which calls attention to a business, commodity, service, entertainment or any other activities conducted, sold, placed or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of this Resolution.

“**Basement**” is a story, suitable for business or habitation, partially below the

level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

“**Bed and Breakfast**” is a dwelling where overnight accommodations and a morning meal is provided to overnight transients for compensation.

“**Boarding House**” is a dwelling where meals or lodging and meals, are provided for compensation to two (2) or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel.

“**Building**” is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property.

“**Building Height**” is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

“**Building Line**” is a line beyond which no part of a building projects.

“**Building, Principal**” is the building housing the principal activity performed on any lot.

“**Centralized Sewer System**” is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.

“**Centralized Water System**” is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

“**Damaged or Diseased Trees**” means trees that have split trunks; broken tops, heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

“**Day Care Facility**” is a building or structure where care, protection and supervision are provided on a regular schedule and for a fee to children or

adults.

**“Designated Watercourse”** means a river or stream within Wadsworth Township that is in conformity with the criteria set forth in these regulations.

**“Density”** is the number of families residing on, or dwelling units developed on, an acre of land.

**“Dwelling, One-Family”** is a detached building designed for, or occupied exclusively by, one family.

**“Dwelling, Two-Family”** is a detached building designed for or converted or occupied exclusively by two families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

**“Dwelling, Multi-Family”** is a detached building designed for, or converted or occupied by three or more families living independently of each other, with cooking and toilet facilities in each dwelling unit.

**“Factory Built Housing”** is a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, “factory built housing” shall include the following:

1. **Manufactured Home:** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home:** Factory built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

3. Mobile Home: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

“**Family**” is one (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, or hotel.

“**Federal Emergency Management Agency (FEMA)**” means the agency with overall responsibility for administering the National Flood Insurance Program.

“**Garage, Private**” is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that permitted as a home occupation and not reducing the storage of that number of vehicles for which such garage was designed.

“**Garage, Public or Storage**” is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

“**Gasoline Service Station**” is any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

“**Home Occupation**” is any use customarily conducted entirely within a dwelling, or an accessory building on a residential lot, 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 thereof.

“**Hotel or Motel**” is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals and in which there are more than five (5) sleeping rooms.

“**Impervious Cover**” means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

“**In-Line Pond**” means a permanent pool of water created by impounding a designated watercourse.

“**Junk Yard**” is the use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled.

“**Land Development Activity**” means any change to the surface area of a lot including but not limited to, clearing grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

“**Loading Space**” is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

“**Lot**” is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Resolution.

“**Lot Area**” is the total area within the lot lines of a lot, excluding any street right-of-ways.

“**Lot, Building**” is a parcel of land that meets the minimum requirements of this Resolution for the zone in which the lot is located as well as the General Regulations that are applicable to all use districts.

“**Lot, Corner**” is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees. It is the land occupied or to be occupied by the corner buildings.

“**Lot, Depth of**” is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan then the lot depth shall be measured from the proposed right-of-way line.

“**Lot Frontage**” is the length of the front lot line measured at the street right-of-way line of a street which affords the principal means of access to an abutting property.

“**Lot, Interior**” is a lot other than a corner lot.

“**Lot Lines**” are the lines defining the limits of a lot.

“**Lot of Record**” is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Medina County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Medina County.

“**Lot, Substandard**” is a parcel of land that has less than the minimum area or minimum dimensions required by this Resolution in the zone in which the lot is located.

“**Lot Width**” is the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building set back line.

“**Major Thoroughfare and Collector Thoroughfares**” are thoroughfares designated as such on the Land Use and/or Thoroughfare Plan duly adopted by the Medina County Planning Commission.

“**Minimum Building Setback Line, Front**” is a line in back of and parallel to the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan the setback line shall be measured from the proposed right-of-way line.

**“Minimum Living Floor Area”** is the measurement of useable floor area consisting of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, dens, library and family rooms, recreation rooms, utility rooms, but not including areas such as porches, breezeways, terraces, garages and basements.

**“Non-Conforming Use”** is a building, structure or use of land legally existing at the time of the enactment of this resolution, and which does not conform to the regulations.

**“Nursing or Convalescent Home”** is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**“Ohio Environmental Protection Agency”** means the governmental agency referred to herein as the Ohio EPA.

**“One Hundred Year Floodplain”** means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of Wadsworth Township.

**“Ordinary High Water Mark”** means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

**“Parking”** is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**“Quasi-Public”** uses operated by private individuals or groups of individuals for a public purpose, but with only limited public control or accessibility such as charitable organizations, churches, private schools, private golf clubs, cemeteries, lodge halls, fraternal organizations and the like.

**“Riparian Area”** means naturally vegetated land adjacent to designated watercourses that if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants

or performs other functions consistent with the purposes of these regulations.

**“Riparian Setback”** means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

**“Rooming House or Lodging House”** is a building other than a hotel where lodging only is provided for two (2) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

**“Service Establishments”** are those business establishments engaged in a service and include such uses as finance, insurance, and real estate services, personal services, business services, repair services, indoor amusement services, professional and semi-professional services. These uses do not include retail sales, wholesaling and manufacturing.

**“Sign”** is any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**“Soil and Water Conservation District (SWCD)”** means the Medina County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

**“Soil Distributing Activity”** means clearing, grading, excavating, filling or other alteration of the earth’s surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**“Stream Bank Stabilization”** means soil-disturbing activities undertaken to control erosion along the banks of designated watercourses. Stream bank stabilization shall also include stream restoration that is defined as the process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood prone areas, to its natural or referenced stable conditions, considering recent and future watershed conditions. Stream restoration also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream’s

watershed in order to achieve dynamic equilibrium.

“**Street, Public**” is a public thoroughfare which has been dedicated to the public for public use and accepted by the county and which affords principal means of access to abutting property.

“**Street, Private**” is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

“**Structure**” is anything constructed or erected which requires location on the ground, including billboards, but not including fences or walls used as fences.

“**Structure Alterations**” is any change in the supporting members of a building such as bearing walls, columns, beams, girders, or any substantial changes in the roof and exterior walls.

“**Subdivision**” the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership.

“**Swimming Pool**” shall be deemed an accessory use.

“**Telecommunications Tower**” is any freestanding structure, or any structure to be attached to a building or other structure that meets all of the following criteria:

1. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
2. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The free-standing or attached structure is proposed to be located in an area zoned for residential use.
4. The free-standing structure is proposed to top at a height greater than the maximum allowable height of the residential structures within the zoned area or the maximum allowable height of such a free-standing structure.

5. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached or the maximum allowable height of such an attached structure.
6. The free-standing or attached structure is proposed to have attached to it radio frequency transmission and/or reception equipment.

“**Thoroughfare**” is a street or alley.

“**Trailer, Independent**” is a mobile home which has a flush toilet and a bath or shower.

“**Trailer Park**” is an area where two (2) or more trailers are parked or which is used or offered for the purpose of providing parking space for two (2) or more trailers for dwelling or sleeping purposes.

“**Tourist Home**” is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

“**Waste Water Treatment Plant (WWTP)**” means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

“**Watercourse**” means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

“**Wetland**” means those areas that are inundated or saturated by surface or ground water as a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (Code of Federal Regulations, 40 C.F.R. 232, as amended).

“**Wetlands, Category 1**” means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

**“Wetlands, Category 2”** means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

**“Wetlands Category 3”** means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

**“Yard Width, Side”** the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

**“Yard Depth, Front”** is the perpendicular distance between the street right-of-way line, or front property line for rear lot parcels, and the nearest portion of any structure existing or to be constructed excluding steps. 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.

**“Yard Depth, Rear”** is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

## **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,

1. 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.

## ARTICLE IV

### USE, AREA, HEIGHT REGULATIONS

#### SEC. 401 R-1 RESIDENTIAL DISTRICT.

##### SEC. 401-1 PURPOSE: R-1 RESIDENTIAL DISTRICT.

The purpose of this district is to provide for rural residential development at a low density which will promote the continuation of the predominant rural character of certain areas of the township. It is also the intention of this district to allow residential development of sufficiently low density to preclude creation of public health and safety problems and which could result in the need to extend central facilities in an uneconomical fashion. This district is further intended to encourage agricultural production as a part of the life of the community.

##### SEC. 401-2 PERMITTED USES: R-1 RESIDENTIAL DISTRICT.

The following uses are permitted in the R-1 district:

1. Single-family residential dwellings.
2. Two-family residential dwellings.
3. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
4. Accessory Apartments – As regulated by Article III, Section 307.
5. Rear Lot Development – As regulated by Article III, Section 306.
6. Signs subject to Article VI.

**SEC. 401-3    CONDITIONALLY PERMISSIBLE USES: R-1 RESIDENTIAL DISTRICT.**

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below:

1.     Public and parochial schools subject to Subsections 101, 104, 106, 107.
2.     Churches and other buildings for the purpose of religious worship subject to Subsections 101, 104, 108, 117.
3.     Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to Subsections 101, 102, 104, 105, 106, 120.
4.     Temporary buildings for uses incidental to construction work subject to Subsections 110, 111.
5.     Institutions for medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 108, 112.
6.     Cemeteries subject to statutory limitations and Subsections 101, 104, 108.
7.     Recreation uses other than those governmentally owned and/or operated such as: swimming pools, golf courses, tennis clubs, riding academies, subject to Subsections 101, 102, 104, 105, 106, 112, 120 and Article III, Section 305.33.
8.     Governmentally owned and/or operated buildings and facilities other than those listed above subject to Subsections 104, 108, 109.

9. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 115, 116, 118, 119, 120.
10. Institutions for higher education subject to Subsections 101, 102, 104, 105, 106, 108.
11. Home occupations subject to Subsection 125.
12. Bed and Breakfast subject to Subsection 127.
13. Day Care Facilities subject to Subsections 101, 102, 104, 106, 107, 114.

**SEC. 401-4 AREA AND HEIGHT REGULATIONS: R-1 RESIDENTIAL DISTRICT.**

1. Minimum Lot Area
  - a. Single-family dwelling - 2.0 acres.
  - b. Two-family dwelling - 3.0 acres.
2. Minimum Lot Frontage – Two hundred (200) feet.
3. Minimum Lot Width at Minimum Building Setback Line
  - a. Single-family dwelling – 200 feet.
  - b. Two-family dwelling – 200 feet.
4. Maximum Lot Depth – four times the lot width at minimum building setback line.
5. Minimum Front Yard Depth – One hundred (100) feet.
6. Minimum Rear Yard Depth – Seventy-five (75) feet.
7. Minimum Side Yard Width – Twenty-five (25) feet.

8. Minimum Floor Area Requirements Per Dwelling Unit
  - a. Minimum Living Floor Area, One Story, Single Unit – 1,200 square feet.
  - b. Minimum Living Floor Area, More than One Story, Single Unit – 1,300 square feet
  - c. Minimum Living Floor Area Per Family, Duplex or Two-Family Unit – 1,000 square feet
9. Height Regulations – No structure shall exceed forty (40) feet in height.
10. Off-Street Parking and Loading – As regulated by Article V of this Resolution.
11. Driveways – Shall be ten (10) feet off the property line at the street right-of-way line. Each lot shall have its own driveway.

**SEC. 402 R-2 RESIDENTIAL DISTRICT.**

**SEC. 402-1 PURPOSE: R-2 RESIDENTIAL DISTRICT.**

The purpose of this district is to provide for low density, large lot, residential development consistent with the present location of such areas at the fringes of the community. Lot sizes deemed necessary for septic system development will be required while reducing such lot sizes where central sewer or central water facilities are provided. Residential development permitted are single-family and two-family structures.

**SEC. 402-2 PERMITTED USES: R-2 RESIDENTIAL DISTRICT.**

The following uses are permitted in the R-2 district:

1. Single-family residential dwellings.
2. Two-family residential dwellings.
3. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
4. Accessory Apartments – As regulated by Article III, Section 307.
5. Rear Lot Development – As regulated by Article III, Section 306.
6. Signs subject to Article VI.

**SEC. 402-3 CONDITIONALLY PERMISSIBLE USES: R-2 RESIDENTIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below:

1. Public and parochial schools subject to Subsections

- 101, 104, 106, 107.
2. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 104, 108, 117.
  3. Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to Subsections 101, 102, 104, 105, 106, 120.
  4. Temporary buildings for uses incidental to construction work subject to Subsections 110, 111.
  5. Institutions for medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 108, 112.
  6. Cemeteries subject to statutory limitations and Subsection 101, 104, 108.
  7. Recreational uses other than those governmentally owned and/or operated such as: swimming pools, golf courses, tennis clubs, riding academies, subject to Subsections 101, 102, 104, 105, 106, 112, 120 and, Article III, Section 305.33.
  8. Governmentally owned and/or operated buildings and facilities other than those listed above subject to Subsections 104, 108, 109.
  9. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 115, 116, 118, 109, 120.
  10. Institutions for higher education subject to Subsections 101, 102, 104, 105, 106, 108.
  11. Home occupations subject to Subsection 125.

12. Bed and Breakfast subject to Subsection 127.
13. Day Care Facilities subject to Subsections 101, 102, 104, 106, 107, 114.

**SEC. 402-4 AREA AND HEIGHT REGULATIONS: R-2 RESIDENTIAL DISTRICT.**

1. Minimum Lot Area.
  - a. Single family residential dwellings:
    1. 2 acres without centralized sewer and water; or,
    2. 1 ½ acres with centralized sewer or water.
  - b. Two-family residential dwellings: 2 acres without central sewer or with central sewer and water.
2. Minimum Lot Frontage.
  - a. Single family dwellings:
    1. 200 feet without centralized sewer and centralized water; or,
    2. 150 feet with centralized sewer or centralized water; or,
    3. 125 feet with centralized sewer and centralized water.
  - b. Two-family dwellings:
    1. 200 feet without centralized sewer and centralized water; or
    2. 175 feet with centralized sewer or

centralized water; or

3. 150 feet with centralized sewer and centralized water.

3. Minimum Lot Width at Minimum Building Setback.

a. Single-family dwellings:

1. 125 feet without central sewer and water; or,
2. 100 feet with central sewer or central sewer and water.

b. Two-family dwellings:

1. 175 feet without central sewer and water; or,
2. 150 feet with central sewer or central sewer and water.

4. Maximum Lot Depth – Four times the lot width at minimum building setback line.

5. Minimum Front Yard Depth – 100 feet

6. Minimum Rear Yard Depth – 25 feet

7. Minimum Side Yard Width – 15 feet

8. Minimum Living Area Per Dwelling Unit

- a. Minimum Living Floor Area, One Story, Single Unit – 1,200 square feet.
- b. Minimum Living Floor Area, More Than One Story, Single Unit – 1,300 square feet.
- c. Minimum Living Floor Area, Duplex or Two-

Family Unit – 1,000 square feet per family.

9. Height Regulations – No structure shall exceed forty (40) feet in height.
10. Off-Street Parking and Loading – As regulated by Article V of this Resolution.
11. Driveways – Shall be ten (10) feet off the property line at the street right-of-way line. Each lot shall have its own driveway.

**SEC. 403 R-3 RESIDENTIAL DISTRICT.**

**SEC. 403-1 PURPOSE: R-3 RESIDENTIAL DISTRICT.**

The purpose of this District is to promote a relatively high density residential development in areas generally adjacent to the built up portions of the community and thereby providing a more orderly extension of public facilities by encouraging redevelopment to take place in these areas.

**SEC. 403-2 PERMITTED USES: R-3 RESIDENTIAL DISTRICT.**

The following uses are permitted in the R-3 district:

1. Single-family residential dwellings.
2. Two-family residential dwellings.
3. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
4. Accessory Apartments – As regulated by Article III, Section 307.
5. Rear Lot Development – As regulated by Article III, Section 306.
6. Signs subject to Article VI.

**SEC 403-3 CONDITIONALLY PERMISSIBLE USES: R-3 RESIDENTIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below:

1. Public and parochial schools subject to Subsections 101, 104, 106, 107.

2. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 104, 108, 117.
3. Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to Subsections 101, 102, 104, 105, 106, 120.
4. Temporary buildings for uses incidental to construction work subject to Subsections 110, 111.
5. Institutions for medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 108, 112.
6. Cemeteries subject to statutory limitations and Subsections 101, 104, 108.
7. Recreation uses other than those governmentally owned and/or operated such as: swimming pools, golf courses, tennis clubs, riding academies subject to Subsections 101, 102, 104, 105, 106, 112, 120 and, Article III, Section 305.33.
8. Governmentally owned and/or operated buildings and facilities other than those listed above subject to Subsections 104, 108, 109.
9. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 115, 116, 118, 119, 120.
10. Institutions for higher education subject to Subsections 101, 102, 104, 105, 106, 108.
11. Home occupations subject to Subsection 125.
12. Multi-family residential dwellings subject to Subsections 102, 103, 104, 108, 109, 114.

13. Bed and Breakfast subject to Subsection 127.
14. Day Care Facilities subject to Subsections 101, 102, 104, 106, 107, 114.

**SEC. 403-4 AREA AND HEIGHT REGULATIONS: R-3 RESIDENTIAL DISTRICT.**

1. Minimum Lot Area.
  - a. Single family residential dwellings:
    1. 1 1/2 acres without centralized sewer and water; or,
    2. 3/4 acres with centralized sewer and water.
  - b. Two-family residential dwellings:
    1. 2 acres without centralized sewer and water; or,
    2. 1 acre with centralized sewer and water.
2. Minimum Lot Frontage.
  - a. Single family dwelling:
    1. 125 feet without central sewer and water; or,
    2. 75 feet with central sewer or central sewer and water.
  - b. Two-family dwelling:
    1. 175 feet without central sewer and water; or,

2. 100 feet with central sewer or central sewer and water.
3. Minimum Lot Width at Minimum Building Setback.
  - a. Single family dwelling:
    1. 125 feet without central sewer and water; or,
    2. 75 feet with central sewer or central sewer and water.
  - b. Two-family dwelling:
    1. 175 feet without central sewer and water; or,
    2. 100 feet with central sewer or central sewer and water.
4. Maximum Lot Depth - Four times the lot width at minimum building setback line.
5. Minimum Front Yard Depth – 50 feet
6. Minimum Rear Yard Depth – 25 feet
7. Minimum Side Yard Width – 10 feet
8. Minimum First Floor Living Area Per Dwelling Unit
  - a. Minimum Living Floor Area, One Story, Single Unit – 1,200 square feet.
  - b. Minimum Living Floor Area, More than One Story, Single Unit – 1,300 square feet.
  - c. Minimum Living Floor Area, Duplex or Two-Family Unit – 1,000 square feet per family unit

9. Height Regulations – No structures shall exceed forty (40) feet in height.
10. Off-Street Parking – As regulated by Article V of this Resolution.
11. Driveways – Shall be ten (10) feet off the property line at the street right-of-way line. Each lot shall have its own driveway.

**SEC. 404 C-1 LOCAL COMMERCIAL DISTRICT.**

**SEC. 404-1 PURPOSE.**

The purpose of this district is to provide for a variety of sales, service, and administrative establishments. These establishments shall serve the needs of the community and provide opportunities in designated areas for well-planned, attractive, safe commercial development. All such uses shall have a minimal adverse impact on surrounding residential areas, and shall be clean, quiet, and free of hazardous or objectionable elements such as chemicals, noise, odor, dust, smoke, or glare and operate principally within enclosed structures.

**SEC. 404-2 PERMITTED USES: C-1 LOCAL COMMERCIAL DISTRICT.**

The following uses are permitted in the C-1 district:

1. Establishments engaged in providing a variety of services to individuals and business establishments such as personal services, miscellaneous business services, and other comparable services intended for the local market.
2. General merchandise stores and retail services such as drug and food stores; stationary, apparel and floral shops; garden supply and sporting goods stores; optical goods and optician services; antique, furniture and home furnishings stores, office supplies stores; beverages markets and, restaurants.
3. General and professional offices including medical offices and clinics, veterinary offices and clinics, and law offices.
4. Commercial recreation.
5. Cultural, educational, religious or philanthropic institutions, day care facilities.
6. Club, lodge, fraternal, charitable or social organizations.

7. Signs subject to Article VI.
8. Accessory uses clearly incidental to the uses permitted on the same premises.

**SEC. 404-3 CONDITIONALLY PERMISSIBLE USES: C-1 LOCAL COMMERCIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below:

1. Temporary buildings for uses incidental to construction work subject to Subsections 110, 111.
2. Governmentally owned and/or operated buildings and facilities subject to Subsections 104, 108, 109.
3. Tavern, Bar and Nightclubs subject to Subsections 101, 102, 105, 106, 108 and not within 500 feet of a residential use, church, park or playground, or school attended by children under the age of 16 years.
4. Parking and loading facilities as regulated in Article V of this resolution.

**SEC. 404-4 AREA, HEIGHT AND LANDSCAPING REGULATIONS: C-1 LOCAL COMMERCIAL DISTRICT.**

1. Minimum Front Yard Depth – Fifty (50) feet from existing or proposed right of way.
2. Minimum Rear Yard Depth – Twenty-five (25) feet, except when adjacent to a residential district and on the side adjacent to the residential district only the minimum rear yard depth shall be fifty (50) feet.
3. Minimum Side Yard Width – Twenty-five (25) feet, except when adjacent to a residential district and on the side adjacent to the residential district only the minimum side yard width

shall be fifty (50) feet.

4. Height Regulations – No structures shall exceed forty (40) feet in height.
5. Parking and Loading Requirements – As regulated by Article V of this Resolution.
6. Minimum Lot Area – Adequate for sanitary sewerage disposal facilities and water supply facilities, as approved by the Ohio Environmental Protection Agency. (See Section 305-8).
7. Minimum Landscaping and Screening – Landscaping and Screening shall be as required by Article VII.
8. Street Access – Shall be constructed in accordance with the Medina County Highway Engineer's and the Ohio Department of Transportation's rules, regulations and standards.

**SEC. 404-5 SITE PLAN REVIEW.**

Site plan review is required per Article III, Sec. 308.

**SEC. 405 C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT.**

**SEC. 405-1 PURPOSE: C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT.**

To provide for uses which are regional in nature or all night and rest stop services necessary to the safety and convenience of the highway user. The purpose of the district is not the establishment or encouragement of local shopping, wholesaling, or industrial use which would inhibit the function of the interchange for its primary purpose of access between several highways or between highways and local roads. Driveways should be reasonably controlled and where possible access roads with controlled egress and ingress to highways and local roads should be encouraged.

**SEC. 405-2 PERMITTED USE: C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT.**

The following uses are permitted in the C-2 District:

1. Gasoline service station.
2. Garage and automotive repair and service.
3. Hotel, motel, and tourist home.
4. Personal services including dry cleaning, laundry, barber, beauty shop, shoe repair, tailor, dressmaking when connected with hotel, motel, or tourist home.
5. Restaurant and eating place.
6. Curio shop.
7. Signs subject to Article VI.
8. Accessory uses clearly incidental to the uses permitted on the same premises.

**SEC. 405-3 CONDITIONALLY PERMISSIBLE USES: C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below:

1. Truck servicing, including the provision of fuel and food subject to Article IX, Section 124 and 126.
2. Automotive, Truck, Van and Recreational Vehicle sales, leasing, renting and related services, including accessory repair and service garages, provided such uses are within a building; and, new and used automotive, truck, van and recreational vehicle sales lots, provided such uses are located on the same lot as the free-standing building used for the sale of new vehicles and subject to Article IX, Sections 102, 101, 126.
3. Administrative, Professional and Corporate Offices subject to Article IX, Section 103, 124 and 126.
4. Retail sales uses, with retail sales floor area in excess of 50,000 Square Feet, subject to Article IX, Section 124 and 126.

**SEC 405-4 AREA, HEIGHT AND LANDSCAPING REGULATIONS: C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT.**

1. Minimum Front Yard Depth - Fifty (50) feet.
2. Minimum Rear Yard Depth - Twenty-five (25) feet, except when located adjacent to a residential area the minimum rear yard depth shall be fifty (50) feet .
3. Minimum Side Yard Width - Twenty-five (25) feet, except when adjacent to a residential district and on the side adjacent to the residential district only the minimum side yard width shall be fifty (50) feet.
4. Height Regulations – No structures shall exceed forty (40) feet in height.

5. Parking and Loading Requirements - As regulated by Article V of this Resolution.
6. Driveways and Access - In the interest of public safety and to encourage the sound development of highway frontage near interchanges, the following provisions shall apply:
  - a. Access Barrier - Each building or group of buildings and its parking or service areas, shall be physically separated from the highway or thoroughfare by a curb, planting strip, or other suitable barrier against unchanneled motor vehicle access.
  - b. Driveways - Each separate use, grouping of attached buildings, or grouping of uses in a single integrated plan, shall have not more than one (1) driveway to any one (1) highway or thoroughfare. Insofar as practicable, the use of common driveways by two (2) or more uses shall be provided in order to reduce the number or closeness of access points along the highways or thoroughfares, and to encourage the fronting of structures upon a parallel frontage access road and not directly upon a public highway or thoroughfare. Insofar as practicable no driveway shall be closer than two hundred (200) feet from the intersection of the rights-of-way of the township or county highway or thoroughfare. In addition, no driveway shall be closer than six hundred (600) feet from the intersection of the rights-of-way of the highway or thoroughfares unless written approval of the State Highway Department is submitted to the Zoning Inspector prior to the issuance of a zoning certificate or conditional zoning certificate.
7. Minimum Lot Area - Adequate for sanitary sewage disposal facilities as approved by the Ohio Environmental Protection

Agency. (See Section 305-8).

8. Minimum Landscaping and Screening – Landscaping and Screening shall be as required by Article VII.

**SEC. 405-5 SITE PLAN REVIEW.**

Site plan review is required as per Article III, Sec. 308.

**SEC. 406 I-1 LIGHT INDUSTRIAL DISTRICT.**

**SEC. 406-1 PURPOSE: LIGHT INDUSTRIAL DISTRICT.**

To provide for and accommodate light industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distributions, free from the encroachment of residential, retail, and institutional uses. The uses allowed are those which because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts and which because of their special nature, products, or processes, require locations separate from the objectionable characteristics of heavy industries.

**SEC. 406-2 PERMITTED USES: I-1 LIGHT INDUSTRIAL DISTRICT.**

The following uses are permitted in an I-1 district:

1. Off-street public parking and garage.
2. Warehousing.
3. Wholesale establishments.
4. Uses comparable and similar in nature to those above. An application for a permit for a use not specifically listed in the permitted use classification shall be submitted to the Zoning Commission for determination as to whether the use proposed is similar to the uses permitted in the district. If they find it would be a logical expansion of the uses and not a variance applying to a particular situation, they shall recommend such approval to the Trustees, and after confirmation of the Trustees, the use found "similar" shall thereafter be included in the list of uses permitted.

Similar uses shall be determined in compliance with each of the following criteria:

- a. That such use is not listed in any other classification of permitted buildings or

uses.

- b. That such use does not create dangers to health and safety, and does not create offensive noise, vibration, air pollution, glare or other objectionable influences to an extent greater than normally resulting from other uses listed.
- c. That such a use does not create traffic to a greater extent than the other uses listed.
- d. That such use would be an asset to the community and be related more closely to the basic characteristics of the classification to which it is proposed to be added than to any other classification.

5. The following uses provided storage is within an enclosed building or an area enclosed on all sides by a solid wall or solid, continuous fence that is at least six feet in height and has openings totaling no more than 15 percent of the total surface area of the walled or fenced in enclosure:

- a. Building materials, sales yard and lumber yard including mill work when within a completely enclosed building;
- b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors;
- c. Fuel, food and goods distribution, warehousing and storage. The storage of inflammable liquids and hazardous materials shall be in compliance with

the Ohio Fire Code and rules promulgated Ohio State Fire Marshals' Office and the Ohio Environmental Protection Agency. The underground storage of inflammable liquids is not permitted within three hundred (300) feet of any residential district;

- d. Motor freight garage, truck or transfer terminal office, warehousing and storage;
- e. Public storage garage and yards; and,
- f. Storage and sale of grain and livestock feed provided dust and vermin are effectively controlled.

- 6. Signs subject to Article VI.
- 7. Accessory uses clearly incidental to the uses permitted on the same premises.
- 8. Public self-storage facilities, provided:
  - a. Storage is inside buildings only; and
  - b. Master key is available for fire inspection purposes.

**SEC. 406-3 CONDITIONALLY PERMISSIBLE USES: I-1 LIGHT INDUSTRIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to below.

- 1. Temporary buildings for uses incidental to construction work subject to Subsections 110, 111.

2. Governmentally owned and/or operated buildings and facilities subject to Subsections 104, 108, 109.
3. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 115, 116, 118, 119, 120.

**SEC. 406-4 AREA, HEIGHT AND LANDSCAPING REGULATIONS: I-1 LIGHT INDUSTRIAL DISTRICT.**

1. Minimum Front Yard Depth - Fifty (50) feet.
2. Minimum Rear Yard Depth - Twenty-five (25) feet, except as otherwise required in Sec. 406-2 above and when located adjacent to a residential area the minimum rear yard depth shall be fifty (50) feet.
3. Minimum Side Yard Width - Twenty-five (25) feet except as otherwise required in Sec. 406-2 above and when located adjacent to a residential area the minimum rear yard depth shall be fifty (50) feet.
4. Height Regulations -No structures shall exceed forty (40) feet in height.
5. Parking and Loading Requirements - As regulated by Article V of this Resolution.
6. Minimum Lot Area - Adequate for sanitary sewage disposal facilities and water supply facilities as approved by the Ohio Environmental Protection Agency (See section 305-8).
7. Minimum Landscaping and Screening - Landscaping and screening shall be as required by Article VII.
8. Street Access - Shall be constructed in accordance with the Medina County Highway Engineer's and the Ohio Department of Transportation's rules, regulations and standards.

9. Off Street Parking and Loading. As regulated by Article V of this Resolution.

**SEC. 406-5 SITE PLAN REVIEW.**

Site plan review is required as per Article III, Sec. 308.

**SEC. 407 I-2 HEAVY INDUSTRIAL DISTRICT.**

**SEC. 407-1 PURPOSE: I-2 HEAVY INDUSTRIAL DISTRICT.**

To provide for and accommodate light and heavy industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling distribution and disposal, free from the encroachment of residential, retail, and institutional uses. In addition to the residential, commercial and light industrial districts, the uses listed are intended to complete the full range of activities necessary for functioning of a community but because of certain objectionable characteristics should be placed in a separate district.

**SEC. 407-2 PERMITTED USES: I-2 HEAVY INDUSTRIAL DISTRICT.**

The following uses are permitted in an I-2 district:

1. Off-street public parking lot and garage.
2. Warehousing.
3. Wholesale establishments.
4. Building materials, sales yard and lumber yard including mill work.
5. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
6. Fuel, food and goods distribution station, warehouse, and storage.
7. Motor freight garage, truck or transfer terminal, office, warehousing and storage.
8. Public storage garage and yards.
9. Storage and sale of grain and livestock feed provided dust is effectively controlled during all operations.

10. Uses comparable and similar to any of the above uses. An application for a permit for a use not specifically listed in the permitted use classification shall be submitted to the Zoning Commission for determination as to whether the use proposed is similar to the uses permitted in the district. If they find it would be a logical expansion of the uses and not a variance applying to a particular situation, they shall recommend such approval to the Trustees, and after confirmation of the Trustees, the use found "similar" shall thereafter be included in the list of uses permitted.

Similar uses shall be determined in compliance with each of the following criteria:

- a. That such use is not listed in any other classification of permitted buildings or uses.
- b. That such use does not create dangers to health and safety, and does not create offensive noise, vibration, air pollution, glare or other objectionable influences to an extent greater than normally resulting from other uses listed.
- c. That such a use does not create traffic to a greater extent than the other uses listed.
- d. That such use would be an asset to the community and be related more closely to the basic characteristics of the classification to which it is proposed to be added than to any other classification.

11. Signs subject to Article VI.

12. Accessory uses clearly incidental to the uses permitted on the same premises.

**SEC. 407-3 CONDITIONALLY PERMISSIBLE USES: I-2 HEAVY INDUSTRIAL DISTRICT.**

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to Article IX and other sections of Article IX referred to as follows:

1. Governmentally owned and/or operated buildings and facilities subject to Subsections 104, 108, 109, 126.
2. Sawmill, the manufacture of excelsior, wood fibers or sawdust products subject to Subsection 126.
3. Temporary buildings for uses incidental to construction work subject to Subsections 110, 111, 126.
4. Strip or open pit mining or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 115, 116, 118, 119, 120, 126.

**SEC. 407-4 AREA HEIGHT AND LANDSCAPING REGULATIONS: I-2 HEAVY INDUSTRIAL DISTRICT.**

1. Minimum Front Yard Depth - Fifty (50) feet.
2. Minimum Rear Yard Depth - Twenty-five (25) feet, except when located adjacent to a residential area the minimum rear yard depth shall be fifty (50) feet.
3. Minimum Side Yard Depth - Twenty-five (25) feet, except when located adjacent to a residential area the minimum side yard depth shall be fifty (50) feet.
4. Height Regulations -No structures shall exceed forty (40) feet in height.

5. Minimum Lot Area - Adequate for sanitary sewage disposal facilities and water supply facilities as approved by the Ohio Environmental Protection Agency (See Section 305-8).
6. Minimum Landscaping - Landscaping and screening shall be as required by Article VII.
7. Street Access. Shall be constructed in accordance with the Medina County Highway Engineer's and the Ohio Department of Transportation's rules, regulations and standards.
8. Off Street Parking and Loading. As regulated by Article V of this Resolution.

**SEC. 407-5 SITE PLAN REVIEW.**

Site plan review is required as per Article III, Sec. 308.

## ARTICLE V

### PARKING AND LOADING REGULATIONS

#### SEC. 501 OFF-STREET PARKING.

In all districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided as prescribed by this section. Any use not specifically mentioned below shall meet the requirements for off-street parking for a use which is so mentioned, and to which said use is similar.

#### SEC. 502 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

1. Auditorium, Stadium and Similar Uses - One (1) for each four (4) seats based on maximum seating capacity.
2. Business and Professional, Office and Banks - One (1) for each two hundred (200) square feet of floor area.
3. Bowling Alleys - Four (4) for each alley plus one (1) space for each two (2) employees.
4. Churches and School Auditoriums - One (1) for each four (4) seats in principal auditorium, based on maximum seating capacity.
5. Clubs, Lodges, and Fraternity Houses - One (1) per two hundred (200) square feet of floor area or one (1) per four (4) seating spaces in the assembly room, whichever is greater.
6. Dance Halls, Skating Rinks, Private Clubs and Other Assembly Halls without Fixed Seats - One (1) per one hundred (100) square feet of floor area.
7. Dwellings - Two (2) for each dwelling unit.
8. Funeral Homes, Mortuaries - Five (5) per chapel room or parlor or one (1) per one hundred (100) square feet of floor area of rooms used for services, whichever is greater.
9. Establishment for the Sale and Consumption on the Premises of Foods, Alcoholic Beverages or Refreshments - One (1) per two (2) seats of seating capacity.

10. Hospitals - One (1) parking space for each two (2) beds not counting bassinets, and one (1) for each two employees..
11. Hotels, Motels, Tourist Homes or Cabins - One (1) parking space for each one (1) sleeping room.
12. Libraries and Museums - One (1) for each five hundred (500) square feet of floor area.
13. Medical and Dental Offices and Clinics - Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
14. Manufacturing and Industrial Establishments - Two (2) spaces per five (5) employees - the total number being the total number of employees on any two consecutive shifts having the largest number of employees.
15. Office Buildings - One (1) for each two hundred (200) square feet of office floor area.
16. Rooming Houses, Lodging Houses, Boarding Houses - One (1) for each three (3) guest rooms but not less than two (2) in any case.
17. Restaurants - One (1) per two (2) seats of seating capacity, and one (1) for each two (2) employees.
18. Retail Stores, Super Markets, etc. - One (1) for each one hundred (100) square feet of floor area.
19. Rehabilitation Centers, Convalescent Homes, and similar uses providing medium and long term care - One (1) for each six (6) beds, and one (1) for each two (2) employees .
20. Theaters - One (1) for each four (4) seats.
21. Wholesale Establishments - One (1) for each three (3) employees.

**SEC. 503 GENERAL REGULATIONS FOR OFF-STREET PARKING REQUIREMENTS.**

1. Floor Area - For the purposes of this section, “floor area” in offices,

merchandising and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms and dressing rooms. In measurement for parking space fractions of required floor area over one-half shall require one (1) parking space.

2. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.
3. Parking Area Design - Such parking areas shall be of usable shape, improved with bituminous, concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining properties or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces, and to prevent bumper over-hang.
4. Entrances and Exits - Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than one (1) accessway abutting on any one street. Such accessways shall be not less than twenty-four (24) feet in width at the right-of-way line nor more than thirty-four (34) feet at the curb cut line of street. Residential uses may have accessways of not less than ten (10) feet in width and shall not be less than fourteen (14) feet in width at the street.
5. Yard Restrictions - Off-street parking facilities shall not occupy any part of any required yard in any Residential District. Parking may be included as part of any required open space for any front, rear or side yard in C-1, C-2, I-1 and I-2 Districts subject to the Landscaping and Screening requirements of Article VII.
6. Locating - The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in subsection "8" below.

7. Joint Use - Institutions and places of public assembly may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than, fifty (50%) of their parking requirement.

Any such joint use of parking spaces shall require the approval of the Township Board of Zoning Appeals together with a long term written legal agreement, approved as to form by the County Prosecutor, establishing the terms and conditions of the joint use of off-site parking.

8. Parking Lots in Residential Districts - The Board of Zoning Appeals may issue a conditional zoning certificate for parking lots in residential districts subject to Article IX, and the following conditions:
  - a. The parking lot shall be accessory to and for the use in connection with one or more permitted or conditionally permitted uses.
  - b. Such parking lot shall contain not less than five thousand (5,000) square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street, of the district in which the use for which the parking is provided, permitted or conditionally permitted.
  - c. Such parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on such parking lot.
  - d. No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such parking lot and no charge shall be made for parking.
  - e. Entrances and exits shall be at least twenty (20) feet in distance from any adjacent property located in any Residential District.
  - f. Such parking lot shall be effectively screened on each side by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall be not less than four (4) feet in height and no solid portion shall be more than six (6) feet in

height and shall be maintained in good condition. The planting strip for hedges shall be no less than three (3) feet in width. At least one (1) water outlet shall be provided not more than fifty (50) feet from the lot for maintenance of plant materials. The space between such fence, wall or hedge and the side lot line of adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

- g. The Board of Zoning Appeals may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions, and the use and character of adjacent properties.

**SEC. 504 OFF-STREET LOADING.**

On the same lot with every building structure or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, there shall be provided on the lot, adequate space for standing, loading and unloading of motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a twelve by seventy-five (12 x 75) foot loading space, with fifteen (15) foot height clearance for each five thousand (5,000) square feet of gross floor area. One additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building. Loading space shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.

## ARTICLE VI

### ON-PREMISE EXTERIOR SIGNS

#### SEC. 601 DEFINITIONS.

1. On-Premise Exterior Signs (hereafter called sign). A sign that contains a message related to the business or profession conducted and/or to the commodity, service or entertainment sold or offered upon the premises where said sign is located.
2. Identification Sign. A sign that identifies the business name, phone number and/or the street address and that sets forth no other advertisement or message.
3. Accessory Use Sign or Secondary Identification Sign. A sign that identifies the name of the business and advertises secondary goods or services, or a sign that identifies the name of the business and gives secondary information about the business, goods or services.
4. Business Center Sign. A sign that gives direction and identification to a group of two or more uses whether or not under single management, but located on a parcel of land in single ownership or sharing common facilities such as parking.
6. Roof Sign. As used in this zoning resolution, a roof sign shall refer to a sign that extends above the parapet or roof line of the building to which the sign is affixed.
7. Freestanding Sign. As used in this zoning resolution, a freestanding sign shall refer to any sign that is detached from a building but is permanently anchored.
8. Portable Sign. A freestanding sign not permanently anchored, affixed or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shaped sign structures.
9. Time-Temperature signs. A sign that displays the current time and outdoor temperature or both, which displays no other materials except for an identification sign as already defined.
10. Vehicular Sign. Any appliance or surface attached to any vehicle that is

designated to advertise, convey information or attract attention for the benefit of any person, organization, business, or cause operating such vehicles; excepting vehicles used solely for the delivery of merchandise or the performance of services.

11. Sign Area. The entire area within a circle, globe, or polygon enclosing the extreme limits of writing, representation, emblem, lettering only, or any figure of similar character, together with any frame, or other material or color forming an integral part of the display or used to differentiate such a sign from the background against which it is placed. The sign area shall be considered to be the largest area that any sign would project on a plane. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back-to-back and are at no point more than eighteen (18) inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the large face if the two faces are of unequal area.
12. Wall Graphics Sign. Any sign or graphic design that is placed directly upon a building's surface including signs or lettering attached to windows.
13. Off-Premise Sign. Any sign containing a message not related to the business or activity upon which premises the sign seen is placed.
14. Home Occupation Sign. A sign that identifies the nature of an occupation in a dwelling unit.
15. Temporary Sign. As used in the zoning resolution, a temporary sign shall refer to a sign erected temporarily to be removed after ninety (90) days or upon fulfillment of its' purpose, whichever comes first.
16. Nonconforming Sign. A sign that does not conform to this zoning resolution as written or, a sign that was legally existing prior to enactment of this zoning resolution or amendments thereto.
17. Subdivision Sign. A sign which identities a subdivision that is located at the entrance to the subdivision.
18. Political Sign. A sign promoting issues or candidates for public office.

**SEC. 602      RELATIONSHIP TO BUILDING CODE.**

No provisions of this chapter shall nullify any portion or requirements of the Building Code, except as to the specific definitions, prohibited locations, and size limitations as listed herein.

**SEC. 603 RESIDENTIAL DISTRICT SIGNS.**

Only the following types, sizes and locations of signs shall be permitted in residential districts:

- 1. One non-illuminated sign advertising the sale, rental or lease of the property or building not exceeding six (6) square feet in area on any property, which sign shall be removed when premises are sold, leased or rented.
  
- 2. One non-illuminated accessory sign with a surface area not exceeding twenty (20) square feet that denote the name of the occupant on each lot on which a dwelling unit is located.
  
- 3. One sign, with a surface not exceeding twenty (20) square feet which identifies the use of a property for the following uses in a residential district:
  - a. Cemetery;
  
  - b. Church, or other place of public religious worship;
  
  - c. Private or governmentally owned and/or operated park playground, golf course or other recreational facility;
  
  - d. Governmentally owned or operated building or facility;
  
  - e. Facility providing the following services:
    - 1. medical care
    - 2. hospital
    - 3. clinic
    - 4. convalescent home
    - 5. sanitarium

- 6. home for the aged
  - 7. philanthropic institution
  - 8. child care center
  - 9. bed and breakfast
- f. Public, private or parochial school.
  - g. Home occupation signs are not permitted.
  - h. Subdivision signs are not to exceed twenty-five (25) square feet in area and are not to exceed six (6) feet in height.

**SEC. 604 C-1 LOCAL COMMERCIAL DISTRICT SIGNS.**

Only the following types, sizes and locations of signs shall be permitted in the C-1 Local Commercial District:

- 1. Wall signs must be fixed flat against the wall of a building or on the face of a marquee wall. No sign may extend above or beyond the building wall or project more than one (1) foot from the front of the structure.
- 2. A total sign area of two (2) square feet shall be permitted for each lineal foot of building frontage on the principal street. On a corner lot the area may be computed on the basis of the longer building frontage. Maximum total size is not to exceed two hundred (200) square feet.
- 3. Business center signs as defined in 601.4 and freestanding signs shall be permitted provided they are ground mounted and not placed upon a pole that allows the bottom of the sign to project more than six (6) inches above ground level.

**SEC. 605 C-2 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT SIGNS.**

Only the following types, sizes and locations of signs shall be permitted in the C-2 Highway Interchange Commercial District:

- 1. Wall signs must be fixed flat against the wall of a building or on the face of a marquee wall. No sign may extend above or beyond the

building wall or project more than one (1) foot from the front of the structure.

2. A total sign area of two (2) square feet shall be permitted for each lineal foot of building frontage on the principal street. On a corner lot the area may be computed on the basis of the longer building frontage. Maximum total size is not to exceed two hundred (200) square feet.
3. One freestanding sign with a sign area not to exceed one (1) square foot for each foot of building frontage on a principal street. Maximum total size for a sign may not exceed fifty (50) square feet or exceed a maximum height of twenty (20) feet.
4. Business center sign as defined in 601.4 shall be permitted provided they are ground mounted and not placed upon a pole that allows the bottom of the sign to project more than six (6) inches above ground level.

**SEC. 606 INDUSTRIAL DISTRICT SIGNS.**

Only the following types, sizes and locations of signs shall be permitted in the Industrial district:

1. A total sign area of three (3) square feet for each lineal foot of building frontage on each street, up to a maximum total area of all permitted signs for any establishment of four hundred (400) square feet.
2. One “for sale” or “for rent” sign, not exceeding fifty (50) square feet in area pertaining to the premises upon which it is displayed may be erected or placed on a given property but shall be removed forthwith when the premises are sold or rented.
3. One freestanding sign with a sign area not to exceed two (2) square feet for each foot of building frontage on a principal street is permitted. The total maximum size of the sign shall not exceed fifty (50) square feet with a maximum height not to exceed twenty (20) feet.

**SEC. 607 FOR SALE/FOR RENT SIGNS IN COMMERCIAL AND INDUSTRIAL**

## **DISTRICTS.**

One for sale or for rent sign, not exceeding twenty (20) square feet in area, pertaining to the premises upon which it is displayed, may be erected or placed on a given property but shall be removed forthwith when the premises are sold or rented.

### **SEC. 608 TEMPORARY AND PORTABLE SIGNS.**

1. Temporary signs. Signs not exceeding thirty-two (32) square feet relating to civic, charitable, educational, religious, governmental, school activities, construction, or private special events may be erected or placed in any Zoning District, but shall be removed forthwith upon fulfillment of their purpose. A temporary sign may not be displayed for more than ninety (90) days.
2. Portable Signs. Portable signs in commercial and industrial districts are permitted but must comply with all conditions of this chapter. Portable signs may not exceed forty (40) square feet in size. A portable sign may not be placed on a given property for more than fifteen (15) days in any one year.
3. Political signs. Political signs are temporary signs promoting issues or candidates for public office for which no permit is needed. Such signs shall not be placed on utility poles or over public property or within the right-of-way of any public street. Such sign shall not exceed nine (9) square feet in area. Political signs may not be erected more than thirty (30) days prior to the election to which they relate and shall be removed with fifteen (15) days after the election to which they relate. Political signs are permitted in any District.

### **SEC. 609 NON-AFFECTED SIGNS.**

Signs required by law and necessary to the public safety and welfare.

### **SEC. 610 TOTAL SIGNAGE AREA.**

Total signage area for any panel in a commercial zoning district for both wall signs and freestanding signs will not exceed two hundred (200) square feet.

### **SEC. 611 NON-CONFORMING SIGNS.**

Any non-conforming sign removed, terminated, or discontinued for any reasons for a period of two or more years shall not be restored or replaced by any type of sign unless the sign is in conformance with the appropriate district regulations of this

chapter and other provisions of this resolution as may be applicable. For purposes of this section pole and frame replacement shall constitute sign removal and must comply with this chapter.

**SEC. 612 REVIEW PROCESS.**

Application for Zoning Certificates for signs shall be submitted according to the following procedure:

- 1. The application for Zoning Certificate for signs shall include the following information:
  - a. A plot plan and building elevations drawn to scale showing the locations and dimensions for all business signs, existing and proposed; and,
  - b. A description and drawings indicating the lighting of the proposed sign where permitted, herein.
- 2. The application shall be made to the Wadsworth Township Zoning Inspector.

**SEC. 613 SUPPLEMENTARY REGULATIONS.**

All signs are subject to the following regulations:

- 1. No sign or outside lighting shall flash, be animated, rotate, or have the appearance of moving, except that non-rotating signs that depict the time, temperature, current weather shall be permitted;
- 2. No sign shall contain banners, posters, pennants, ribbons, streamers, string of light bulbs, spinners, or similarly fixed or moving devices;
- 3. No freestanding sign shall be located on or over public property;
- 4. All electrical wiring serving freestanding signs must be underground;
- 5. No freestanding sign may be erected closer than forty (40) feet to any intersection with the exception of those signs incidental to the legal process and necessary to the public welfare or wall signs attached to the building of businesses closer than forty (40) feet to an

intersection;

6. All signs erected with one hundred (100) feet of any intersection must be constructed so as not to obstruct traffic sight lines;
7. No sign shall be located in or project into a public right-of-way;
8. Any sign permitted by this chapter that may show structural deterioration shall be replaced or removed at the owner's expense upon proper citation by the Wadsworth Township Zoning Inspector; and,
9. No illuminated sign shall produce glare that is visible from any public right-of-way or adjacent properties.
10. All signs within 660 feet of the right-of-way of Interstate 76 are subject to regulation by the Ohio Department of Transportation (ODOT) under Ohio Revised Code Chapter 5516 and regulations adopted pursuant thereto. Zoning Certificates for signs within 660 feet of this right-of-way shall not be issued without evidence that a permit has first been issued by ODOT; or notice from ODOT that a permit is not necessary.

**ARTICLE VII**

**LANDSCAPING AND SCREENING**

**SEC. 701 LANDSCAPING AND SCREENING.**

**SEC. 701-1 PURPOSE.**

The purpose of landscaping and screening is to soften the outline of buildings; screen glare and reduce noise levels emanating from a site; and, to create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses. The installation of landscaping and screening protects the health, safety and general welfare of the citizens of Wadsworth Township through the reduction of noise, visual pollution and headlight glare.

**SEC. 701-2 APPLICABILITY.**

Landscaping and screening shall be required as follows:

1. All new commercial and industrial development on vacant lands;
2. Additional buildings or building additions are proposed for a site currently developed with commercial uses or industrial uses; and,
3. Currently developed sites are to be modified by changes in use, vehicular circulation, or parking area design.

**SEC. 701-3 LANDSCAPING PLAN SUBMISSION REQUIREMENTS.**

The applicant for any development listed in Section 701-2 above shall submit for review and approval a landscaping and screening plan to the Zoning Commission for uses that are permitted and to the Board of Zoning Appeals for uses that are conditionally permitted. Landscaping and screening plans shall be prepared by a person knowledgeable in landscape design and construction such as a professional nurseryman, a professional landscaper or a landscape architect.

**SEC. 701-4 REQUIRED LANDSCAPING.**

The following minimum landscaping shall be provided:

1. Landscaping Along Streets. A minimum ten (10) foot wide applied landscaping strip abutting all rights-of-way broken only by points of vehicular or pedestrian access shall be provided with a minimum of one deciduous tree having a caliper of not less than 2 inches and ten (10) shrubs per seventy (70) lineal feet of frontage. An elevated earth berm a maximum of three (3') feet higher than the finished elevation of the street centerline with one deciduous tree having a caliper of not less than 2 inches and ten (10) shrubs per seventy (70) lineal feet of frontage may be provided as an alternative. Plantings or earthen berms or mounds along a public or private street shall not block or interfere with required sight distance at street or drive intersections in accordance with Section 305.17, nor shall any such plantings or earthen berms contribute to the additional accumulation of snow within the public way. Landscaping materials used along streets and sidewalks shall not be fruit or nut bearing nor shall they have thorns or briars that interfere with passerbys.
  
2. Landscaping Along Site Perimeter When Adjacent to Another Commercial or Industrial Use. A minimum ten (10) foot wide by thirty-five (35) foot long landscaping bed shall be provided for every seventy (70) lineal feet along the perimeter of the site, except along streets, with one (1) deciduous tree having a caliper of not less than 2 inches or two (2) evergreen trees having a height of not less than six (6) feet, and three (3) shrubs per required landscape bed. Where existing vegetation occur along the perimeter and no development is proposed within (50) feet of the lot line, a fifteen (15) foot wide preservation strip may be substituted. Perimeter planting along the site perimeter shall only be required to the extent

necessary to screen the activity areas and exterior lighting of commercial and industrial uses from neighboring uses. For the purposes of this section, the activity area of a commercial or industrial site shall include, but is not limited to, all structures, access drives and on site traffic lanes, parking lots, loading areas and refuse areas.

3. Site Perimeter Landscaping When Adjacent to Residential Zoning District or an Existing Residential Use. A minimum twenty (20) foot wide perimeter landscaping strip shall be provided along the perimeter of the site that is adjacent to the residential zoning district or existing residential use. Perimeter planting along the site perimeter shall only be required to the extent necessary to screen the activity areas and exterior lighting of the commercial or industrial use from neighboring residential uses or from a residential zoning district. For the purposes of this section, the activity area of a commercial or industrial site shall include but is not limited to all structures, access drives and on site traffic lanes, parking lots, loading areas and refuse areas. Site perimeter landscaping shall include, at a minimum, two (2) deciduous trees having a caliper of not less than 2 inches each or four (4) evergreen trees each having a height of not less than six (6) feet, and six (6) shrubs each having a height of not less than thirty-six (36) inches per thirty-five (35) lineal feet of perimeter landscaping required. Plantings shall form a dense screen within 4 years after planting. Where existing vegetation occur along the perimeter and no development is proposed within fifty (50) feet of the lot line, a twenty (20) foot wide preservation strip may be substituted.
4. Interior Parking Lot Landscaping. A planting island of at least one hundred sixty (160) square feet in total pervious surface area shall be provided for each twelve (12) parking spaces on the interior of a parking lot which accommodates twelve (12) cars or more.

The island shall be placed at intervals of no more than 135 lineal feet on center. A minimum of one (1) deciduous tree having a caliper of not less than 2 inches shall be planted per island. Where the island occurs parallel to parking spaces on each side, the planting island shall be a minimum of nine (9) feet in width.

5. Screening of Loading Areas, Outside Storage Areas and Other Service Areas. Screening and landscaping shall prevent direct views of loading areas, storage areas outside an enclosed building, service areas, and associated service driveways from adjacent properties or from the public or private right-of-way when viewed from ground level. Screening shall consist of opaque ornamental fencing or walls, which are architecturally compatible with the principal building on the lot, or evergreen planting.

#### **SEC. 701-5 LANDSCAPING MATERIALS AND STANDARDS.**

New development shall provide landscaping and screening as provided in Section 701-4. Walls and fences, plants, and mounds, as listed in subsections (1)-(3) below, are suitable for screening use individually or in combination with each other to create a dense screen, subject to review and approval by the Zoning Commission for permitted uses and the Board of Zoning Appeals for conditionally permitted uses.

1. Walls and Fences. Walls and fences used to fulfill screening requirements shall be so detailed on the site plan.

Walls and fences shall be constructed of weather-proof materials, including pressure treated, redwood or cedar lumber and aluminum or galvanized hardware. Except as specifically noted, chain link fences with or without wooded or synthetic slat material shall not be allowed when used to satisfy landscaping and screening requirements.

2. Plants. All plants are to be living and hardy within the United States Department of Agriculture's Hardiness Zone 5, and thriving in Medina County. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers. All landscaping materials shall be free of noxious weeds, disease and pests. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the township-
  - a. **DECIDUOUS TREES.** Deciduous trees shall have a minimum caliper of at least 2 inches conforming to acceptable nursery industry procedures at the time of planting.
  - b. **EVERGREEN TREES.** Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be designed to provide an effective, dense screen within 4 years of planting.
  - c. **SHRUBS and HEDGES.** Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least 6 feet within 4 years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

- d. GRASS or GROUND COVER. Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Medina County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nurse grass seed shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons.
  
- e. EXISTING MATERIAL. The Zoning Commission or Board of Zoning Appeals may approve the use of existing plant material to comply with the landscaping and screening requirements of this Section. In reviewing such proposals, they shall consider whether the existing material is capable of performing the landscaping or screening functions required by this Section, by reason of its size, density, location, deciduous or evergreen foliage, and other characteristics. They shall also consider the likelihood that the plant material will survive construction-related disruptions, including soil compaction and changes in grading and drainage. Existing vegetation shall be preserved in accordance with acceptable nursery industry procedures.

3. Mounds. Mounds or berms may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening do not constitute a mound. Mounds shall conform to the following standards:
- a. The maximum side slope shall be 4 feet horizontal to one foot vertical (4:1). The design shall be reviewed by the Medina County Soil and Water Conservation District to ensure that proper erosion prevention and control practices have been utilized and that irrigation or other means are provided to insure plant material will have sufficient moisture for survival.
  - b. Mounds shall be designed with physical variations in height and alignment throughout their length.
  - c. Landscape plant material installed on mounds shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
  - d. The landscape plan shall show sufficient detail to demonstrate compliance with the above provisions, including a plan and profile of the mound, soil types and construction techniques.
  - e. Mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
  - f. No part of any mound shall be elevated more than thirty (30) inches

above natural grade within 10 feet of any right-of-way or property line.

- g. Adequate ground cover or mulch shall be used and maintained to prevent erosion.

- 4. Maintenance. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Section.

## ARTICLE VIII

### NON-CONFORMING USES

#### SEC. 801 PURPOSE.

The purpose of this section is to provide for the eventual and equitable elimination of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution.

#### SEC. 801-1 REGULATIONS: NON-CONFORMING USES.

The lawful use of any building or land existing at the effective date of this Resolution maybe continued although such use does not conform with the provisions of this Resolution, provided the following conditions are met:

1. Alterations and Extensions - A building, structure or parcel of land housing a non-conforming use may be altered, improved, reconstructed, enlarged or extended, provided such work is not to an extent exceeding either fifty (50%) percent, in aggregate cost, of the replacement value of the existing building or structure, or fifty (50%) percent of the total square footage of the existing building, structure or use of land as it originally existed unless the building, structure or land use is changed to a conforming use. Only one such fifty (50%) percent alteration, extension, improvement, reconstruction, enlargement or addition involving the same premises or use of land shall ever be permitted.
2. Non-Conforming to Non-Conforming Use - A non-conforming use may be changed to another non-conforming use provided that the proposed non-conforming use is in less conflict with the character and use of the district than the existing non-conforming use as determined by the Board of Zoning Appeals.

3. Construction Approved Prior to Resolution - Nothing in this Resolution shall prohibit the completion of construction and use of non-conforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; completed within two (2) years after the issuance of said zoning certificate.
4. Displacement - No non-conforming use shall be extended to displace a conforming use.
5. Discontinuance or Abandonment - Whenever a non-conforming use has been voluntarily discontinued for a period of two (2) years or more, the non-conforming use shall not be reestablished.
6. Restoration - Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed fifty (50%) percent of the replacement cost of the building or structure at the time such damage occurred.
7. Unsafe Structures - Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
8. Certificate of Non-Conforming Use - The owner of a legally existing non-conforming use may request that a "Certificate of Non-Conforming Use" be issued by the Zoning Inspector.
9. District Changes - Whenever the boundaries of a district shall be changed so as to transfer an area from

one district to another of a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein.

## 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.

## **ARTICLE X**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SEC 1001 ADMINISTRATION.**

##### **SEC. 1001-1 ZONING INSPECTOR.**

A Zoning Inspector shall be employed for the purpose of effecting proper administration of the Resolution. The term of employment, rate of compensation and other such conditions shall be set by the Township Trustees. For the purposes of effecting this Resolution, the Zoning Inspector shall have the powers of a police officer.

##### **SEC. 1001-2 BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall have the power to administer Article IX, Conditional Zoning Certificates of this Resolution and shall have the power to issue Conditional Zoning Certificates as specified and regulated in this Resolution.

##### **SEC. 1001-3 SUBMISSION OF APPLICATIONS.**

All applications for zoning certificates shall be submitted to the Zoning Inspector who may issue zoning certificates when all applicable provisions of this Resolution have been complied with. All applications for Conditional Zoning Certificates shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals which may issue Conditional Zoning Certificates in accordance with Article IX of this Resolution.

##### **SEC. 1001-4 ZONING CERTIFICATES REQUIRED.**

1. Before constructing, changing the use of, altering any building, including accessory buildings, or changing the use of any premises, or erecting directional signs over six (6) square feet or billboards, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:
  - a. A plot plan drawn to scale showing the exact

dimensions of the lot to be built upon.

- b. The locations, dimensions, height and bulk of structures to be erected.
  - c. The intended use.
  - d. The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
  - e. The yard, open area and parking space dimensions.
  - f. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
2. Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as required by Sec.1001-5.
  3. The zoning certificates shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of permit, a new permit is required upon proper application. All work for which the zoning certificate has been issued shall be completed within two (2) years of the date the zoning certificate was issued.

#### **SEC. 1001-5 PAYMENT OF FEES.**

1. The Township Trustees shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses.

The schedule of fees shall be obtainable from the Township Clerk or the Township Zoning Inspector and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2. When the Board of Zoning Appeals deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

## **SEC. 1002 VIOLATIONS.**

### **SEC. 1002-1 VIOLATIONS A NUISANCE.**

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution that are reported to the Township in writing, and bearing the signature of the person registering the complaint, shall be investigated by the Zoning Inspector.

### **SEC. 1002-2 INSPECTION.**

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution.

### **SEC. 1002-3 CORRECTION PERIOD.**

All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in written order. Any violations not corrected within the specified period of time shall be reported to the County Prosecutor who shall initiate prosecution procedures.

### **SEC. 1002-4 PENALTIES.**

The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises,

and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith shall for each violation of non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars per offense. Each day such violation or failure to comply shall exist shall constitute a separate offense.

## **ARTICLE XI**

### **BOARD OF ZONING APPEALS**

**SEC. 1101** A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

**SEC. 1101-1 COMPOSITION AND APPOINTMENT.**

The Board shall consist of five (5) members appointed by the Township Trustees. Each member shall be appointed for a period of three (3) years, except that two (2) of the initial members shall be appointed for one (1) year and two (2) of the initial members shall be appointed for two (2) years. In the event of death or resignation of a member, the Township Trustees shall make the appointment for the duration of the un-expired portion of the term of the member. The members of the Board shall be residents of the unincorporated territory in the Township and shall serve without compensation.

**SEC. 1101-2 ORGANIZATION.**

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

**SEC. 1101-3 QUORUM.**

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and the concurring vote of three (3) members shall be necessary to effect any order.

**SEC. 1101-4 MEETINGS.**

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may, by resolution determine. All meetings of the Board shall be public. If an appeal has been requested or an application for a variance has been made, a public hearing to hear the appeal or consider the variance shall be scheduled no less than twenty (20) days nor more than forty (40) days from the date the appeal was requested or the application for a variance was filed with the Township.

**SEC. 1101-5 WITNESSES.**

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

**SEC. 1101-6 POWERS AND DUTIES.**

The Board of Zoning Appeals as herein created is a body of limited powers.

1. Appeals

The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector or the Township Zoning Commission in the administration and enforcement of this Resolution. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector because of anything contained in this Resolution to issue zoning certificates. No fee shall be required for appeals.

2. Variances

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Resolution, the Board shall have the power in passing on appeals to vary or modify any of the provisions of this Resolution relating to the construction, structural changes in, equipment or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of this Resolution shall be observed, public safety secured, and substantial justice done.

In every instance of granting a variance by the Board of Appeals, there must be a showing by the Board that:

- a. The strict application of the provision of the Resolution would result in practical difficulties or unnecessary hardship

inconsistent with the general purpose and the intent of this Resolution.

- b. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- c. The granting of such variance will not be of substantial detriment to the public interest or to property or improvements in such district in which the variance is sought, and will not materially impair the purpose of this Resolution.

In specific instances the Board may permit such modification of the yard of lot area, or width regulations as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, which parcel was separately owned at the time of passage of this Resolution or is adjacent to buildings that do not conform to the general restrictions applicable to their location.

In granting a variance the Board of Appeals may impose such legal conditions as it may deem necessary to protect the public health, safety, or welfare and in furtherance of the purposes and intent of this Resolution.

Any application for a variance shall include the required fee, which fee shall not be refundable.

3. Conditional Zoning Certificates

The Board of Zoning Appeals shall have the authority to make

exceptions as specifically described below:

- a. To grant conditional zoning certificates for the use of land, buildings, or other structures as special exceptions to this Resolution, as specifically provided for elsewhere in this Resolution.
- b. The Board of Zoning Appeals has no authority to authorize a conditional use not provided for in this Resolution.

**SEC. 1101-7 PROCEDURE.**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution. The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, it shall indicate such fact. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the use for which the certificate or conditional certificate is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals in the particular case. Each such resolution shall be filed in the office of the Board of Zoning Appeals by case number under one or another of the following headings:

Interpretation; Certificate; Conditional Certificate; Variances; together with all documents pertaining hereto. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, the Board shall charge a reasonable fee in order to cover all expenses of such expert testimony.

**SEC. 1101-8 NOTICE OF HEARINGS.**

When a notice of appeal or variance has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately

place the said request for appeal or variance upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given on the application. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board of Zoning Appeals at its discretion may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

#### **SEC. 1101-9 APPEALS.**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Wadsworth Township, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or Zoning Commission respecting the interpretation of this Resolution. Appeals shall be made no later than fifteen (15) calendar days after the date of the grievance. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part modify the order, requirement, decision or determination as in its opinion ought to be done, and in that end shall have all the powers of the officers and bodies from whom the appeal is taken, and it may issue or direct the issuance of a certificate or conditional certificate.

## **ARTICLE XII**

### **AMENDMENTS**

**SEC 1201** The Board of Trustees may, by resolution, after report thereto by the Zoning Commission and subject to the procedure provided in this article, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.

#### **SEC. 1201-1 INITIATION.**

Amendments or supplements to the Zoning Resolution may be initiated by any one of the following:

1. By motion of the Zoning Commission.
2. By passage of a resolution therefore by the Board of Trustees and certification of same to the Zoning Commission.
3. By one (1) or more of the owners or lessees within the area proposed to be changed or affected by the proposed amendment or supplement.

#### **SEC. 1201-2 APPLICATIONS.**

Applications initiated by private owners or lessees shall be filed with the Zoning Commission accompanied by such data and information prescribed for that purpose by the Zoning Commission including the following:

1. Three (3) copies of a map and legal description of the area proposed to be changed.
2. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property owner or his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.

3. Evidence that the proposed amendment would materialize in an equal or better Zoning resolution than existing.
4. If the proposed change contains ten (10) or less parcels of land, a list of the names and addresses of all owners within and contiguous to and directly across the street from such area proposed to be changed. The list shall be derived from the county auditor's current tax list or the Treasurer's mailing list.
5. Each application shall be accompanied by the payment of the required fee, which fee shall not be refundable.

**SEC. 1201-3 TRANSMITTAL TO MEDINA COUNTY PLANNING COMMISSION.**

Within five (5) days after the adoption of such motion or the certification of such resolution for the filing of such application, the Zoning Commission shall transmit a copy thereof together with text and map to the Medina County Planning Commission. The Medina County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment.

**SEC. 1201-4 HEARING AND NOTICE BY ZONING COMMISSION.**

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall hold a public hearing thereon. The Zoning Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

1. A notice shall be published in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.
2. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax lists, and to such other list or the Treasurer's mailing list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Trustees.

**SEC. 1201-5 RECORDS.**

The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Zoning Commission and shall be a public record.

**SEC. 1201-6 DECISION BY ZONING COMMISSION AND SUBMITTAL TO BOARD OF TRUSTEES.**

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification

thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Medina County Planning Commission to the Board of Trustees.

**SEC. 1201-7 HEARING AND NOTICE BY BOARD OF TRUSTEES.**

The Board of Trustees, upon receipt of such recommendation from the Zoning Commission, shall hold a public hearing thereon. The Board of Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

**SEC. 1201-8 ACTION BY BOARD OF TRUSTEES.**

Within twenty (20) days after such public hearing the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Trustees denies or modified the recommendation of the Zoning Commission, the unanimous vote of the Board of Trustees shall be required to override the recommendation of the Zoning Commission.

**SEC. 1201-9 EFFECT AND REFERENDUM.**

Such amendment or supplement adopted by the Board of Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or

supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

## **ARTICLE XIII**

### **VALIDITY AND SEPARABILITY, REPEALER, EFFECTIVE DATE**

**SEC. 1301      VALIDITY AND SEPARABILITY.**

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectivity of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

**SEC. 1302      REPEALER.**

All existing Resolutions of Wadsworth Township, Ohio, inconsistent herewith, are hereby repealed.

**SEC. 1303      EFFECTIVE DATE.**

This Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Wadsworth Township Zoning Commission:

Date: August 18, 2009

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Christopher Hills, Chairman  
Wadsworth Township Zoning Commission

Adopted by the Wadsworth Township Trustees:

Date: September 01, 2009

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Dennis L. Kreider

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Thomas F. Baldwin

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Virgil D. Mochel

Attest by the Fiscal Officer of the Township:

Date: September 01, 2009

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Susan Ritzman, Fiscal Officer

## ARTICLE XIV

### ESTABLISHMENT OF RIPARIAN SETBACKS

#### SEC. 1401 PURPOSE AND INTENT

1. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:
  - a. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.
  - b. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
  - c. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
  - d. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
  - e. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
  - f. Provide designated watercourse habitats with shade and food.
  - g. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
  - h. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
  - i. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.

2. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback along designated watercourses in Wadsworth Township. Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this resolution in the consideration of an appeal for a variance by the Board of Zoning Appeals.
3. These regulations have been enacted in compliance with the Wadsworth Township Phase II Storm Water Management Program, adopted March 1, 2003, as required by the Code of Federal Regulations, 40 C.F.R. Parts 9, 122, 123, and 124.
4. These regulations have been enacted under the authority of Chapter 519 of the Revised Code of the State of Ohio that provides Wadsworth Township the authority to regulate the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands necessary to protect the public health, safety, morals, comfort, and general welfare of the Township and its residents.
5. It is the policy of Wadsworth Township to encourage the establishment of naturally vegetated riparian areas along watercourses. Property owners who own land along watercourses are encouraged to maintain the functionality of the riparian system within Wadsworth Township to control flooding, erosion, and water quality problems on their property as well as downstream. Riparian setback zoning, as established through these regulations, represent the minimal standards necessary to minimize flooding, erosion, and water quality problems and the impacts therefrom. Guidance regarding the functions and characteristics of riparian areas in Wadsworth can be found in the Wadsworth Township Zoning Resolution Book.

**SEC. 1402      APPLICABILITY**

1. These regulations shall only apply when the following two (2) conditions are met:
  - a. Soil disturbing activities regulated by Wadsworth Township Zoning Regulations are proposed in a riparian setback as set forth by these regulations.

- b. A zoning certificate or conditional zoning certificate is required or necessary.
2. These regulations shall only apply to all zoning districts except Agricultural land, agricultural land (as defined in ORC 519.01), which is exempt from these regulations.
3. These regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.
4. The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Article VIII, Non-Conforming Uses.
5. The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed subject to the provisions of Article VIII, Non-conforming Uses.
6. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

**SEC. 1403 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS**

1. A designated watercourse shall include one or more of the following criteria.
  - a. All watercourses draining to an area equal to or greater than one-half (0.5) square mile, or
  - b. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Zoning Inspector may consult with representatives of the Medina County SWCD or other technical experts.
2. Riparian setbacks on designated watercourses shall be established as follows.
  - a. A minimum of 120 feet on each side of all designated watercourses draining to an area equal to or greater than 20 square miles.

- b. A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to 20 square miles.
  - c. A minimum of 25 feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.
3. The following regulations shall apply to riparian setbacks.
- a. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse.
  - b. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
  - c. The minimum riparian setback on an in-line pond existing shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond.

**SEC. 1404      RIPARIAN SETBACK GUIDE MAP**

- 1. The township shall create a guide map identifying designated watercourses and their riparian setbacks. Said map is attached hereto and made a part of this regulation and is identified as Appendix A. The riparian setback guide map may be utilized as a guide or reference document by the Zoning Inspector and the Board of Zoning Appeals in determining when the riparian setback applies.
- 2. Nothing herein shall prevent the township from amending the riparian setback guide map from time to time as may be necessary.
- 3. If any discrepancy is found between the riparian setback map and these regulations, or if any discrepancy is found between existing site conditions and the riparian setback guide map, the criteria set for in Section 1403 shall prevail.

**SEC. 1405      APPLICATIONS AND SITE PLAN**

1.      When making an application for a zoning certificate or a conditional zoning certificate for building, structure or use regulated by this resolution occurs on a parcel that contains a mapped riparian setback area, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on all site plans submitted to the Zoning Inspector.
2.      The Zoning Inspector, may, in reviewing the site plan, consult with the Medina County SWCD or such other expert(s) retained by the Board of Township Trustees.
3.      If land development or soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities.

**SEC. 1406      PERMITTED BUILDINGS, STRUCTURES AND USES WITHIN A RIPARIAN SETBACK WITHOUT A ZONING CERTIFICATE**

The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian setback without a zoning certificate. Other uses not requiring a zoning certificate or conditional zoning certificate under the Township Zoning Regulations are also permitted in the riparian setback.

1. Recreational Activities: Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for non-motorized vehicles constructed of pervious materials.
2. Removal of Trees: Damaged or diseased trees and other associated debris may be removed. Harvesting of trees must be done in accordance with the Department of Forestry accepted guidelines.
3. Maintenance and Repairs: Maintenance and repair on lawfully existing buildings, structures, and uses; roads; driveways; bridges; culverts; trails; walkways; paths; wastewater treatment plants and appurtenances; water wells;

water treatment plants and appurtenances; storm sewers; and on-site sewage systems.

4. Maintenance and Cultivation of Lawns and Landscaping: The maintenance of existing, and the cultivation of new lawns, landscaping, shrubbery, and trees.
5. Water Supply Wells: Water supply wells subject to the regulations enforced by the Medina County General Health District or the Ohio EPA.
6. Open Space: Passive open space to preserve the riparian setback area in its natural state.
7. Composting: Composting of natural materials from the affected lot, not for commercial retail sale or use.
8. On-site Sewage Systems and Waste Water Treatment Plants: On-site sewage systems and waste water treatment plants and appurtenances subject to the applicable regulations enforced by the Medina County General Health District or the Ohio EPA. Proof of compliance with such regulations shall be required.

**SEC. 1407 PERMITTED BUILDINGS, STRUCTURES, AND USES WITHIN A RIPARIAN SETBACK WITH A ZONING CERTIFICATE**

The following buildings, structures, and uses may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

1. Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this resolution and regulations enforced by the Medina County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:



2. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
3. Roads and Driveways: There shall be no roads or driveways except as permitted under these regulations.

**SEC. 1409 INSPECTION OF RIPARIAN SETBACKS**

The Zoning Inspector shall inspect the delineation of riparian setbacks.

1. The owner shall notify the Zoning Inspector at least five (5) working days prior to the initiation of any soil disturbing activities that may be within a riparian area and are regulated by this resolution.
2. The Zoning Inspector, after giving prior notice to the owner and receiving authorization from the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

**SEC. 1410 GUIDELINES FOR VARIANCES WITHIN RIPARIAN SETBACKS**

1. Wadsworth Township Board of Zoning Appeals may grant a variance from this regulation as provided herein. In determining whether there is unnecessary hardship or practical difficulty such as to justify the granting of a variance, Wadsworth Township Board of Zoning Appeals may consider the potential harm or reduction in riparian area functions that may be caused by proposed building, structure, use or related soil disturbing activity.
2. In making a variance determination, Wadsworth Township Board of Zoning Appeals may consider the following:
  - a. Varying the front, rear, and side yard setback before the riparian setback is varied.
  - b. Variances should not be granted for asphalt or concrete paving in the riparian setback in any situation where gravel or porous pavement (i.e. porous pavers, and similar products) will be appropriate.
  - c. A parcel existing at the time of passage of this resolution is made unbuildable.
  - d. The soil type and natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The criteria

of Wadsworth Township's or Medina County's flood damage prevention regulations may be used as guidance when granting variances in the 100-year floodplain.

- e. The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, or other functions of the riparian area. This determination shall be based on sufficient technical and scientific data.
- f. The degree of hardship this regulation places on the landowner, and the availability of alternatives to the proposed activity.
- g. Soil disturbing activities permitted in riparian setback through variances should be implemented in order to minimize clearing to the extent possible, and to minimize soil erosion and maximize sediment control.
- h. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in riparian setbacks compromises their benefits to Wadsworth Township.
- i. A reduction in storm water infiltration into the soil in riparian wetland areas will occur.
- j. A requested above ground fence does not increase the existing area of mowed grass or lawn
- k. Modifying parking requirements before varying the riparian setback.
- l. Modifying building shape, size or design to avoid or minimize intrusion into the riparian setback.
- m. In case of a lot made unbuildable by this regulation, consider the minimum variance needed to make it buildable for an appropriately sized and compatibly designed structure, while following the guidance provided in this section.
- n. Whether the variance will increase the likelihood for flood or erosion damage to either the applicant's property or to other properties.
- o. Culverting of watercourses should be avoided.
- p. Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the

riparian setback.

**SEC. 1411 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE**

1. When an applicant or his or her designated representative disputes the boundary of a riparian setback or the ordinary high water mark of a designated watercourse, the applicant or his or her designated representative shall submit documentation to Wadsworth Township Zoning Inspector that describes the boundary, the applicant's proposed boundary, and justification for the proposed boundary change.
2. The Wadsworth Township Zoning Inspector shall evaluate this documentation and shall make a written determination within a reasonable period of time, not to exceed sixty (60) days, a copy of which shall be submitted to the applicant. If during this evaluation Wadsworth Township requires further information, it may be required of the applicant. In the event that Wadsworth Township Zoning Inspector requests such additional information, the sixty (60) day limit on Wadsworth Township's review shall be postponed until the applicant provides such information.