

# ZONING RESOLUTION OF GUILFORD TOWNSHIP

MEDINA COUNTY, OHIO

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# ZONING RESOLUTION OF GUILFORD TOWNSHIP MEDINA COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of GUILFORD TOWNSHIP by regulating the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands, and for such purposes dividing the unincorporated area of the Township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out such purposes, providing a method of administration, and proceedings for the administration and enforcement of this resolution.

**WHEREAS,** THE Board of Guilford Township Trustees, Medina County, Ohio deem it is the best interest of the public health, morals, comfort, and general welfare of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township, now therefore,

**BE IT RESOLVED,** by the Board of Trustees of Guilford Township:

## **Section 1: Purpose**

For the purpose of promoting public health, safety, morals, comfort and the general welfare, to conserve and protect property and property values, to secure the most appropriate use of the land, and to facilitate adequate but economical provision of public improvements, all in accordance with a Comprehensive Plan, the Board of Trustees find it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches, campers, mobile homes, motor coaches, percentage of lot area which may be occupied, set back building lines, sizes of spaces, the density of population, the use of buildings and other structures including tents, cabins, trailer coaches, campers, mobile homes, motor coaches and the use of land for trade, industry, residence, recreation or other purposes and for such purposes dividing the unincorporated area of the township into districts or zones.

## Section 2: District Designation

### 2.1 – DISTRICTS

The districts established herein, are shown on the official Township map, and are hereby adopted as part of this resolution and incorporated herein by reference. A copy of said map is included as [Appendix 1](#). For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following districts:

- A. **Residential**, which shall be designated as: “R” districts.
- B. **Business and Commercial**, which shall be designated as: “C” districts.
- C. **Industrial and Manufacturing**, which shall be designated as: “I” districts.

### 2.2 – 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:

- A. **Where Boundaries Approximately Follow Streets, Alleys, or Highways:** Where district boundaries are indicated as approximately following the centerline of streets, the centerline 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.
- B. **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 centerlines of streets, the centerlines or alley lines of alleys, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of scale shown on said zoning map.
- C. **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.
- D. **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.

**2.3** - The districts as shown on the map, marked [Appendix 1](#), hereto attached, are hereby established and said map is made a part of this resolution.

**2.4** - No building or premises shall be used, and no building or structure **shall** be erected except in conformity with the regulations prescribed herein for the district in which it is located.

### Section 3: Definitions, General

As used in this Zoning Resolution, the following words **shall** have the meaning ascribed to them in this chapter, unless the content clearly indicated or requires a different meaning.

**AGRICULTURE:** Includes farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage, or any combination of the foregoing, the processing, drying, storing, and marketing of agricultural products when the activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**AGRICULTURE PRODUCTION:** Means commercial aquaculture, algaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod, the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agriculture use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

**AGRITOURISM:** Is an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

**ACCESSORY BUILDING:** Means a subordinate building customarily incident to and located on the same lot with the main building.

**ACCESSORY USE:** Means a use customarily and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

- A. Swimming pools or ponds **shall** be deemed as accessory buildings and/or structures.



**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.

**ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

**AMBIENT DECIBEL LEVEL:** The sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. *(Amended 5/9/1977, Effective 6/8/1977)*

**APPROACH SLOPE:** Means the glide path an aircraft must follow on its approach to land on a runway or takeoff from a runway.

**BASEMENT:** Means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. *(Amended 5/9/1977, Effective 6/8/1977)*

**BILLBOARD:** Other than directional signs to local Guilford Township or Seville businesses, means a sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold, placed or otherwise offered elsewhere on the premises on which the billboard is located. Billboards **shall** be regarded as structures within the meaning of this Zoning Resolution.

**BOARDING HOUSE:** Means a dwelling where meals or lodging and meals are provided for compensation to two or more persons by prearrangement for definite periods. A boarding house is to be distinguished from a hotel.

**BUILDING:**

- A. **Building:** Means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. When separated by a fire wall, such separated portion of such structure **shall** be deemed a separate building.

- B. **Principal Building:** Means the building housing the principal activity performed on any lot.

**BUILDING HEIGHT:** Means the vertical dimensions measured from the average of the finished grade at the front of the building, to the highest point of the front of the house.

**BUILDING LINE:** A line parallel to the street right-of-way line touching that part of the building closest to the street.

- A. **Setback line: Shall** be a line defining the minimum front, side, and rear yard requirements.

**BUS:** Any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing agreement.

**CAMPER:** A vehicular portable structure that is designed for the sole purpose of recreational travel.

**CENTRALIZED SEWER SYSTEM:** Means where the individual lots are connected to a common disposal system, whether publicly or privately owned and operated.

**CENTRALIZED WATER SYSTEM:** Means where the individual lots are connected to a common distribution system whether publicly or privately operated.

**DENSITY:** Means the number of families residing on, or dwelling units developed on one acre of land.

**DWELLING:**

- A. **One-family dwelling:** Means a detached building designed for or occupied exclusively by one family.
- B. **Two-family dwelling:** Means a detached building designed for, or converted or occupied by, two families, living independently of each other.
- C. **Multi-family dwelling:** Means 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.

- D. **Dwelling unit:** Means one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including a room or rooms for living, sleeping and eating. *(Amended 5/9/1977; Effective 6/8/1977)*
- E. **In-Law Suite:** A living area within a single-family dwelling for the express purpose of accommodating a family member not already in residence.
- F. **Group Home:** A residential facility that provides room and board, personal care, habitation services, and supervision in a family setting for at least six but not more than eight persons with developmental disabilities.

**ENERGY GENERATING DEVICES (WIND AND SOLAR)**

**FREESTANDING SOLAR PANELS** means any solar panel or solar collection system not attached to and separate from any existing structures on the site.

**SOLAR PANELS** means a device or combination of devices, structures, or parts thereof, that collect, transfer, or transform direct solar, radiant energy into thermal, chemical, or electrical energy and that contribute to a structure's energy supply.

**UTILITY-SCALE SOLAR** is any facility that generates solar power for the purpose of feeding it into the grid to be distributed to consumers.

**WECS:** Wind Energy Conversion System *(Effective 9-15-11)*

**WIND ENERGY CONVERSION SYSTEM:** An apparatus for converting kinetic energy available in the wind to mechanical energy that can be used to power machinery and/or to operate an electrical generator. *(Effective 9-15-11)*

**WIND TURBINE, FREESTANDING:** A single mono-pole, ground mounted, self-supporting tower wind energy conversion system designed to convert kinetic wind energy into rotational energy that drives an electrical generator, and includes all types of wind energy systems, turbines, cubes, spirals, etc. *(Effective 9-15-11)*

**EARTH SHELTERED BUILDING:** Means a structure built wholly or partially underground, which is designed for permanent occupancy with no additional stories planned for a later date. *(Amended 10/6/1982; Effective 11/5/1982)*

**FAA:** Federal Aviation Authority. *(Effective 9/15/2011)*

**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 and installation upon a site. For the purposes of this Zoning Resolution, ‘factory-built housing’ shall include the following:

- A. **Manufactured Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development.
- B. **Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections.

**FALL ZONE:** The area surrounding a wind energy conversion system or telecommunication structure that, if it were to fall, would remain confined within the property on which it is located. *(Effective 9/15/2011)*

**FAMILY:** **Shall** mean one individual or any number of individuals living as a single housekeeping unit.

**FARM:** Is land that is devoted to “agriculture production” with either no less than ten (10) acres, or an average yearly gross income of at least two thousand five hundred (2,500) dollars from “agriculture production”.

**FARM MARKET:** A structure where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

**FIRE POND:** Any body of water, except bodies of water used for the storage of hazardous wastes, may be used as a fire pond, but must meet requirements of [Appendix 7](#). *(Amend 3-09-00; Effective 4-08-00)*

**GARAGE:**

- A. **Private Garage:** Means a building or part thereof accessory to a main building and providing for storage of automobiles, and in which no occupation or business for profit is carried on other than permitted as a home occupation and not reducing the storage of that number of vehicles for which the garage was designed.
- B. **Public or Storage Garage:** Means a building or part thereof, other than a private garage, for the storage of motor vehicles and which service activities may be carried on.

**GASOLINE SERVICE STATION:** Any area of land, including any structures thereon that is, or are used or designed to be used, for the supply of gasoline, oil or other fuel for the propulsion of vehicles. For the purpose of this Zoning Resolution, there **shall** 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, servicing or repairing such motor vehicles.

**HARD SURFACE:** Is a type of finish that results in a surface that is not changed by weather and remains consistent in nature. The surface may be used for parking lots, driveways, walkways, and patios. The materials most reflected in a hard surface are gravel, concrete, asphalt, pavement, and limestone.

**HOME OCCUPATION:**

- A. **TYPE "A" HOME OCCUPATION:** Means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the residence. (i.e. computer services, home office, secretarial services, etc.)
- B. **TYPE "B" HOME OCCUPATION:** Is a non-residential use utilizing an accessory building on a residential owners property, and is carried on by the property owner in residence, with a maximum of one (1) non-resident employee, which is clearly incidental and secondary to the use of the property for residential purposes. This may also include the parking and maintenance of a truck exceeding twenty-six (26) feet in length, seven (7) feet in height, one (1) ton load capacity and nine thousand (9,000) pounds gross vehicle weight.  
*(Amended 9-11-97; Effective 10-11-97)*

**HOTEL OR MOTEL:** Means 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 sleeping rooms and in which no provision is made for cooking in any individual room.

**IN LAW SUITE:** A secondary set of rooms which has its own outside entrance, kitchen, inside passage entrance, bathroom, bedroom and living area.

**JUNK YARD:** Means land used to dismantle used motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second hand building material, junk, paper, containers, machinery or other salvaged articles, not limited to, but



including old iron, glass, cordage, tires, waste, discarded materials which have outlived their usefulness in their original form.

**LOADING SPACE:** Means 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:**

- A. **LOT:** Means a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or use customarily incident to it, including such open spaces as are required by this Zoning Resolution.
- B. **CORNER LOT:** Means 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.
- C. **DEPTH OF LOT:** Means 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 the right-of-way is not established, it **shall** be assumed to be thirty (30) feet from the center line of the street.
- D. **INTERIOR LOT:** Means a lot other than a corner lot.
- E. **LOT LINES:** Means the lines defining the limits of a lot.
- F. **LOT OF RECORD:** Means a lot which is a 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 of which has been recorded in the office of the Recorder of Medina County.
- G. **WIDTH OF LOT:** Means the width measured along the minimum setback line.
- H. **MINIMUM LOT WIDTH:** The smallest horizontal distance between opposite side lot lines a parcel of land is permitted to be, as measured by any perpendicular line drawn between the side lot lines, as measured at the building line, and parallel to the street right-of-way line.

**MINIMUM BUILDING SETBACK LINE:** Means 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 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:** The measurement of usable floor area consisting of areas such as living rooms, bedrooms, bathrooms, dining rooms, rooms for cooking, dens, libraries and family rooms, recreation rooms, utility rooms, but not including areas such as porches, breezeways, terraces, garages, and basements.

**MOBILE HOME:** See definition under Factory Built Housing

**MOBILE HOME PARK:** Any tract of land upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of mobile homes on the lots is not a mobile home park even though three or more mobile homes are parked thereon if the roadways are dedicated to the local government authority.

**MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. *(Effective 9/15/2011)*

**MOTORCYCLE:** A motor vehicle with motive power having a seat or saddle for the use of the operator designed to travel on not more than three wheels in contact with the ground, and having no occupant compartment or occupant compartment top that can be installed or removed by the user.

**MOTOR HOME:** A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

**NATURAL GRADE:** The original way the land lies without any kind of excavation or mounding. *(Effective 9/15/2011)*

**NON-CONFORMING USE:** A lot, use of land, building, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Resolution or its amendments, which do not conform to the regulations of the district or zone in which it is situated.

- A. **NON-CONFORMING BUILDING OR STRUCTURE:** A building or structure lawfully existing when this Zoning Resolution or any amendment thereto became effective, which does not conform to the regulations governing buildings of the district in which it is located.
- B. **NON-CONFORMING LOT:** A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the lot area, width or frontage requirements of the district in which it is located.
- C. **NON-CONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this Zoning resolution or any amendment thereto, which does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.
- D. **NON-CONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the use regulations of the district in which it is situated. *(Adapted 1-3-06; Effective 2-2-06)*

**NURSING OR CONVALESCENT HOME:** Means a **Rest Home** or **Boarding Home** for the aged or mentally or physically challenged and is any place of abode, building, institution residence, or home for the reception and care, for a consideration of three or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.

**OUTDOOR WOOD BOILER:** See "OUTDOOR WOOD-FIRED HYDRONIC HEATER."

**OUTDOOR WOOD FURNACE:** See: OUTDOOR WOOD-FIRED HYDRONIC HEATER."

**OUTDOOR WOOD-FIRED HYDRONIC HEATER (OWHH):** Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat or a hot water source for the principle structure, the site, or any other building or structure on the premises. An Outdoor Wood-Fired Hydronic Heater may also be referred to as an Outdoor Wood Boiler or Outdoor Wood Furnace. *(Effective 9/15/2011)*

**OUTDOOR WOOD-FIRED HYDRONIC HEATER, EXISTING:** An Outdoor Wood-Fired Hydronic Heater that was purchased and installed prior to the effective date of these definitions. *(Effective 9/15/2011)*

**OUTDOOR WOOD-FIRED HYDRONIC HEATER, NEW:** An Outdoor Wood-Fired Hydronic Heater that is first installed, established or constructed after the effective date of these definitions. *(Effective 9/15/2011)*



**OVERSPEED CONTROL:** A mechanism used to limit the speed of rotation on a wind energy conversion system so that it remains below the design limits of the wind turbine system. *(Effective 9/15/2011)*

**PASSENGER CAR:** Any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

**PASSIVE OPEN SPACE:** Means an area of land that cannot be built upon, but may be used for agriculture, hiking, horseback riding and the like. All motorized vehicles, except agricultural and maintenance vehicles, are prohibited. *(Amended 8-23-01; Effective 9-22-01)*

**PARKING:** Means the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**PARKING SPACE:** Means a space equal to two hundred forty (240) square feet (10x24) provided for the parking of vehicles.

**POND/LAKE:** Means a body of water, other liquids or sludge, and may be a natural or artificial structure made by constructing a dam or embankment or by using a natural or manmade hollow or pit. The pond **shall** include the liquid portion and all components necessary to construct and maintain said pond or lake.

**RECREATIONAL VEHICLE PARK:** Any tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation or business purposes.

**ROOMING HOUSE OR LODGING HOUSE:** Means a building other than a hotel, where lodging only is provided for two or more persons for compensation pursuant to previous arrangements, but no open to public or transients.

**ROADSIDE STAND:** A removable structure used or intended to be used solely by the owner or the tenant of the property on which it is located for the sale of seasonal agricultural products produced on the premises.

**SETBACK, WIND TURBINE:** The distance from the wind energy conversion system to the property line or any human-occupied structures on the turbine-site property. *(Effective 9-15-11)*

**SHADOW FLICKER:** The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow. *(Effective 9-15-11)*

**SIGN:** 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, or colors.

- A. **ELECTRONIC MESSAGE SIGN:** A sign whose informational content can be electronically changed.
- B. **ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**SLUDGE:** A generic term for solids separated in suspension in a liquid.

**SOLAR:** See **ENERGY GENERATING DEVICES (WIND AND SOLAR)**

**SOUND PRESSURE LEVEL:** A logarithmic measure, measured in decibels (dB), of the effective sound pressure of a sound relative to a reference value. *(Effective 9-15-11)*

**STORY, HEIGHT OF:** Height of story, means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the ceiling joists.

**STORY AND HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the top floor area is finished off for use.

**STRUCTURE:** Anything constructed or erected which requires location on the ground including billboards, swimming pools, lakes and ponds, wind or solar energy generating devices, but not including fences or walls used as fences. *(Amended 6-1-10; Effective 7-1-10)*

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls, columns, or any substantial changes in the columns, beams, or roof and exterior walls.

**THOROUGHFARE:** A street, road, or alley.

**TRAILER, AUTOMOBILE TRAILER, TRAILOR COACH:** A vehicle used or intended for use as a conveyance upon the streets or highways, so designed, constructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable sleeping place.

**TRAILER PARK:** An area where two or more trailers are parked, or which is used or offered for the purpose of providing parking space for two or more trailers for dwelling or sleeping purposes on a daily basis. Also called a Mobile Home Park.

**TOURIST HOME:** A dwelling in which overnight accommodations are provided for transient guests for compensation.

**TOWNSHIP EASEMENT:** Gives the Township Trustees the right to maintain said open spaces in accordance to the law, by means of assessing the lot owners and/or Homeowners Association, for any and all expenses incurred.

**UL:** Underwriters Laboratory (*Effective 9-15-11*)

**VEHICLES:**

- A. **PRIVATE PASSENGER VEHICLE:** An automobile, station wagon, van, small truck or motorcycle used primarily as a passenger vehicle for hauling personal property of the owner. Pick-up trucks or panel trucks may qualify as private passenger vehicles only when used exclusively for hauling personal property of the owner and not equipped as a recreational vehicle.



- B. **COMMERCIAL VEHICLE:** A truck of any size, van or station wagon of any type, used or maintained primarily to transport goods and materials or operate a power attachment or toll, such as a snowplow. Any vehicle with advertising or business designation affixed to it **shall** be considered a commercial vehicle.
  
- C. **COMMERCIAL EQUIPMENT:** Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, spreaders, mixers, bucket loaders, tractors, other than truck tractors, graders, rollers, scarifiers, earth moving carryalls, scrapers, power shovels, draglines, backhoes, bulldozers, self-propelled cranes and other earth moving equipment and the trailers designed to carry them.
  
- D. **TRUCK TRACTOR:** Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than as part of the weight of the vehicle and load so drawn.
  
- E. **TRUCK-TRAILOR OR SEMI-TRAILER:** A vehicle of the truck type so designed and used in conjunction with the truck-tractor that a part of its own weight or its load rests upon and is carried by the truck-tractor and **shall** include a trailer drawn by a truck-tractor, semi-trailer combination.
  
- F. **RECREATIONAL VEHICLE:** Any vehicle not permanently fixed to the ground, and is not permanently connected to any utilities, including water and sewage. It may be self-propelled, or a vehicle towed on its own wheels or transported on a trailer. It is used primarily for hobbies, vacations, extended travel, camping, sports and aquatic uses. It is designed for temporary occupancy only for recreational use. They include but are not limited to: motor homes and converted buses, camper shells, camper cabins, camping and travel trailers, boats, houseboats, rafts, and their trailers.

**WECS:** Wind Energy Conversion System (*Effective 9-15-11*)

**WIND ENERGY CONVERSION SYSTEM:** See ENERGY GENERATING DEVICES (WIND AND SOLAR)

**WIND TURBINE, FREESTANDING:** See ENERGY GENERATING DEVICES (WIND AND SOLAR)

**WOOD, NATURAL:** Wood which has not been painted, varnished or coated with similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products. *(Effective 9-15-11)*

**YARD:**

- A. **Front Yard Depth:** Means the perpendicular distance between the street right-of-way and the nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established, it **shall** be assumed to be thirty feet from the centerline of the proposed right-of-way. 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.
- B. **Rear yard Depth:** Means 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.
- C. **Side Yard Width:** Means the perpendicular distance between the established side lot line and the portion of any building/structure existing or to be constructed on such lot.

## Section 4: General Regulations

**4.1** - Except, as hereinafter provided, it **shall** be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building except in conformity with the regulations of district in which the building is located.

**4.2** - Except, hereinafter provided, it **shall** be unlawful to use any land or building for a purpose other than permitted in the district in which the land or building is located.

**4.3** - No parcel of land held under one ownership, with or without buildings, at the time of this resolution becomes effective **shall** be so reduced nor **shall** any such parcel be subdivided, in any manner below the minimum lot width and lot area required by this resolution.

**4.4** - In no case **shall** there be more than one (1) residential building on one (1) lot.

A. There **shall** be at least one driveway per residential lot.

**4.5** - Unoccupied mobile homes **shall** be so placed on any lot or parcel of land in any and all districts, that such locations **shall** comply with the provisions of [SECTION 6, Subsection 6.3](#) of this resolution and in no event **shall** any mobile home be stored or parked at a point which is nearer the road than the main structure of the dwelling house or major building of the premises involved.

**4.6** - Noxious, dangerous, or offensive uses by reason of emission of odors, dust, smoke, gas, noise, flames, or vibration **shall** be unlawful except as hereinafter provided.

**4.7** -The pollution of streams, watercourses, air or using electrical appliances, which create electro-magnetic waves that interfere with television, radio, or telephone communications, is unlawful.

**4.8** - No dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, **shall** be permitted unless such dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals is done in compliance with any and all local, state and federal regulations governing such activities.

**4.9** - No building permit or zoning certificate **shall** be issued without evidence that the appropriate authority has approved the sanitary facilities for the use for which the building permit or zoning certificate has been requested.

A. No building permit or zoning certificate for multi-family, commercial, or industrial construction **shall** be issued without evidence that the Fire Chief, or his representative has inspected, and agreed that the plans for construction meet all state and local fire code requirements. *(Amend 7-12-02; Effective 8-16-02)*

**4.10** - All lots **shall** be a minimum of 210 feet in width for the full length of the lot.

A. Private streets and common drives are not allowed. *(Amend 8-12-99; Effective 9-11-99)*

**4.11 REGULATIONS FOR PONDS AND SWIMMING POOLS**

- A. Public or private ponds, lakes or swimming pools **shall** be considered as structures for the purpose of permits.
- B. A dock, when it protrudes into the water of a pond or lake, **shall** be considered to be part of the structure of the pond or lake. However a bath house, boat house, or any other structure, **shall** not be considered to be part of that structure, and if they are to be placed or constructed less than the required twenty (20) feet setback from another structure, including, but not limited to ponds, lakes, residences and accessory buildings, such structures **shall** require a variance and a zoning permit. *(Amend 8-16-11; Effective 9-15-11)*
- C. In no case **shall** a pond or lake be located closer than twenty-five (25) feet from any property line and must have approval of the local Fire Department if used as a fire pond.
- D. Ponds or lakes shall meet standards and specifications of the Medina County Soil and Water Conservation District.
- E. Upon making application for a zoning permit, the applicant will be required to submit to the Zoning Inspector a copy of the proposed pond and/or lake plans, which have been reviewed and stamped by the Medina County Soil and Water Conservation District.

**4.12 REGULATIONS FOR FENCES**

- A. Fences for residential uses **shall** not exceed six (6) feet high and not over three (3) feet high the first seventy-five (75) feet from the road right-of-way.
- B. Fences for residential uses **shall** be constructed two (2) feet inside the owner's side and rear property lines and the road right-of-way. Line fences for agricultural uses **shall** be permitted on the owner's side and rear property line but **shall** not be in the road right-of-way.
- C. The owner of a residential property is responsible for the upkeep of both sides of the fence.
- D. No wall, fence or shrubbery **shall** be erected, maintained or planted on any lot which obstructs or interferes with traffic visibility on a curve or at any intersection.
- E. A permit and a site plan are required.

**4.13 PARKING REGULATIONS IN RESIDENTIAL AREAS**

- A. Passenger cars, recreational vehicles, motorcycles, and noncommercial motor vehicles are permitted. Recreational vehicles, campers, and boats **shall** not be used as a dwelling,

office, or other business structure, or for storage of any material, and **shall** have no permanent connections to any electric, telephone, water, sewer, gas, or fuel source.

- B. The overnight or weekend parking of one (1) commercial vehicle, less than twenty-six (26) feet in length or seven (7) feet or less in width and whose height is seven (7) feet or less, and the load carrying capacity is one (1) ton or less, **shall** be permitted to be parked outside. The overnight or weekend parking of all commercial vehicles over twenty-six (26) feet in length, whose width is greater than seven (7) feet, whose height is greater than seven (7) feet and has a load carrying capacity of one (1) ton or more **shall** be parked in an accessory building and **shall** not be visible from any adjacent property or road right-of-way.
1. The contents of the vehicle **shall** not omit offensive odors.
  2. There is stored within the confines of the vehicle, only such items as hand tools, spare parts and small amounts of supplies and items normally used in conjunction with the resident's occupation. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other material.
  3. There are no animals, fish or fowl, stored in the vehicle.
  4. There is no foodstuff or other organic material stored in the vehicle, which would create a condition that, would attract, harbor or contain vermin, insects, or rodents.
  5. There are no other health or safety hazards caused by the parking of such vehicle.
  6. The use of such vehicle will not result in a public nuisance to persons of normal sensibility by reason of excessive noise, late or early hours, intensity of activity or other such reasons.
  7. The vehicle **shall** be maintained in good running condition at all times.
  8. Only normal and minor work on the vehicle **shall** be done on the property unless the work is done in an entirely enclosed accessory building or garage.
  9. No such vehicle **shall** be used in conjunction with any **Home Occupation** not authorized by the terms of this Zoning Resolution.
- C. A second commercial vehicle whose length is less than twenty-six (26) feet, whose width is less than seven (7) feet, and height is less than seven (7) feet, and with a carrying capacity of one ton or less may be parked on the premises if it is parked within an enclosed accessory building or garage and meets conditions of **B 1-9**.
- D. The overnight parking of commercial vehicles and/or pieces of commercial equipment larger than stated in #2 up to a maximum of sixty-five (65) feet in length and 102 inches in width, with a legal gross vehicle weight of 80,000 pounds, may be permitted with a Conditional



Zoning Permit by the Board of Zoning Appeals, provided the following conditions are observed; **Ref. Sec. 9, Conditional Zoning Certificates.**

1. One vehicle may be parked outside if behind the main building or residence and screened by trees, shrubs or the like, so that no part is visible from the road or neighboring property, or is parked in an enclosed building that is behind the main building or residence. Any additional vehicles or equipment are to be parked in an enclosed building.
  2. No dismantled or inoperable truck-tractors, truck-trailers, or commercial equipment **shall** be stored on the property unless in an enclosed accessory building or garage.
  3. All of the requirements as stated in **B 1-9** must be observed.
  4. Any other conditions imposed by the Board of Zoning Appeals must be observed.
- E. **Junk Cars:** All wrecked, junked, inoperable vehicles without a current license must be stored in a building, garage, or enclosed within a solid fence, meeting all zoning requirements, on all sides, so the vehicle cannot be seen from either side yard, backyard, or the roadway.
- F. Unoccupied recreational vehicles, or travel trailers and the like, **shall** be so placed on any lot or parcel of land, in any and all districts, that such locations **shall** comply with the provisions of Sec. 6, Subsection 6.3 of this resolution and in no event **shall** any recreational vehicles or trailers be stored or parked at a point which is nearer the road than the main structure of the dwelling house or major building of the premises involved.
- G. No recreational vehicle **shall** be occupied or used as a dwelling while being stored on the property.

#### **4.14 PARKING SPACE REQUIREMENTS**

For the purposed of this Resolution, the following minimum parking space requirements **shall** apply, and the number of parking spaces required for users not specifically mentioned **shall** be determined by the Board of Zoning Appeals following the “substantially similar use” procedure as specified in this Resolution:

##### **A. Residential Uses:**

1. Single family dwelling - Two for each unit
2. Apartments, Townhouses or multi-family dwellings - Two for each unit.
3. Mobile Homes - Two for each unit.

##### **B. Commercial Uses:**

1. Animal hospitals and kennels - One for each 400 square feet of floor area and one for each two employees.
2. Motor Vehicle repair station - One for each 400 square feet of floor area and one for each employee.
3. Motor Vehicle salesroom - One for each 400 square feet of floor area and one for each employee.
4. Motor Vehicle service station - Two for each service bay and one for every two gasoline pumps.
5. Car washing facilities - One for each employee.
6. Banks, financial institutions, post offices, and similar uses - One for each 250 square feet of floor area and one for each employee.
7. Barber and Beauty Shops - Three for each barber or beauty operator.
8. Carry-out Restaurants - One for each 200 square feet of floor area and one for each two employees.
9. Drive-in restaurants - One for each 125 square feet of floor area and one for each two employees.
10. Hotels, motels - One for each sleeping room plus one space for each two employees.
11. Boarding, Rooming, Tourist and Bed/Breakfast Home - One for each sleeping room.
12. Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments - Two plus one additional space for each 200 square feet of floor area over 1000 square feet.
13. Consumer and trade service use not otherwise specified - One for each employee.
14. Funeral homes, mortuaries and similar type uses - One for each 50 square feet of floor area in slumber rooms, parlors or service rooms.
15. Laundromats - One for each two working machines.
16. Administrative, business and professional office uses - One for each 200 square feet of floor area.
17. Sit-down restaurants, taverns, night clubs, and similar uses - One for each three persons of capacity.
18. Retail stores - One for each 150 square feet of floor area.

19. All other types of businesses or commercial uses permitted in any commercial district - One for each 150 square feet of floor area.

**C. Recreational and Entertainment Uses:**

1. Bowling Alleys - Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees.
2. Dance Halls, skating rinks - One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
3. Outdoor swimming pools: public, community or club - One for each ten persons of capacity, end one for each three persons of capacity for a restaurant.
4. Auditorium, sports arenas, theaters, and similar uses. - One for each four seats.
5. Miniature golf courses - Two for each hole and one for each employee.
6. Private clubs and lodges - One for each ten members.
7. Tennis facilities, racquetball facilities or similar uses - Two for each playing area; one for each employee; and one for each 100 square feet of other activity area.

**D. Institutional Uses:**

1. Churches and other places of religious assembly - One for each eight (8) seats in main assembly room, or one for each classroom, whichever is greater.
2. Hospitals - One for each three beds.
3. Sanitariums, homes for the aged, nursing homes, rest homes, or similar uses - One for each three beds.
4. Medical and dental clinics - One for every 100 square feet of floor area.
5. Libraries, museums, and art galleries - Ten, and one for each 300 square feet of floor area in excess of 2,000 square feet.

**E. Educational Institution (Public, Parochial, Private Uses):**

1. Elementary schools, and kindergartens - Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employee.

- 2. High schools and middle schools - One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
- 3. Childcare centers, nursery schools and similar uses - four for each classroom.

**F. Industrial and Manufacturing Uses:**

- 1. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district - One for each employee, (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
- 2. Cartage, express, parcel delivery, and freight terminals - One and one half for every one employee, (on the largest shift for which the building is designed), and one for each motor vehicle maintained on the premises.

**4.15 HANDICAPPED PARKING**

Parking facilities serving the building and facilities required to be accessible to the physically handicapped, **shall** have conveniently located designated spaces provided as follows:

Total Spaces in Lot/Structure	Number of Designated Accessible Space
<b>Up to 100</b>	One space per 25 parking spaces
<b>101-200</b>	4 spaces, plus one per 50 spaces over 100
<b>201-500</b>	6 spaces, plus one per 75 spaces over 200
<b>Over 500</b>	6 spaces, plus one per 75 spaces over 200

**4.16 PUBLIC UTILITY**

The following criteria **shall** be used to determine if an entity is a public utility:

- A. Devotes an essential goods or service to the general public which has the right to demand or receive these goods or services.
- B. Provides its goods and services indiscriminately and reasonably.
- C. Has an obligation to provide the goods and services, which cannot be unreasonably or arbitrarily withdrawn.
- D. Conducts its operation in such manner as to be a matter of Public Concern.
- E. Provides a goods or service that is vital.
- F. Has a lack of competition in the Local Market Place.

- G. Is regulated by a governmental authority.

#### 4.17 ACCESSORY BUILDING

- A. Accessory buildings, in residential districts, less than 144 square feet does not need a Zoning Certificate.
- B. Accessory buildings less than 144 square feet, in residential districts, will have the fee for the Zoning Certificate waived, but a site plan must be provided showing that the accessory building will be behind the main structure.
- C. Accessory buildings less than 144 square feet must be placed a minimum of twenty (20) feet from any rear or side lot line and behind the main structure.
- D. Accessory buildings more than 144 square feet must be placed a minimum of twenty (20) feet from any side or rear lot line and behind the main structure.
- E. Any structure must be a minimum of twenty (20) feet from any other structure.  
*(Amended 1/3/2006; Effective 2/2/2006)*

#### 4.18 LIGHTING

- A. No lighting **shall** constitute a nuisance to a person of normal sensibilities and **shall** not in any way impair safe movement of traffic on any street or highway.
- B. Exterior lighting **shall** be designed and maintained so that glare is not cast on any adjacent properties, regardless of use, or on any adjacent streets or highways. *(Amend 8-12-99; Effective 9-11-99)*

#### 4.19 SITE PLAN REVIEW

##### A. PURPOSE

Having prepared and adapted a Township Zoning Code and established a continuing planning process, site plan review criteria are hereby established to achieve, among others, the following purpose:

1. To provide a system of site development controls that provide for the integration of new developments with the surrounding environment such that all development features including buildings, driveways, parking areas, open spaces, lighting, etc. are so located and related as to minimize the adverse impacts upon adjacent properties.

2. To provide a system of site development controls so that the community will know the quality of new developments that will be approved.
3. To provide assurance that a single development or one built in stages will be completed in accord with the approved design.
4. To assure the proposals will be developed in accord with the objectives and policies of the Township Plan.

**B. REVIEW REQUIRED**

Site plans **shall** be reviewed by the Township Zoning Commission as required by this section for all multi-family, or four (4) or more single-family dwellings in the Residential District and for all uses in Commercial and Industrial Districts. The Zoning Commission may find that a site plan review is not required where no changes are proposed for an existing site or where only inconsequential changes are proposed.

**C. APPLICATION FOR PLAN APPROVAL**

An application for approval of a detailed site plan **shall** be filed with the Zoning Commission. The application may be filed by the developer on behalf of the landowner, or by a group of owners of the land of the development area, acting jointly. The application **shall** include, nine (9) copies of the following maps, designs, and supporting documents:

1. A property location map and topographic survey of the proposed development area, including property lines, easements, street right-of-ways, topographic contours at two (2) foot intervals, existing structures and landscape features.
2. Preliminary plans of the development, include the following elements:
  - a) Site plan, drawn to legible scale, indicating the approximate location, type, and use of buildings, the use and divisions of all land, and the location of structures on surrounding properties.
  - b) Circulation system for vehicles, pedestrians, other public ways, the parking and service system.
  - c) Architectural drawings of buildings and other structures, including signs.
  - d) Landscape plan, indicating the grading and planting plan, the disposal of sanitary waste and storm water, recreational open space, and other land features.
  - e) Erosion control and storm water management measures.
  - f) Existing wooded area and large isolated trees, one (1) foot or more in diameter.

- g) Location of necessary fire ponds.
3. Supplementary documents, including:
- a) The substance of covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of lands and buildings.
  - b) Such other reasonable information as the Zoning Commission may require.
4. The developer **shall** deposit a certified check payable to Guilford Township in the amount as established by the schedule of fees, to be credited to the general fund for the exclusive use of defraying any expense incurred by the Township for items such as, the cost of services in connection with reviewing the plan and preparing reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses directly attributable thereto. The developer **shall** be required to cover any such additional expenses prior to the Zoning Commission's final approval. Upon completion of action on the Preliminary Plan, any unexpended balance of this **shall** be returned to the developer.

**D. REFERRAL FOR REVIEW AND REPORTS**

Upon receipt of an application for a site plan review, the Zoning Commission may seek expert advice and recommendations from the County Engineer, the County Planning Commission, and/or other County agencies or private consultants. The Zoning Commission **shall** refer copies to the Township Trustees and the Zoning Inspector for their recommendations. The cost of receiving such expert assistance **shall** be borne by the applicant.

**E. FINAL PLAN**

Upon approval of the application with specific changes or conditions, the developer **shall** prepare and submit to the Zoning Commission a modified plan. The modified plan **shall** include all modifications required by the Zoning Commission's grant of approval. The Zoning Commission **shall** act on the modified plan at its regular scheduled meeting after the submission of that plan. Upon approval of the modified plan by the Zoning Commission, the Zoning Commission will direct the issuance of a zoning certificate for the use. A modified plan is not required if the original application is approved by the Zoning Commission with no changes or conditions.

**F. REVIEW CRITERIA**

Criteria utilized by the Zoning Commission during the review process **shall** include, but not limited to, the following:

- 1. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of this resolution.

2. All development features, including the principal buildings, open spaces, service roads, driveways, parking areas and signs, are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
3. Grading, surface drainage and sediment control provisions comply with applicable Medina County Engineering Code for Subdivision Development.
4. The design and construction standards of all streets and any public improvements **shall** conform to the provisions of the Medina County Engineering Code for Subdivision Regulations.
5. Maximum possible privacy for adjacent residential properties **shall** be provided through good design and use of the proper building materials and landscaping. Visual privacy **shall** be provided through structural screening and/or landscaping treatment.
6. The architectural design of buildings **shall** be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern, and character.
7. Building location and placement **shall** be developed to minimize removal of trees and change of topography. Additional tree plantings **shall** be encouraged on certain sites.
8. On-site traffic circulation **shall** be designed as to make possible adequate fire and police protection.
9. Lighting **shall** be designed as to create neither hazard nor a nuisance to adjacent properties and uses.
10. Trash storage and other outdoor storage areas **shall** be screened from adjacent properties and/or from adjacent streets. Such facilities and screening **shall** be depicted on the site plan, with architectural renderings of the facilities and screening.
11. The plan **shall** substantially conform to the concepts expressed in the adopted Township Zoning Code and to the intent and substance of the zoning district.
12. In case of an industrial use, the adequate provision **shall** be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable, or explosive solids, liquids, oils, or gases **shall** not be discharged into the sanitary sewer or water courses.
13. Grading and surface drainage provisions **shall** be designed to minimize adverse effects on abutting properties, streams, and public roads and to minimize the possibility of erosion. The Zoning Commission may require that such grading plans be reviewed by a professional engineer, when outside the scope of the County Storm Water Management provisions, with any costs borne by the developer. The costs of any



unusual means necessary to alleviate surface damage problems on adjacent property due to development **shall** be borne by the developer of the property causing the problem.

14. All multi-family uses, commercial, industrial uses, and other such uses as specifically required **shall** have a fire inspection done before any business of any type is conducted in the building or on the premises.

#### G. CONFORMANCE WITH APPROVAL PLAN

1. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and the installation of landscaping, fences and walks **shall** conform to the approved final plan.
2. A performance bond or other financial guarantee **shall** be placed with the Guilford Township Trustees to insure the installation of the landscaping, the hard surfacing of private drives and parking areas, and the surface water drainage, all in conformance with approved plans. This financial guarantee **shall** be in an amount equal to either; (1) - The estimated cost of installing said amenities or (2) - Ten percent (10%) of the estimated cost of the total project, whichever is greater. In a phase project, this applies to each individual phase.

#### H. ISSUANCE AND REVOCATION OF ZONING CERTIFICATE

Upon the approval of the site plan application and the deposit of a performance bond or other financial guarantee in an appropriate amount, the Zoning Inspector **shall** issue a Zoning Certificate specifying the conditions of the approval. Approval of a site plan and the Zoning Certificate, if any, however, **shall** be automatically revoked if construction has not begun within one (1) year after the date of approval.

At the expiration of one (1) year, any deposit or performance bond or financial guarantee **shall** be returned to the depositor and each reapplication thereafter **shall** be accompanied by the required data and fees. *(Amend 8/12/99; Effective 9/11/99)*

#### 4.20 ROAD RIGHT-OF-WAY

- A. There **shall** not be any construction, or objects of any kind in the road right-of-way. Only breakaway mailboxes and newspaper boxes may be placed in the road right-of-way.

#### 4.21 SEXUALLY ORIENTED BUSINESS

Guilford Township has determined that permitting sexually oriented businesses, as defined in this Section in proximity to residential, institutional and non-sexual retail uses would have detrimental

effect on such adjacent uses. Therefore, in order to prevent potential adverse impacts on residential and institutional uses, particularly those where children are present, and thereby protecting the health, safety and welfare, sexually oriented businesses, as defined in this Section **shall** be permitted only in the Commercial/Industrial Districts subject to the following requirements;

- A. For purposes of this Zoning Resolution, sexually oriented businesses **shall** include, but not limited to the following:
1. **Adult book/video store:** An establishment which utilizes a substantial amount of its retail selling area for the purposes of retail sales or rent or for the purpose of display or viewing, for any compensation of books, magazines, or other printed material, films, tapes and videocassettes, or any other visual representation, which are distinguished by their emphasis on adult material as defined in this Section.
  2. **Adult motion picture theater:** Any enclosed motion picture theater which regularly uses a substantial amount of its total viewing time, for presenting material distinguished or characterizes by and emphasis on matter depicting, describing or related to adult material as defined in this Section.
  3. **Adult only entertainment businesses:** An establishment where the patron directly or indirectly is charged a fee, and where establishments features:
    - a) Entertainment or services which constitute adult material as defined in this Section; or
    - b) Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless or strippers, male or female impersonators or similar entertainment or services that constitute adult material as defined in this Section.
- B. To further determine whether the above facilities are sexually oriented businesses, the following **shall** apply:
1. **Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide transparency, figure, image, description, videocassette, motion picture film, record or tangible thing, or any service, capable of creating sexual interest through sight, sound or touch and;
    - a) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or;
    - b) Which service is distinguished or characterized by emphasis on all activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

2. **Bottomless:** Less than full opaque covering of male and female genitals, pubic area or buttocks.
  3. **Nude or nudity:** The showing, representation, or depiction of human male or female genitals, pubic area or buttocks with less than full opaque covering of any portion thereof, of female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  4. **Topless:** The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
  5. **Sexual Activity:** Sexual conduct or sexual contact, or both.
  6. **Sexual Contact:** Any touching of any erogenous zone of another, including without limitation the thigh, genital, pubic region, or if the person is female, a breast for the purpose of sexually arousing or gratifying either person.
  7. **Sexual Excitement:** The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- C. Sexually Oriented Businesses **shall** comply with all regulations as stated in the Commercial/Industrial Districts sections of the Zoning Resolution.
- D. Structures will be designed to prevent internal activities or displays from being visible from the outside.
- E. Sexually Oriented Businesses **shall** be located in accordance to the following distance requirements:
1. A minimum of 600 feet from Interstates 71 and 76. This measurement **shall** be from the right-of-way line to the property line.
  2. A minimum of 300 feet from any Residential District property line.
  3. A minimum of 1,000 feet from the boundaries of any lot containing a church, library, park or public playground, day care center, school or any institution where children are kept day or night; and
  4. A minimum of 1,000 feet from any other sexually oriented business.

#### 4.22 LOT SPLITS

Any lot split is to be considered a subdivision. All proposed lot splits **shall** be presented to the Zoning Inspector along with the proper fees and an original drawing showing the proposed lot split. The original drawing must be approved and signed by the Zoning Inspector. The

signature will be valid for 90 days. After the 90 days, the drawing must be resubmitted for approval. *(Amend 8/1/2006; Effective 8/31/2006)*

#### **4.23 ZONING PERMITS**

Any structure, over 144 sq. ft., which is constructed or placed on a residential, commercial or industrial lot and whether it is a permanent structure or a structure which is constructed on skids and/or pulled on to the lot, requires a zoning permit. *(Effective 9/15/2011)*

#### **4.24 MARIJUANA LICENSE**

On September 20, 2016, the Guilford Township Board of Trustees did pass Resolution #2016-12 which prohibits licensing and states; Medical marijuana cultivators, processors and dispensaries are prohibited from being located in the unincorporated territory of Guilford Township. (Effective 9-20-16)

#### **4.25 MAILBOX CONSTRUCTIONS AND INSTALLATION GUIDE**

It is the duty of the Guilford Township Trustees to provide the safest possible road system for the traveling public of Guilford Township. Guilford Township has adopted the following standards for rural mailboxes.

No mailbox will be allowed to exist on Guilford Township maintained Right-of-Ways if it interferes with the safety of the traveling public or the function, maintenance, or operation of the road system. A mailbox installation that does not conform to these criteria may be deemed an obstruction and **shall** be removed.

#### **REQUIREMENTS FOR THE INSTALLATION OF MAILBOXES**

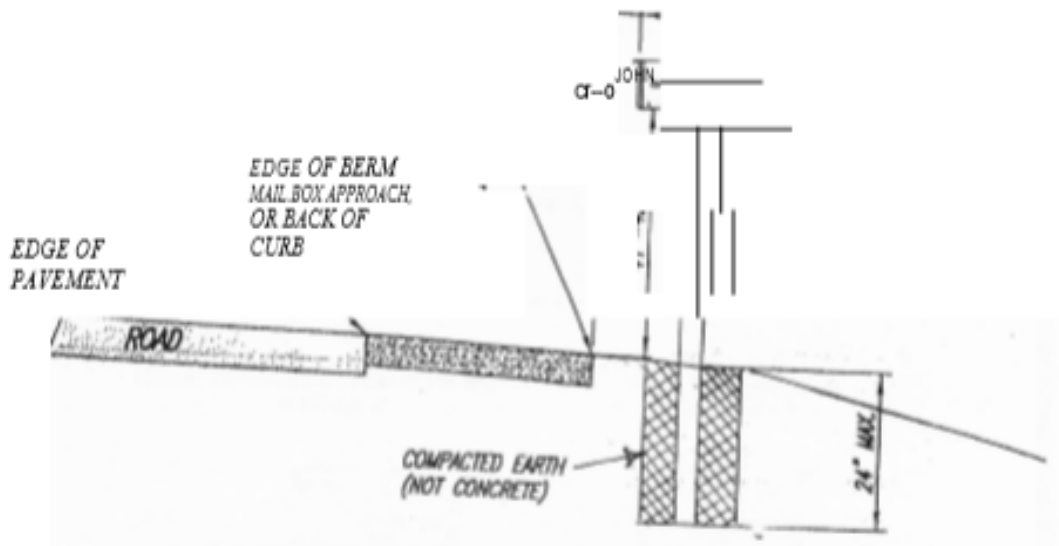
All mailbox units, attachments, decals, supports and installation thereof are to be in strict accordance with the United States Postal regulations and in compliance with the following specifications and standard drawings.

- A. The mailbox unit **shall** be constructed entirely of plastic and/or lightweight sheet metal attached to the support unity with sufficient strength to prevent the box from separating from the post top if struck by a vehicle.
- B. The support structure, (post) **shall** be either a wooden post, (no larger than a 4"x4" square of 4" diameter round), or a metal post with a strength no greater than a 2" diameter standard strength steel pipe, (with weight not in excess of 2.6 pounds per foot).

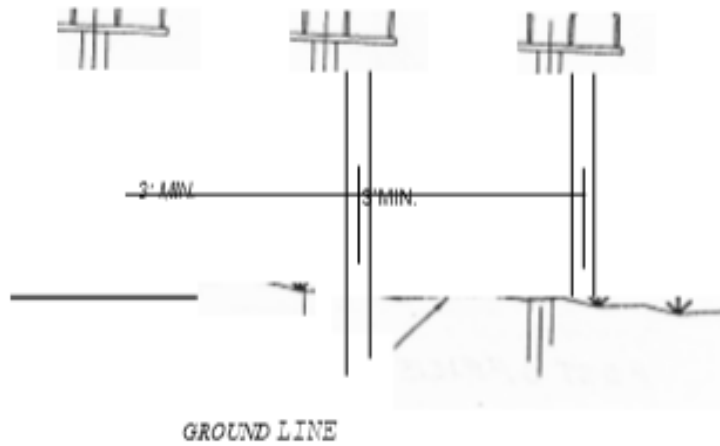
No support structure **shall** be embedded more than 24" into the ground.

A metal post **shall** not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10" below the ground surface. Mailbox supports **shall** not be set in concrete.

- C. The door of the mailbox **shall** be a minimum of 6" outside of the shoulder portion of the highway. When a mailbox is installed in the vicinity of an existing guardrail, it **shall** be placed immediately behind the guardrail; unless otherwise approved by the Guilford Township Road Supervisor.
- D. Multiple mailbox units of more than 2 boxes **shall** not be mounted on one support. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support. Multiple posts **shall** be placed no less than 3 feet apart.
- E. Designs not described herein will not be acceptable unless approval is granted by the Guilford Township Trustees.
- F. The owner **shall** assume responsibility for and hold Guilford Township harmless and defend any and all claims for personal injury and property damages that may be brought as a result of this work.
- G. The suggested type of installation consists of a yielding support with a lightweight sheet metal and/or plastic construction. See drawing.



TYPICAL MAILBOX INSTALLATION



GROUP MAILBOX



### INSTRUCTIONS

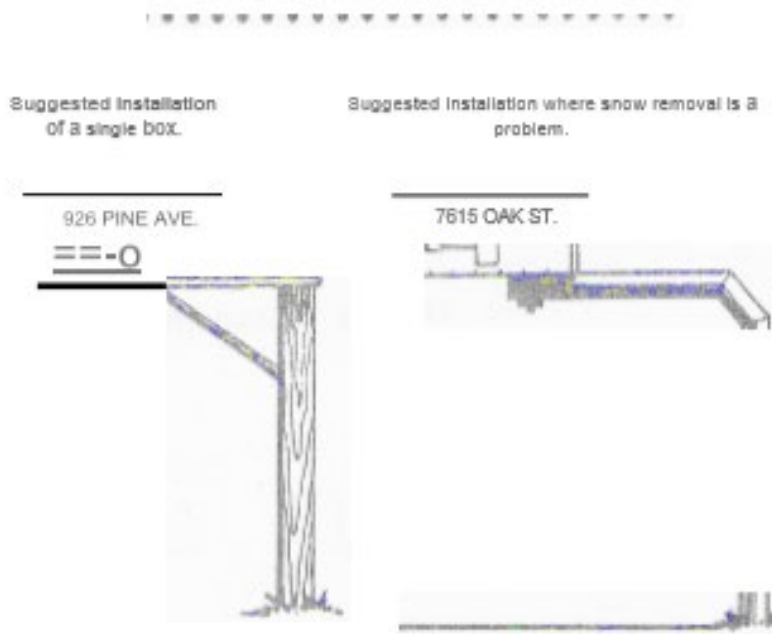
Whenever possible, boxes must be located so that carrier's vehicle is off pavement when serving them.

Rural box number (or house number) must be painted on box in numerals not less than one inch high.

Post must be neat and of adequate strength and size.

Approach to box should be a hard level surface (gravel, cinders, stone).

Boxes must be placed to conform with state laws and highway regulations.



Extend box beyond end of post. Attach board holding box to post with screws or doublehead nails, permitting easy removal if necessary to adjust box height.

P & Form 4056, February 1991 (Reverse)

**POST OFFICE REQUIREMENT**

#### **4.26 ROADSIDE STANDS**

- A. The area of the roadside stands shall not exceed 144 square feet.
- B. The roadside stand shall be located outside of the road right-of-way and in such a way that does not create a public safety hazard.
- C. Adequate parking shall be provided in such a way so as to not to create a public safety hazard.
- D. Signs allowed as permitted in the Zoning District.
- E. Shall be removed at the end of the growing season

#### **4.27 SOLAR PANELS**

Solar panels are a permitted accessory structure, subject to the following regulations.

- 1. All solar panel installations shall comply with all applicable building, electrical and plumbing codes.
- 2. A zoning permit shall be required for all solar panel installations. All applicants for solar panels shall submit a site drawing showing the dimensions and height of the proposed structure, the location of the units in relation to existing structures on the property and adjacent property.
- 3. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
- 4. Solar panels may be freestanding, roof mounted, or wall mounted.
  - A. Freestanding solar panels shall be located in accordance with the side and rear yard setbacks established for all accessory structures of the district and shall not exceed 12 feet in height.
  - B. Roof mounted solar panels shall be integrated as a surface layer on any part of the roof structure. The solar panels shall not project above the peak of the roof. For a flat roof, the solar panels shall not be higher than the parapet wall or screened by building features.
  - C. Wall Mounted solar panels shall be flush mounted on the wall and only on the side or rear of the building, not facing the frontage street.
- 5. Any solar panel that is in a state of disrepair for a continuous period of twelve (12) months shall be considered abandoned and shall be removed by the Owner of the structure within ninety (90) days.
- 6. Utility-scale solar installations shall not be permitted.



## Section 5: Agriculture

- 5.1 Land in any District may be used for AGRICULTURAL purposes.
- 5.2 No Zoning Certificate **shall** be required for the construction of buildings incidental to the use for agricultural purposes of the land on which the building **shall** be located.
- 5.3 Before building, an "**Agricultural Exempt Form**", available from the Zoning Inspector, must be signed and returned to the Zoning Inspector.
- 5.4 The minimum setback for farm market buildings, from the road right-of-way, **shall** be fifty (50) feet.
- 5.5 The farm market building **shall** be a maximum of twenty by twenty-four (20x24) feet.
- 5.6 Off road parking for farm markets **shall** be provided, with sufficient spaces to accommodate six (6) vehicles.
- 5.7 The driveway for farm markets must be hard surfaced.
- 5.8 Signs for farm markets as per the district it is located in and non-illuminating in residential areas.
- 5.9 Line fences for agricultural uses, may be erected on the property line.
- 5.10 Agritourism Parking
- A. All parking will be out of the road right-of-way. Parking must also provide a clear line of sight for vehicles exiting into traffic.
  - B. Bus parking must also be accommodated.
  - C. Ingress and egress approaches are at the owner's discretion, but a minimum of one entrance/exit must connect to a road.
  - D. A single 2x2 foot sign, designating a parking area is permitted as long as it meets the Township requirements for a sign.

## Section 6: Residential District

### PURPOSE:

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 the township and conserve groundwater resources. It is also the intention of this district to allow residential development of sufficiently low density to preclude the creation of public health and safety problems which could result in the need to extend sewer and/or water facilities in an uneconomical fashion. This district is further intended to encourage the continuance of agricultural production within the township.

### 6.1 PERMITTED USES

The following uses and no other **shall** be deemed **Class "R"** use and permitted in all **"R" Districts**.

- A. Single family dwellings and buildings accessory thereto.
- B. **Signs:** Maximum size **shall** be four (4) square feet.
  - 1. One temporary sign for selling the property on which it is located.
  - 2. One Permanent sign per residential parcel.
  - 3. Maximum height **shall** be six (6) feet from the natural grade.
- C. **Parking:** Must be off street with a minimum of two (2) spaces for each dwelling unit.

### 6.2 CONDITIONALLY PERMITTED USES

- 1. Churches or other buildings for the purpose of religious worship subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 2. Public, Private, Parochial schools subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 3. Colleges, Universities subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 4. Children's Homes, Hospitals, Nursing Homes, Homes for the Aged, Rest Homes subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (12), (23).
- 5. Public Library, Government owned and operated buildings, Quasi public buildings subject to Conditional Zoning Certificate, Section 9. (1), (3), (4), (5), (6), (7), (8), (14), (27).
- 6. *Deleted 9/14/17*

7. Government owned and operated parks subject to Conditional Zoning Certificate, Section 9. (3)
8. Cemetery subject to Conditional Zoning Certificate, Section 9. (1), (3), (5), (6), (24), (25).
9. Golf Course subject to Conditional Zoning Certificate, Section 9. (2), (3), (4), (5), (10), (12), (18).
10. Radio, Television, TV Communication Transmitters subject to Conditional Zoning Certificate, Section 9. (12) and Section 16.
11. *Deleted 9/14/17*
12. Multiple Dwellings subject to Conditional Zoning Certificate, Section 9. (1), (12), (26).
13. *Deleted 7/13/17*
14. Home Occupations subject to Conditional Zoning Certificate, Section 9. (22), (22A).
15. *Deleted 10/20/2020*
16. Strip or Open Mining, Extraction of gravel, Organic resources, subject to Conditional Zoning Certificate, Section 9. (9), (12), (13), (14), (16), (17), (18).
17. *Deleted 7/13/17*
18. Airports, Airport Hazard Area subject to Conditional Zoning Certificate, Section 9. (29).
19. Signs over 16 square feet subject to Conditional Zoning Certificate, Section 9. (5), (12), (34).
20. Billboards subject to Conditional Zoning Certificate, Section 9. (5), (12), (34).
21. Mobile Home - Single unit not less than 720 square feet subject to Conditional Zoning Certificate, Section 9. (20).
22. Telecommunication Towers, Railroad, Transportation Facilities subject to Conditional Zoning Certificate, Section 9
23. Open Air Assembly of 500 or more people – *Deleted 8-10-17*
24. Government owned and operated buildings subject to Conditional Zoning Certificate, Section 9. (3), (7), (8).
25. Camping and Recreation areas subject to Conditional Zoning Certificate, Section 9. (1), (2), (3), (5), (10), (18), (34).

26. Earth Sheltered Housing subject to Conditional Zoning Certificate, Section 9. (11), (12), (35).
27. *Deleted 1/9/2020*
28. Open Space Development subject to Conditional Zoning Certificate, Section 9. (39).
29. Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of the Township residents. Animals will be determined to be non-domesticated animals that pose a greater than normal risk by the Township Zoning Inspector. Excluded from such definitions would be animals such as rabbits, raccoons, bison, squirrels and chipmunks. Subject to Conditional Zoning Certificate, Section 9. (37).
30. Parking of oversize commercial vehicles subject to Conditional Zoning Certificate, Section 9. (22), (22A).
31. If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically use listed in this section, such use **shall** be deemed to be a substantially similar use permitted in this district.

In determining that a proposed use is substantially similar use, the Board **shall** follow the procedures relating to appeals and variances as specified in this resolution. Upon making a determination that the proposed use is substantially similar, the Board **shall** notify the Township Zoning Commission, the Township Trustees, and the Township Zoning Inspector of its decision, and **shall** include in its written findings the reason upon which its decision is based.

32. **The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to currently permitted uses or conditionally permitted uses within this district:**
33. The compatibility of the proposed use within the permitted use classification as specified in this resolution.
34. The nature, predominant characteristics, and the intensity of the proposed use in relationship to those uses specifically permitted by this resolution in this district.
35. The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses specified for this district.
36. The Board of Zoning Appeals **shall** consider each application for a Use Variance on its own merits.

37. Record Maintenance. - *(Deleted 11/10/2011)*
38. In-Law Suites subject to Conditional Zoning Certificate, Section 9. (1), (12), (41).

### 6.3 AREA AND HEIGHT REGULATIONS

- A. No building/structure lot **shall** be offered for sale, nor permit issued to build, where said lot does not front on either a State Highway, County or Township Road, or proposed road to be built under the approval of the Medina County Engineer, which roadway **shall** have been completed and approved or is presently under bond for completion and approval.
- B. **Minimum Lot Area:** Whichever is larger, four (4) acres, excluding road right-of-way, per family unit, or the minimum requirement imposed by Medina County Health Department regulations for lots with septic tank sewage systems. *(Amended 8/17/04; Effective 9/16/04)*
1. All legally pre-existing lots of record prior to the effective date of this resolution, **shall** be buildable lots.
- C. **In Computing Lot Area:** The computation **shall** be from the side lines of the road right-of-way and not from the center of the road or street.
- D. No building/structure or any portion thereof **shall** be erected within seventy-five (75) feet of the right-of-way limits of any State or Federal Highway or closer than seventy-five (75) feet from the right-of-way limits of any County or Township road as designated, except where the size of a previously established lot will not permit a setback line as herein before established.
- E. **Side Yards:** For every building/structure erected in an “R” district, there **shall** be a minimum side lot clearance on each side of said district building/structure of not less than twenty (20) feet, which space **shall** remain open and unoccupied by any building/structure. Attached garages or accessory buildings connected with the main building/structure by a breezeway or permanently constructed connection, **shall** be construed to be a part of the main building for the purpose of this section. All accessory buildings **shall** be at least twenty (20) feet from any dwelling, provided however, that any accessory building may be erected not less than twenty (20) feet from the side lot line, except on corner lots. providing it will be not less than twenty (20) feet from any existing residence.
- F. **Corner Lots:** The setback building/structure line on a corner lot **shall** be in accordance with the provisions governing the road or street on which the building/structure faces. If possible, the side yard clearance on the side street **shall** conform to the setback line for an inside lot on said road or street, but in no event **shall** said side yard clearance be less than seventy-five (75) feet.

- G. **Rear Yards:** For every building/structure erected in an “R” district, there **shall** be a minimum rear yard clearance at the rear of said building/structure of at least twenty (20) feet, which space **shall** remain open and unoccupied by any building/structure.
- H. **Size of Dwelling:** Every dwelling unit **shall** have a minimum first floor or ground floor area exclusive of basements, porches, breezeways, garages or terraces as follows:

<b>One story without basement</b>	1,400 sq. ft. ground floor
<b>One story with basement</b>	1,200 sq. ft. ground floor
<b>Split level (1 1/2 story) without basement</b>	1,200 sq. ft. ground floor
<b>Split level (1 1/2 story) with basement</b>	900 sq. ft. ground floor
<b>Two story without basement</b>	1,000 sq. ft. ground floor
<b>Two story with basement</b>	900 sq. ft. ground floor

In order to qualify for the reduced minimum floor area, the basement **shall** comprise at least sixty (60) percent of the total horizontal area of the foundation. *(Amended 9-11-97; Effective 10-11-97)*

- I. **HEIGHT:** Thirty-five (35) feet maximum.
- J. **PERMITTED HEIGHT EXCEPTIONS:**
  - 1. No Outdoor Wood-Fired Hydronic Heater **shall** be erected, enlarged, moved or maintained to exceed the maximum height regulations for an accessory building in the Residential district, except that the chimney may be erected to a fifty (50) foot height. *(Effective 9-15-11)*
  - 2. Wind Energy Conversion Systems **shall** not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position. *(Effective 9-15-11)*
- K. **PROHIBITED USES:** Basement Houses.
- L. **MINIMUM LOT WIDTH:** In "R" districts, the minimum lot width, per family unit **shall** be no less than two hundred ten (210) feet in width, or if a corner lot, the minimum lot width **shall** be no less than two hundred ten (210) feet fronting each roadway, exclusive of the roadways.
- M. In case of a **CUL-DE-SAC**, the lot width is computed at the minimum building setback line.

**6.4 LIGHTING**

- A. No lighting **shall** constitute a nuisance to a person of normal sensibilities and **shall** not in any way impair safe movement of traffic on any street or highway.
- B. Exterior lighting **shall** be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets or highways.

### 6.5 DRIVEWAYS

- A. Maximum one (1) single family dwelling per driveway.
- B. All lots **shall** have a driveway with a minimum width of sixteen (16) feet unobstructed, with a minimum of ten (10) feet driving surface placed in the center of the sixteen (16) foot width. i.e.; no trees, fencing, shrubs, etc.
- C. Where a driveway crosses a filled ravine, the graded surface **shall** have marked seeded banks having a slope not less than three (3) horizontal feet to one (1) vertical foot.
- D. Where a curve occurs in a driveway, the inside edge of the drive surface **shall** have a minimum radius of thirty-five (35) feet.
- E. Exact location of a driveway **shall** be shown on a site plan presented to the Township Zoning Inspector when applying for a Zoning Permit. The proper permits for the driveway from the Medina County Engineer's Office, if on a Township or County road or from the Ohio Department of Transportation, District 3, if on a State Route, **shall** also be presented at this time.
- F. All driveways or the beginning of a slope must be a minimum of ten (10) feet from all side and rear lot lines.
- G. Driveways **shall** be constructed with sufficient weight bearing capacity to support the weight of emergency response vehicles.
- H. If the driveway exceeds five hundred (500) feet in length, there **shall** be a ten (10) foot by fifty (50) foot long pullout every five hundred (500) feet.

### 6.6 WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. Single mono-pole wind turbines, (WECS), are permitted uses in all zoning districts as an accessory use on a parcel with a minimum of ten (10) acres.
  - 1. These rules and regulations apply only to those WECS that operate at an aggregate capacity of less than five (5) megawatts.
  - 2. Roof mounted wind turbines will also be permitted.

- B. The electricity **shall** be generated for the on-site consumption of the owner of the lot upon which the turbine is constructed. Excess electric energy may be sold back to the property owner's electric provider.
- C. Wind turbines, (WECS), supported by guy wires are not permitted.
- D. No wind turbines **shall** be located in the front yard in any district.
- E. All wind turbines **shall** be UL listed and comply with owner's electric provider requirements.
- F. Freestanding wind turbines **shall** not be installed or erected on a mound or base for the intention of making the system higher than the natural grade and **shall** not exceed 160 feet from the natural grade to the tip of the blade at its highest vertical position.
- G. The minimum fall zone for freestanding wind turbines **shall** be equal to the height of the turbine at the tip of the blade at its highest vertical position plus ten (10) feet, measurement **shall** be from the base of the tower and **shall** be free from all overhead transmission lines, public or private streets, above ground structures, property lines, and buildings meant for human occupancy.
- H. Emergency contact information **shall** be posted on the structure, listing the manufacturer, owner, voltage and any emergency contact personnel and 24-hour emergency phone numbers so that emergency personnel can locate the responsible parties. At the time of issuance of a zoning permit, an identifying number **shall** be issued to the structure and provided to the Fire Department and EMS.
- I. The sound pressure level produced by the wind turbine **shall** not exceed ten (10) decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level **shall** be measured by successively measuring the sound with the turbine turned on, then measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. We **shall** utilize neighboring townships personnel and equipment to check this.
- J. During the location design phase, the owner **shall** consider possible shadow flicker on neighboring properties and conduct studies to identify and remove the impact to human occupied structures.
- K. Safety Standards include the following:
  - 1. Each turbine system **shall** be equipped with both manual and automatic controls to limit the rotational speed to correspond with the design limits of the rotor.
  - 2. To control wind tower access, tower climbing apparatus for freestanding wind turbines **shall** be located no closer than fifteen (15) feet from the ground or have a locked anti-climbing device installed on the tower.



3. Wind turbines **shall** not be artificially lighted, except to the extent that may be required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  4. If a wind turbine is within 3 miles of an airport, application must be made to the FAA for evaluation. This may be done online at: [www.oa.faa.gov](http://www.oa.faa.gov). (Obstruction Evaluation Airport Airspace Analysis). There is no charge for this service. Any WECS must conform to any FAA regulations and all applicable permits must be submitted to the Township prior to the Township issuing a permit.
  5. Transmission and power lines **shall** be placed underground and wiring from the turbine to ground level **shall** be within the monopole.
- L. Wind turbines and components **shall** be painted or finished with a non-reflective unobtrusive color.
- M. Freestanding Wind Turbine Maintenance and Removal:
1. The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Guilford Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than twelve (12) consecutive months, i.e., zero electricity generation, the property owner is responsible for repair or totally removing all parts of the system no later than ninety (90) days after the end of the twelve (12) month period.
  2. Upon failure to remove an inoperable wind turbine within the required timeframe, the Guilford Township Zoning Inspector **shall** issue a Notice of Violation, directing the removal of the wind turbine and all components within ninety (90) days. Upon confirming continuing noncompliance, the Guilford Township Trustees may contract with a contractor to remove all wind turbine components as established in the required entry agreement provided by the property owner at the time of permit application.
  3. The property owner is responsible for all costs and expenses incurred in connection with securing, removing, and disposing of the system. Upon failure to pay invoices for all such costs and expenses within thirty (30) days of invoicing by the Guilford Township Fiscal Officer or designee, any unpaid costs will be placed as a lien to be collected as part of the real estate taxes.
- N. Application Requirements Reviewed and Approved by the Zoning Inspector **shall** include the following:
1. A Zoning Certificate **shall** be required for wind energy conversion systems in residential, industrial and commercial districts.
  2. Submittals **shall** include the following:

- a) A development plan,
  - b) A line drawing identifying the electrical components of the system,
  - c) Detailed specifications for the wind turbine to be installed,
  - d) A property entry agreement providing Guilford Township access to the site in the event that decommissioning is required,
  - e) Evidence that the applicant has communicated with the public utility company regarding interconnection to the utility grid.
3. Development Plan Requirements **shall** be drawn to scale and clearly detail the following:
- a) Information about the proposed site, including all parcel property lines, dimensions of the site, acreage, parcel numbers, current zoning district and use.
  - b) Location and dimensions of existing structures on the site, noting which are human-occupied structures and location of structures on adjoining properties not owned by the applicant within 100 feet of the property lines in all directions.
  - c) Indicate the exact location and height of the proposed free-standing wind turbine, setbacks to all property lines on the site and to all human-occupied structures.
  - d) Location of all above-ground utility lines, free-standing antennas, public and private streets, gas and oil storage facilities within the setback radius.
  - e) Indicate the property owner, mailing address, and physical address of the project.
  - f) Include the make, model, picture/diagram of the wind turbine showing the following:
    - i) Height to the hub and to the top of the blades when extended to highest point,
    - ii) A cutaway view illustrating the foundation,
    - iii) Manufacturers specifications,
    - iv) Decibel level of the unit.
  - g) Photographs of the turbine location, taken from the property lines and the setback locations.

- h) An aerial or satellite photograph with the exact location of the wind turbine indicated.

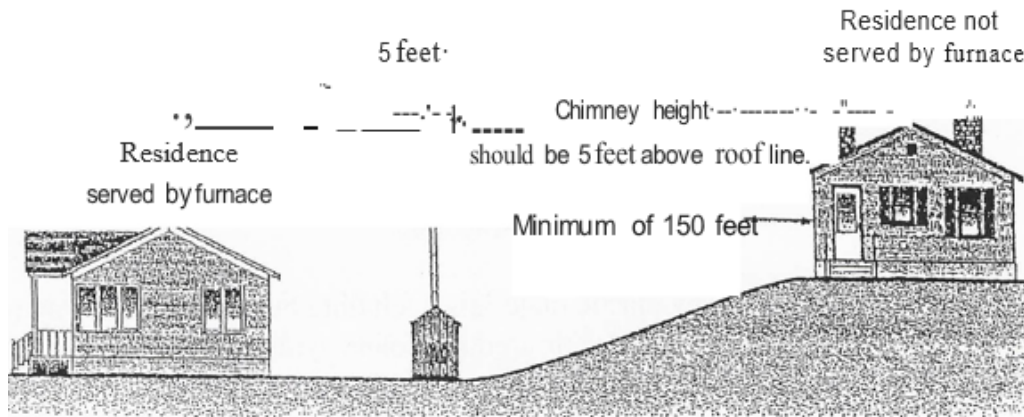
## 6.7 OUTDOOR WOOD-FIRED HYDRONIC HEATERS

### Preamble

Uncontrolled wood-burning devices, including Outdoor Wood-Fired Hydronic Heaters, emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public. Exposure to these pollutants can cause adverse short-term effects such as eye, nose, throat, and lung irritation, coughing, as well as shortness of breath. Long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer. The Guilford Township Trustees will subject Outdoor Wood-Fired Hydronic Heaters to reasonable conditions that will protect the health, safety and general welfare of the residents and not deprive neighboring residents of the reasonable enjoyment of their property or premises.

- A. Outdoor Wood-Fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH **shall** not be counted as an accessory building in any district.
- B. The OWHHs **shall** only service the principal buildings and/or accessory buildings upon the lot on which the unit is located.
- C. OWHHs **shall** be installed in the rear yard only.
- D. No person **shall** from the effective date of this Section, construct, establish or install a new Outdoor Wood-Fired Hydronic Heater that is not an EPA program qualified model, (or as may be amended by the EPA).
- E. No person **shall** from the effective date of this Section, operate or maintain an OWHH unless such operation conforms with the manufacturer's instructions regarding such installation, operation/maintenance and the requirements of this Section.
- F. The use of any OWHH existing prior to the effective date of these regulations may be continued.
- G. All materials used as fuel in an OWHH **shall** be in conformance with the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions **shall** apply.
- H. The chimney height of a new or existing OWHH **shall** conform to the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply unless the manufacturer's recommendations are stricter, in which case the manufacturer's instructions **shall** apply.

- 
- I. All new OWHHs **shall** meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.
  - J. OWHHs must comply with Medina County Building Department regulations, i.e. building, electrical and heating, and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.
  - K. Outdoor Wood-Fired Hydronic Heaters **shall** be constructed, established, installed, operated and maintained pursuant to the following conditions:
    1. Fuel burned in any OWHH **shall** be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer.
    2. The following fuels are specifically prohibited in any OWHH:
      - a) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
      - b) Rubbish or garbage, including but not limited to food wastes, food packaging or food wraps.
      - c) Any plastic materials, including but not limited to nylons, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
      - d) Rubber, including tires or other synthetic rubber-like products
      - e) Newspaper, (other than a small amount to start an initial fire in the burn chamber), cardboard, or any paper with ink or dye products.
      - f) Any other items not specifically allowed by the manufacturer or this Section.
    3. Setback location for any new Outdoor Wood-Fire Hydronic Heater must meet the following requirements:
      - a) The OWHH must comply with accessory building setback and height requirements in the District it is proposed to be erected and **shall** be located a minimum of twenty (20) feet from any structure per [Section 4.17-5](#).
      - b) The OWHH **shall** be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
      - c) The Outdoor Wood-Fired Hydronic Heater **shall** be located a minimum of 150 feet from any residence, including an attached garage, that is not served by the OWHH.



Picture Source: Hearth, Patio and Barbecue Association (HPBA)

4. Chimney heights for any OWHH **shall** be as follows:
  - a) The chimney of any Outdoor Wood- Fired Hydronic Heater **shall** extend at least five (5) feet above the peak of any residence not served by the OWHH located within 150 feet of such Outdoor Wood-Fired Hydronic Heater.
  
5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass **shall** meet the same setback and chimney height requirements as EPA Program qualified models or **shall** meet the setback and chimney height requirements of this Section, whichever is more restrictive.

**6.8 FARM MARKET**

Must be a permanent structure.

- A. **Shall** be fifty (50) feet from the road right-of-way.
- B. Parking **shall** meet driveway regulations.
- C. Must be a minimum of one hundred forty-four (144) square feet and a maximum of four hundred eighty (480) square feet.

**6.9 TEMPORARY ROADSIDE STAND**

*Deleted 10/20/2020*

## 6.10 REAR LOT DEVELOPMENT

### PURPOSE

Special zoning for Rural Residential District aimed at dual purpose of maintaining their rural character, while recognizing the encroachment of residential development into the area and the apparent need to allow development of back land parcels.

- A. One rear lot development behind an existing front residential lot shall be permitted with a maximum of one (1) single family dwelling per minimum lot area. No dwelling shall be erected on said lot unless it has access to a public road. Said access shall be sixty (60) feet wide from the road right-of-way to the rear lot. Said access way may not form part of any lot width or lot area as required by this Zoning Resolution.
- B. Said access way **shall** be part of the main parcel such that only one (1) parcel is created, with the requirements provided by law for deeds and **shall** be filed with the Recorder of Medina County for record.

### LOT REQUIREMENTS

1. Minimum lot area **shall** be five (5) acres, exclusive of the access way.
2. Minimum lot width **shall** be two hundred ten (210) feet, measured at the building line of the proposed dwelling location.

### YARD REQUIREMENTS

All building/structures **shall** be located to provide maximum privacy for frontage lots. No building/structure on a back lot **shall** be located within one hundred fifty (150) of the property line of the frontage lot. A minimum setback of fifty (50) feet from other back lot property lines **shall** be required for all building/structures.

### ACCESS DRIVE

1. Maximum of one (1) single family dwelling per access drive.
2. All lots **shall** have an access drive with a minimum width of sixteen (16) feet unobstructed, within the sixty (60) foot access way, with a minimum often (10) feet of driving surface, i.e. No trees, fencing, shrubs, etc.
3. Where an access drive crosses a filled ravine, the graded surfaces **shall** have marked seeded banks, having a slope of not less than three (3) horizontal feet to one (1) vertical foot.
4. Where a curve occurs in a driveway, the inside edge of the drive surface **shall** have a minimum radius of thirty-five (35) feet.

5. Exact location of an access drive **shall** be shown on a plot plan presented to the Township Zoning Inspector when applying for a construction permit. The proper permits form the Medina County Engineer's Office, if on a township or county road, or from the Ohio Department of Transportation, District 4, if on a state route, **shall** also be presented at this time.
6. All access drive surfaces or beginning of a slope must be ten (10) feet from all side and rear lot lines.
7. Each application for a construction permit **shall** have attached thereto, the construction specifications for the access drive, which must be prepared by a registered civil engineer with certification to bear a minimum weight as specified by loading requirement of State Code HS - 20.
8. The access drive **shall** not be located in a watercourse, drainage ditch or swale. When the access drive must cross a watercourse, ditch or swale, bridging, culverts or other means **shall** be used to prevent flooding and provided for adequate drainage of water along the waterway. The building of the access drive **shall** in no manner inhibit or modify the water flow characteristics of the surrounding areas.
9. If the access drive exceeds five hundred (500) feet in length; there **shall** be a ten (10) foot wide by fifty (50) foot long pullout every five hundred (500) feet.
3. The minimum distance between back lot driveway locations **shall** be four hundred (400) feet along the adjacent public thoroughfare. If two (2) pre-existing rear lot driveways are adjacent to each other, then the minimum distance between additional back lot driveway locations **shall** be six hundred (600) feet.

## APPLICATIONS

Applications for rear lot development **shall** include the following warning: "The undersigned grantor(s) hereby acknowledge(s) that the premises described herein is located upon a non-dedicated easement of access, and further grantee(s) understands that no government body is responsible for the care and maintenance of access."  
*(Amend 3-09-00; Effective 4-08-00)*

## 6.11 SIGN REGULATIONS

### A. Signs

1. The size of the sign **shall** not exceed four (4) square feet including the border.

2. No part of the sign **shall** be higher than six (6) feet from the natural grade.
3. There can be only one (1) permanent sign per residential parcel.
4. One temporary sign for selling the property on which it is located is permitted.
5. Subdivision signs are permitted.
6. Directional signs for users in the community are permitted.

B. Illuminated Signs

1. Externally lighted signs may be lighted by no more than two (2) lights per side.
2. Exterior lighting **shall** be maintained so that glare is not cast on adjacent properties regardless of use or on streets or highways.
3. An internally lighted sign **shall** consist of no more than two (2) colors of light on a background.
4. No light **shall** constitute a nuisance and **shall** not in any way impair safe movement of traffic on any street or highway.

C. Electronic Message Sign:

1. One color for a text or graphical content on a single color background.
2. The message should not change more than once every fifteen (15) minutes. The color may change with each sign change.
3. The sign **shall** have technology that will adjust the sign's brightness in direct correlation with the ambient light conditions.
4. The sign **shall** not constitute a nuisance and **shall** not in any way impair safe movement of traffic on any street or highway.
5. Lights **shall** be maintained so that glare is not cast on adjacent properties regardless of use or on streets or highways.



## Section 7: "C" COMMERCIAL DISTRICT

### PURPOSE:

The purpose of the limited business district is to provide for commercial land uses which can be compatible with a prominently rural residential area without central sewer and/or water service. The range of commercial uses permitted in the district, and the limitations on the scales of uses are designed to prevent the creation of public health and safety problems which could result in the need to extend central sewer and/or water facilities in an uneconomic fashion.

### C.1 TYPES OF BUSINESSES IN COMMERCIAL DISTRICT

The following **shall** be deemed Class "C" uses and permitted in all Class "C" districts:

- A. Quasi-public uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and non-profit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.
- B. Administrative and business office uses are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.
- C. Professional office uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions most of which are regulated, licensed, or certified by the State of Ohio.
- D. Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly identical to the sale of such goods.
- E. Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
- F. Consumer service uses generally involve the care and maintenance of tangible property or the provision of intangible services for personal consumption.
- G. Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
- H. Automotive Uses include sales and services directly associated with motor vehicles and other types of transportation.
- I. Food, lodging, and beverage service uses include commercial establishments and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership fee basis.
- J. Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.

K. Sexually Oriented Businesses: (Reference Section 4 - 4.21)

L. If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically printed use listed in this section, such use **shall** be deemed to be a substantially similar use permitted in this district.

In determining that a proposed use is substantially similar use, the Board **shall** follow the procedures relating to appeals and variances as specified in this resolution. Upon making a determination that the proposed use is substantially similar, the Board **shall** notify the Township Zoning Commission, the Township Trustees, and the Township Zoning Inspector of its decision, and **shall** include in its written findings the reason upon which its decision is based.

**M. The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to currently permitted uses or conditionally permitted uses within this district:**

1. The compatibility of the proposed use with the permitted use classification as specified in this resolution.
2. The nature, predominant characteristics, and the intensity of the proposed use in relationship to those uses specifically permitted by this resolution in this district.
3. The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses as specified for this district.
4. The Board of Zoning Appeals **shall** consider each application for a Use Variance on its own merits.

**N.** Record Maintenance. - (*Deleted 11/10/11*)

**O.** All Conditional Permitted Uses permitted in "R" (Residential) District **shall** be Conditionally Permitted in "C" (Commercial) District. (*Amend 10-6-82; Effective 11-5-82*)

**P. SIGNS:** Maximum Size: thirty-two (32) sq. feet.

1. One non-illuminating sign for selling the property on which it is located.
2. Subdivision or Commercial Development Sign.
3. Directional signs for use in the community.
4. One sign may be fixed to the side of the building.

5. One sign may be erected at ground level, the top of which may not be higher than eight (8) feet.
6. Signs **shall** be a minimum of ten (10) feet from all road right-of-ways and property lines. *(Amend 4/15/03; Effective 5/15/03)*

## C.2 CONDITIONALLY PERMITTED USES

1. Drive-in theaters, subject to Conditional Zoning Certificate, Section 9 (1), (2), (5), (13).
2. Mobile home parks, subject to Conditional Zoning Certificate, Section 9. (20).
3. Signs and/or Billboards over thirty-two (32) square feet, subject to Conditional Zoning Certificate, Section 9. (4), (5), (12), (35). Size harmonious to district and area in which it is located.
4. Government owned and operated buildings and facilities, subject to Conditional Zoning Certificate, Section 9. (3), (7), (8).
5. Light manufacturing, fabrication, and assembly facilities, subject to Conditional Zoning Certificate, Section 9. (1), (3), (5), (12).
6. Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of Township residents. Animals will be determined to be non-domesticated animals that pose a greater than normal risk by the Zoning Inspector. Excluded from such definition would be animals such as rabbits, raccoons, bison, squirrels and chipmunks. Subject to Conditional Zoning Certificate, Section 9. (39).
7. Commercial back lot development. Subject to Conditional Zoning Certificate, Section 9. (3), (5), (40).

## C.3 AREA AND HEIGHT REGULATIONS

- A. In "C" districts, the minimum lot width serving any such use **shall** be no less than two hundred fifty (250) feet of road frontage to the building line, or if a corner lot, **shall** occupy a space no less than two hundred fifty (250) feet fronting both roadways, exclusive of the roadway. The building may cover no more than 40% of the lot.
- B. **MINIMUM LOT AREA:** Four (4) acres with septic tank sewage system.
- C. Off street parking. Ref. Section 4.14, B through Section 4.15.

- D. A fifty (50) foot transition area, (buffer zone), **shall** remain around the area where a commercial use abuts a residential use to ameliorate any adverse conditions resulting from the commercial use.
- E. **HEIGHT:** Thirty-five (35) feet maximum.
- F. **PERMITTED HEIGHT EXCEPTIONS:**
  - 1. No Outdoor Wood-Fired Hydronic Heater **shall** be erected, enlarged, moved or maintained to exceed the maximum height regulations for an accessory building for the district in which the building is located, except that the chimney may be erected to a fifty (50) foot height. *(Effective 9-15-11)*
  - 2. Wind energy Conversion Systems **shall** not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position. *(Effective 9-15-11)*
- G. **SETBACK:** Minimum setback from all property lines **shall** be seventy-five (75) feet, except lots legally recorded before January 1, 2001. These may be twenty (20) feet from side and rear lot lines. Set back from the road right-of-way **shall** be seventy-five (75) feet on all lots. All lots **shall** be subject to "**C-3**" - 4. *(Amend 1-23-2001; Effective 2-22-2001)*

#### **C.4 WIND ENERGY CONVERSION SYSTEMS (WECS)**

- A. Single mono-pole wind turbines, (WECS), are permitted uses in all zoning districts as an accessory use on a parcel with a minimum of ten (10) acres.
  - 1. These rules and regulations apply only to those WECS that operate at an aggregate capacity of less than five (5) megawatts.
  - 2. Roof mounted wind turbines will also be permitted.
- B. The electricity **shall** be generated for the on-site consumption of the owner of the lot upon which the turbine is constructed. Excess electric energy may be sold back to the property owner's electric provider
- C. Wind turbines, (WECS), supported by guy wires are not permitted.
- D. No wind turbines **shall** be located in the front yards in any district.
- E. All wind turbines **shall** be UL listed and comply with the owner's electric provider requirements
- F. Freestanding wind turbines **shall** not be installed or erected on a mound or base for the intention of making the system higher than the natural grade and **shall** not exceed 160 feet from the natural grade to the tip of the blade at its highest vertical position.

- G. The minimum fall zone for freestanding wind turbines **shall** be equal to the height of the turbine at the tip of the blade at the highest vertical position plus ten (10) feet, measurement **shall** be from the base of the tower and **shall** be free from all overhead transmission lines, public or private streets, above ground structures, property lines, and buildings meant for human occupancy.
- H. Emergency contact information **shall** be posted on the structure, listing the manufacturer, owner, voltage and any emergency contact personnel and 24-hour emergency phone numbers, so that emergency personnel can locate the responsible parties. At the time of issuance of a zoning permit, an identifying number **shall** be issued to the structure and provided to the Fire department and EMS.
- I. The sound pressure level produced by the wind turbine **shall** not exceed ten (10) decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level **shall** be measured by successively measuring the sound with the turbine turned on and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. We **shall** utilize neighboring townships personnel and equipment to check this.
- J. During the location design phase, the owner **shall** consider possible shadow flicker on neighboring properties and conduct studies to identify and remove the impact to human occupied structures.
- K. Safety Standards include the following:
1. Each turbine system **shall** be equipped with both manual and automatic controls to limit the rotational speed to correspond with the design limits of the rotor.
  2. To control wind tower access, tower climbing apparatus for freestanding wind turbines **shall** be located no closer than fifteen (15) feet from the ground or have a locked anti-climbing device installed on the tower.
  3. Wind turbines **shall** not be artificially lighted, except to the extent that may be required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  4. If a wind turbine is within 3 miles of an airport, application must be made to the FAA, for evaluation. This may be done online at: [www.oceaaa.faa.gov](http://www.oceaaa.faa.gov). (Obstruction Evaluation Airport Airspace Analysis). There is no charge for this service. Any WECS must conform to any FAA regulations and all applicable permits must be submitted to the Township prior to the Township issuing a permit.

5. Transmission and power lines **shall** be placed underground and wiring from the turbine to ground level **shall** be within the monopole.
- L. Wind turbines and components **shall** be painted or finished with a non-reflective unobtrusive color.
- M. Freestanding Wind Turbine Maintenance and Removal:
1. The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Guilford Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than twelve (12) consecutive months, i.e., zero electricity generation, the property owner is responsible for repair or totally removing all parts of the system, no later than ninety (90) days after the end of the twelve (12) month period.
  2. Upon failure to remove an inoperable wind turbine within the required timeframe, the Guilford Township Zoning Inspector **shall** issue a Notice of Violation, directing the removal of the wind turbine and all components within ninety (90) days. Upon confirming continuing noncompliance, the Guilford Township Trustees may contract with a contractor to remove all wind turbine components as established in the required entry agreement provided by the property owner at the time of permit application.
  3. The property owner is responsible for all costs and expenses incurred in connection with securing, removing, and disposing of the system. Upon failure to pay invoices for all such costs and expenses within thirty (30) days of invoicing by the Guilford Township Fiscal Officer or designee, any unpaid costs will be placed as a lien to be collected as part of the real estate taxes.
- N. Application Requirements Reviewed and Approved by the Zoning Inspector **shall** include the following:
1. A Zoning Certificate **shall** be required for wind energy conversion systems in residential, industrial and commercial districts.
  2. Submittals **shall** include the following:
    - a) A development plan,
    - b) A line drawing identifying the electrical components of the system,
    - c) Detailed specifications for the wind turbine to be installed,
    - d) A property entry agreement providing Guilford Township access to the site in the event that decommissioning is required,

- e) Evidence that the applicant has communicated with the public utility company regarding interconnection to the utility grid.
3. Development Plan requirements **shall** be drawn to scale and clearly detail the following:
- a) Information about the proposed site, including all parcel property lines, dimensions of the site, acreage, parcel numbers, current zoning district and use.
  - b) Location and dimensions of existing structures on the site, noting which are human-occupied structures and structures on adjoining properties not owned by the applicant within 100 feet of the property lines in all directions.
  - c) Indicate the exact location and height of the proposed free-standing wind turbine, setbacks to all property lines on the site and to all human-occupied structures.
  - d) Location of all above-ground utility lines, free-standing antennas, public and private streets, gas and oil storage facilities within the setback radius.
  - e) Indicate the property owner, mailing address, and physical address of the project.
  - f) Include the make, model, picture/diagram of the wind turbine showing the following:
    - i) Height to the hub and to the top of the blades when extended to highest point,
    - ii) A cutaway view, illustrating the foundation,
    - iii) Manufacturer's specifications,
    - iv) Decibel level of the unit.
  - g) Photographs of the turbine location, taken from the property lines and the setback locations.
  - h) An aerial or satellite photograph with the exact location of the wind turbine indicated.

## **C.5 OUTDOOR WOOD-FIRED HYDRONIC HEATERS (OWFHH)**

### **Preamble**

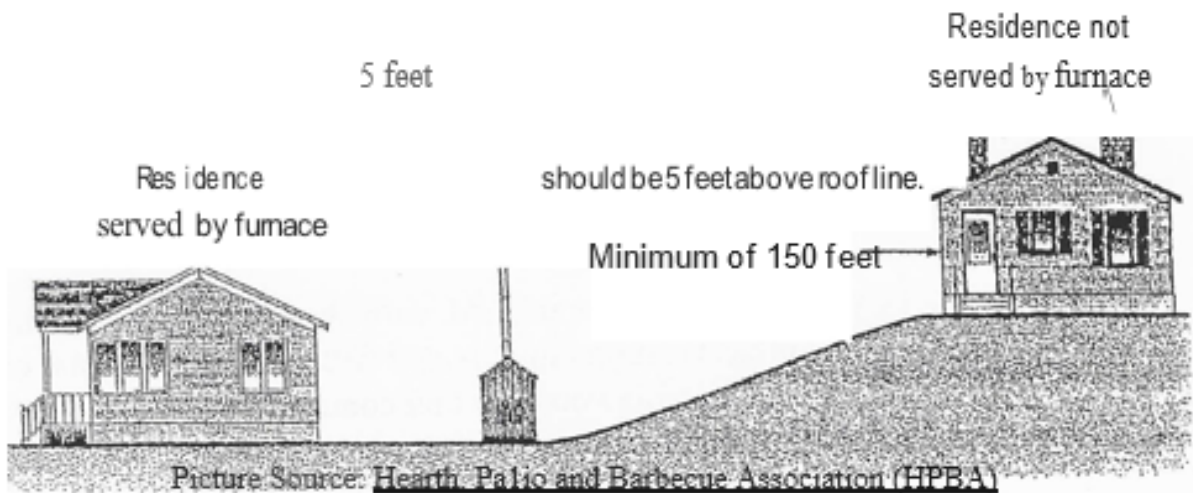
Uncontrolled wood-burning devices, including Outdoor Wood-Fired Hydronic heaters, emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public. Exposure to these pollutants can cause adverse short-term effects such as eye,

nose, throat, and lung irritation, coughing, as well as shortness of breath. Long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer. The Guilford Township Trustees will subject Outdoor Wood-Fired Hydronic Heaters to reasonable conditions that will protect the health, safety and general welfare of the residents and not deprive neighboring residents of the reasonable enjoyment of their property or premises.

- A. Outdoor Wood-Fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH **shall** not be counted as an accessory building in any districts.
- B. The OWHHs **shall** only service the principal buildings and/or accessory buildings upon the lot the unit is located.
- C. OWHHs **shall** be installed in the rear yard only.
- D. No person **shall** from the effective date of this Section, construct, establish or install a new Outdoor Wood-Fired Hydronic Heater that is not an EPA program qualified model, (or as may be amended by the EPA).
- E. No person **shall** from the effective date of this Section, operate or maintain an OWHH unless such operation conforms with the manufacturer's instructions regarding such installation, operation/maintenance and the requirements of this Section.
- F. The use of any OWHH existing prior to the effective date of these regulations may be continued.
- G. All materials used as fuel in any OWHH **shall** be in conformance with the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions **shall** apply.
- H. The chimney height of a new or existing OWHH **shall** conform to the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply unless the manufacturer's recommendations are stricter, in which case the manufacturer's instructions **shall** apply.
- I. All new OWHHs **shall** meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.
- J. OWHHs must comply with Medina County Building Department regulations, i.e. building, electrical and heating, and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.
- K. Outdoor Wood-Fired Hydronic Heaters **shall** be constructed, established, installed, operated and maintained pursuant to the following conditions:



1. Fuel burned in any OWHH **shall** be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer.
2. The following fuels are specifically prohibited in any OWHH:
  - a) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
  - b) Rubbish or garbage including, but not limited to food wastes, food packaging or food wraps.
  - c) Any plastic materials including, but not limited to nylons, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
  - d) Rubber, including tires or other synthetic rubber-like products.
  - e) Newspaper, (other than a small amount to start an initial fire in the burn chamber), cardboard, or any paper with ink or dye products.
  - f) Any other items not specifically allowed by the manufacturer or this Section.
3. Setbacks for any new Outdoor Wood-Fired Hydronic Heater must meet the following requirements:
  - a) The OWHH must comply with accessory building setback and height requirements in the District it is proposed to be erected and **shall** be located a minimum of twenty (20) feet from any other structure per Section 4.17-5.
  - b) The OWHH **shall** be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
  - c) The Outdoor Wood-Fired Hydronic Heater **shall** be located a minimum of 150 feet from any residence, including an attached garage that is not served by the **OWHH**.



4. Chimney heights for any OWHH **shall** be as follows:
  - a) The chimney of any Outdoor Wood-Fired Hydronic Heater **shall** extend at least five (5) feet above the peak of any residence not served by the OWHH located within 150 feet of such Outdoor Wood-Fired Hydronic Heater.
5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass **shall** meet the same setback and chimney height requirements as EPA Program qualified models or **shall** meet the setback and chimney height requirements of this Section, whichever is more restrictive.

## Section 8: "I" District - Industrial & Manufacturing

### PURPOSE:

The purpose of the Industrial and Manufacturing district is to provide for industrial and manufacturing land uses which can be compatible with a predominantly rural residential area without central sewer and water services. The range of industrial and manufacturing uses permitted in the district and the limitations on the scale of uses, are designed to prevent the creation of public health and safety problems which could result in a need to extend central water and/or sewer in an uneconomic fashion.

### I.1 PERMITTED USES

- A. Any manufacturing operation that does not produce odor, dust, smoke, gases, organic waste, noise, flames or vibration beyond the confines of its buildings, and does not require central water and/or central sewer.
- B. Sexually Oriented Businesses: (Reference, [Section 4 - 4.21](#))
- C. Meets the Health, Safety, and Licensing Regulations as stated by Federal, State and Local Governments.
- D. If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically permitted use listed in this section, such use **shall** be deemed to be a substantially similar use permitted in the district.

In determining that a proposed use is a substantially similar use, the Board **shall** follow the procedures relating to appeals and variances as specified in this resolution. Upon making a determination that the proposed use is substantially similar, the Board **shall** notify the Township Zoning Commission, the Township Trustees, and the Township Zoning Inspector of its decision, and **shall** include in its written findings the reason upon which its decision is based.

- E. **The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to currently permitted uses or conditionally permitted uses within this district:**
  - 1. The compatibility of the proposed use with the permitted use classification as specified in this resolution.
  - 2. The nature, predominant characteristics, and the intensity of the proposed use in relationship to those specifically permitted by this resolution in this district.

3. The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses as specified in this district.
4. The board of Zoning Appeals **shall** consider each application for a Use Variance on its own merits.

## I.2 AREA AND HEIGHT REGULATIONS

- A. Minimum lot size **shall** be four (4) acres.
- B. Minimum lot width **shall** be two hundred fifty (250) feet, and if a corner lot, it **shall** have a minimum lot width of two hundred fifty (250) feet fronting on both roadways.
- C. No more than 50% of the lot **shall** be covered by building.
- D. There **shall** be adequate parking spaces for **all** employees and visitors within the confines of the property. **Ref. - Section 4.14-2 through 6 - 4.15.**
- E. Signs will be non-illuminated and a maximum of thirty-two (32) square feet.
  1. One sign may be fixed to the side of the building.
  2. One sign may be erected at ground level, the top of which may not be higher than eight (8) feet.
  3. Signs **shall** be a minimum of ten (10) feet from all road right-of-ways and property lines. (Amend 4-14-03; Effective 5-15-03)
- F. Maximum building height **shall** be no more than fifty (50) feet.
- G. **PERMITTED HEIGHT EXCEPTIONS:**
  1. No Outdoor Wood-Fired Hydronic Heater **shall** be erected, enlarged, moved or maintained to exceed the maximum height regulations for an accessory building for the district in which the building is located, except that the chimney may be erected to a fifty-five (55) foot height. (Effective 9-15-11)
  2. Wind Energy Conversion Systems **shall** not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position. (Effective 9-15-11)
- H. Minimum setback from all property lines **shall** be seventy-five (75) feet.
- I. A fifty (50) foot transition area, (buffer zone) **shall** remain around the area where a manufacturing operation abuts a residential use to ameliorate any adverse conditions resulting from a manufacturing operation.

**I.3 CONDITIONALLY PERMITTED USES**

1. Any Industry or Manufacturing operation that produces odor, dust, smoke, gas, organic waste, noise, flames, or vibrations that extend beyond the confines of the building, requires the collection of recyclable materials, or the extension of central sewer and/or central water may be conditionally permitted.
2. Any Conditionally permitted uses in "C" District **shall** be a Conditionally Permitted uses in "I" District.
3. Junk Yards.
4. Research and development uses involving research related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.
5. Wholesaling and storage uses are associated with transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.
6. Manufacturing uses include all uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.
7. Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and welfare of Township residents. Animals will be determined to be non-domesticated that pose a greater than normal risk by the Zoning Inspector. Excluded from such definitions would be animals such as rabbits, raccoons, bison, squirrels and chipmunks. Subject to Conditional Zoning Certificate, Section 9, (37).

**I.4 WIND ENERGY CONVERSION SYSTEMS - WECS**

- A. Single mono-pole wind turbines, (WECS), are permitted uses in all zoning districts as an accessory use on a parcel with a minimum of ten (10) acres.
  1. These rules and regulations apply only to those WECS that operate at an aggregate capacity of less than five (5) megawatts.
  2. Roof mounted wind turbines will also be permitted
- B. The electricity **shall** be generated for the on-site consumption of the owner of the lot upon which the turbine is constructed. Excess electric energy may be sold back to the property owner's electric provider.
- C. Wind turbines, (WECS), supported by guy wires are not permitted.

- D. No wind turbines **shall** be located in the front yard in any district.
- E. All wind turbines **shall** be UL listed and comply with owner's electric provider requirements.
- F. Freestanding wind turbines **shall** not be installed or erected on a mound or base for the intention of making the system higher than the natural grade and **shall** not exceed 160 feet from the natural grade to the tip of the blade at its highest vertical position.
- G. The minimum fall zone for freestanding wind turbines **shall** be equal to the height of the turbine at the tip of the blade at its highest vertical position plus ten (10) feet, measurement **shall** be from the base of the tower and **shall** be free from all overhead transmission lines, public or private streets, above ground structures, property lines, and buildings meant for human occupancy.
- H. Emergency contact information **shall** be posted on the structure, listing the manufacturer, owner, voltage and any emergency contact personnel and 24-hour emergency phone numbers so that emergency personnel can locate the responsible parties. At the time of issuance of a zoning permit, an identifying number **shall** be issued to the structure and provided to the Fire Department and EMS.
- I. The sound pressure level produced by the wind turbine **shall** not exceed ten (10) decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level **shall** be measured by successively measuring the sound with the turbine turned on and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. We **shall** utilize neighboring townships personnel and equipment to check this.
- J. During the location design phase, the owner **shall** consider possible shadow flicker on neighboring properties and conduct studies to identify and remove the impact to human occupied structures.
- K. Safety Standards include the following:
  - 1. Each turbine system **shall** be equipped with both manual and automatic controls to limit the rotational speed to correspond with the design limits of the rotor.
  - 2. To control wind tower access, tower climbing apparatus for freestanding wind turbines **shall** be located no closer than fifteen (15) feet from the ground or have a locked anti-climbing device installed on the tower.
  - 3. Wind turbines **shall** not be artificially lighted, except to the extent that may be required by the Federal Aviation Administration or other applicable authority that regulates air safety.

4. If a turbine is within three (3) miles of an airport, application must be made to the FAA for evaluation. This may be done online at: [www.oceaaa.faa.gov](http://www.oceaaa.faa.gov), (Obstruction Evaluation Airport Airspace Analysis). There is no charge for this service. Any WECS must conform to any FAA regulations and all applicable permits must be submitted to the Township prior to the Township issuing a permit.
  5. Transmission and power lines **shall** be placed underground and wiring from the turbine to ground level **shall** be within the monopole.
- L. Wind turbines and components **shall** be painted or finished with a non-reflective unobtrusive color.
- M. Freestanding Wind Turbine Maintenance and Removal:
1. The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Guilford Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than twelve (12) consecutive months, i.e., zero electricity generation, the property owner is responsible for repair or totally removing all parts of the system, no later than ninety (90) days after the end of the twelve (12) month period.
  2. Upon failure to remove an inoperable wind turbine within the required timeframe, the Guilford Township Zoning Inspector **shall** issue a Notice of Violation, directing the removal of the wind turbine and all components within ninety (90) days. Upon confirming continuing noncompliance, the Guilford Township Trustees may contract with a contractor to remove all wind turbine components as established in the required entry agreement provided by the property owner at the time of permit application.
  3. The property owner is responsible for all costs and expenses incurred in connection with securing, removing, and disposing of the system. Upon failure to pay invoices for all such costs and expenses within thirty (30) days of invoicing by the Guilford Township Fiscal officer or designee, any unpaid costs will be placed as a lien to be collected as part of the real estate taxes.
- N. Application Requirements Reviewed and Approved by the Zoning Inspector **shall** include the following:
1. A Zoning Certificate **shall** be required for wind energy conversion systems in residential, industrial and commercial districts.
  2. Submittals **shall** include the following:
    - a) A development plan,
    - b) A line drawing identifying the electrical components of the system,

- c) Detailed specifications for the wind turbine to be installed,
  - d) A property entry agreement providing Guilford Township access to the site in the event that decommissioning is required,
  - e) Evidence that the applicant has communicated with the public utility company regarding interconnection to the utility grid.
3. Development Plan requirements **shall** be drawn to scale and clearly detail the following:
- a) Information about the proposed site, including all parcel property lines, dimensions of the site, acreage, parcel numbers, current zoning district and use.
  - b) Location and dimensions of existing structures on the site, noting which are human-occupied structures and location of structures on adjoining properties not owned by the applicant within 100 feet of the property lines in all directions.
  - c) Indicate the exact location and height of the proposed free-standing wind turbine, setbacks to all property lines on the site and to all human-occupied structures.
  - d) Location of all above-ground utility lines, free-standing antennas, public and private streets, gas and oil storage facilities within the setback radius.
  - e) Indicate the property owner, mailing address, and physical address of the project.
  - f) Include the make, model, picture/diagram of the wind turbine showing the following:
    - i) Height to the hub and to the top of the blades when extended to highest point,
    - ii) A cutaway view, illustrating the foundation,
    - iii) Manufacturer's specifications,
    - iv) Decibel level of the unit,
  - g) Photographs of the turbine location, taken from the property lines and the setback locations.
  - h) An aerial or satellite photograph with the exact location of the wind turbine indicated.

## **I.5 OUTDOOR WOOD-FIRED HYDRONIC HEATERS (OWFHH)**

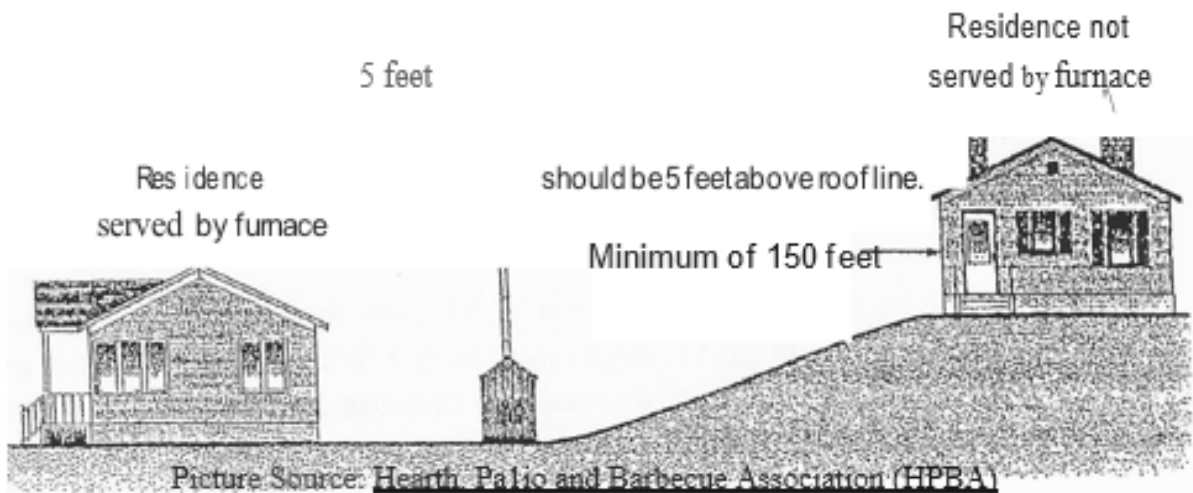
### **Preamble**



Uncontrolled wood-burning devices, including Outdoor Wood-Fired Hydronic Heaters, emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public. Exposure to these pollutants can cause adverse short-term effects such as eye, nose, throat, and lung irritation, coughing as well as shortness of breath. Long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer. The Guilford Township Trustees will subject Outdoor Wood-Fired Hydronic Heaters to reasonable conditions that will protect the health, safety, and general welfare of the residents and not deprive neighboring residents of the reasonable enjoyment of their property or premises.

- A. Outdoor Wood-Fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH **shall** not be counted as an accessory building in any district.
- B. The OWHHs **shall** only service the principal buildings and/or accessory buildings upon the lot the unit is located.
- C. OWHHs **shall** be installed in the rear yard only.
- D. No person **shall** from the effective date of this Section, construct, establish or install a new Outdoor Wood-Fired Hydronic Heater that is not an EPA program qualified model, (or as may be amended by the EPA).
- E. No person **shall** from the effective date of this Section, operate or maintain an OWHH unless such operation conforms with the manufacturer's instructions regarding such installation, operation/maintenance and the requirements of this Section.
- F. The use of any OWHH existing prior to the effective date of these regulations may be continued.
- G. All materials used as fuel in any OWHH **shall** be in conformance with the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions **shall** apply.
- H. The chimney height of a new or existing OWHH **shall** conform to the manufacturer's instructions or the requirements of this Section. In the event of a conflict, the requirements of this Section **shall** apply, unless the manufacturer's recommendations are stricter, in which case the manufacturer's instructions **shall** apply.
- I. All new OWHHs **shall** meet safety standards including UL, CAN/CSA, ANSI or other applicable safety standards.
- J. OWHHs must comply with Medina County Building Department regulations, i.e. building, electrical and heating, and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.

- K. Outdoor Wood-Fired Hydronic Heaters **shall** be constructed, established, installed, operated and maintained pursuant to the following conditions:
1. Fuel burned in any OWHH **shall** be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer.
  2. The following fuels are specifically prohibited in any OWHH:
    - a) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contain resins or glues as in plywood or other composite wood products.
    - b) Rubbish or garbage including, but not limited to food wastes, food, packaging or food wraps.
    - c) Any plastic materials including, but not limited to nylons, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
    - d) Rubber, including tires or any other synthetic rubber-like products.
    - e) Newspaper, (other than a small amount to start an initial fire in the burn chamber), cardboard, or any paper with ink or dye products.
    - f) Any other items not specifically allowed by the manufacturer or this Section.
  3. Setbacks for any new Outdoor Wood-Fired Hydronic Heater must meet the following requirements:
    - a) The OWHH must comply with accessory building setback and height requirements in the District it is proposed to be erected and **shall** be located a minimum of twenty (20) feet from any other structure per Section 4.17-5.
    - b) The OWHH **shall** be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
    - c) The Outdoor Wood-Fired Hydronic Heater **shall** be located a minimum of 150 feet from any residence, including an attached garage that is not served by the **OWHH**.



4. Chimney heights for any OWHH **shall** be as follows:
  - a) The chimney of any Outdoor Wood-Fired Hydronic Heater **shall** extend at least five (5) feet above the peak of any residence not served by the OWHH located within 150 feet of such Outdoor Wood-Fired Hydronic Heater.
5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass **shall** meet the same setback and chimney height requirements as EPA Program qualified models or **shall** meet the setback and chimney height requirements of this Section, whichever is more restrictive.

## Section 9: Conditional Zoning Permits

### 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 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 or the security of the health, safety, convenience, and general of the Township'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 considerations of location, design, size, operation, intensity of use, generation of 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 Permitted 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.

### 9.1 PROCEDURE 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:

#### A. Application Submitted to Zoning Inspector

Each request for a Conditional Zoning Certificate requires a single application to 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, as determined by the Board of Trustees. In addition, the Board of Zoning Appeals, where appropriate, may refer an application to a qualified consultant 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.

#### B. Data Required with Application

1. Form supplied by the Zoning Inspector, completed by applicant.
2. 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 the buildings and their uses.
3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements to be met by the conditional use proposed.

**C. 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.

**D. 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.

**E. Issuance of Conditional Zoning Certificate, 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 11 and Section 12**.

**F. 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 by the Board of Zoning Appeals.

**G. 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.

**9.II BASIS OF DETERMINATION**

- A. **Conditions to be met:** The Appeals Board, prior to the issuance of a Conditional Zoning Certificate, **shall** establish by clear and convincing evidence that the general standards hereinafter set forth and the specific regulations herein set forth pertinent to each proposed use have been substantially met and satisfied by the applicant seeking the zoning certificate. The Appeals Board **shall** 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 Zoning Code will be observed.
- B. **General Standards:** The Appeals Board **shall** review the particular facts and circumstances of each proposed use in terms of the following standards and **shall** find evidence showing that such use on the proposed location:
1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Township Land Use and Thoroughfare Plan of current adoption and this Zoning Code.
  2. 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. (Reference: Conditionally Permitted Uses: R-6.2 and C-2).
  3. The Board of Zoning Appeals **shall** determine the depth and the amount and type of trees, shrubs or fencing or any combination thereof, in creating a Transitional or Buffer Zone between the Industrial and Commercial or Residential Zones.
  4. Will not be hazardous or disturbing to existing or future neighboring uses.
  5. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
  6. 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 services.
  7. All structures, roads and utilities **shall** be in compliance with the Medina County Subdivision Regulations, and the Medina County Board of Health standards and the Medina County Building Code.
  8. Will have vehicular approaches to the property which **shall** be designed as not to create an interference with traffic on the surrounding public streets or roads.

### 9.III CONDITIONALLY PERMITTED USES

The board of Zoning Appeals prior to the issuance of a Conditional Zoning Certificate, **shall** establish by clear and convincing evidence that the intent and purposes of the following specific regulations that apply to specific conditional permissible uses for each district have been met and satisfied by the applicant requesting such zoning certificate.

In the specific regulations hereinafter detailed, the word "**SHALL**" denotes therein that the regulation is a mandatory regulation. In the specific regulations hereinafter detailed, the word "should" denotes therein that the regulation should, under normal use and land occupancy conditions, be met and satisfied prior to the issuance of a Conditional Zoning Permit, but which can be waived by the Board of Zoning Appeals if the general standards of **Section 9-1b** are not violated.

### 9.1 – 9.19 REGULATIONS

- 9.1 All building/structures and activity areas should be located at least fifty (50) feet from the rear property line, but **shall** in no event be less than twenty (20) feet from side property lines. Reference: Conditionally Permitted Uses: R-6.2; 1-5, 10, 12, 13, 15, 17, 21, 24, 26, Conditionally Permitted Uses: C-2; 4, 5, and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.2 Loudspeakers which cause a hazard or annoyance **shall** not be permitted. Reference: Conditionally Permitted Uses: R-6.2; 6, 7, 11, 18, 23, 25, Conditionally Permitted Uses: C-2; 1, 2 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.3 All points of entrance or exit **shall** be located no closer than two hundred (200) feet from the intersection of two 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. Reference: Conditionally Permitted Uses: R-6.2; 1-9, 11, 24, 25, Conditionally Permitted Uses: C-2; 1, 2, 4, 5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.4 There **shall** be no more than one advertisement oriented to each abutting road identifying the activity. No sign can be larger than that permitted in the zoning area in which it is located. Reference: Conditionally Permitted Uses: R-6.2; 1-9, 11, 13, 14, 18-20, 23-25, Conditionally Permitted Uses: C-2; 1-5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.5 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. Reference: Conditionally Permitted Uses: R-6.2; 1-11, 15, 18-20, 22-25, Conditionally Permitted Uses: C-2; 1-6, and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.6 Such building/structure should be located on a collector or minor thoroughfare as defined by the County Highway Engineer. Reference: Conditionally Permitted Uses: R-6.2; 1-5, 13, 18, 24, Conditionally Permitted Uses: C-2; 1, 2, 4, 5 and Conditionally Permitted Uses I-3; 1, 3-6.

- 9.7 Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares. Reference: Conditionally Permitted Uses: R-6.2; 1-11, 13, 18, 24, Conditionally Permitted Uses: C-2; 1-5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.8 Such developments should be located adjacent to non-residential uses such as churches, parks, industrial or commercial districts. Reference: Conditionally Permitted Uses: R-6.2: 1-5, 23, 24, Conditionally Permitted Uses: C-2; 1, 4, 5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.9 Any temporary building/structure **shall** be indicated as such on-site plan submitted to the Board of Zoning Appeals for approval. Reference: Conditionally Permitted Uses: R-6.2; 6-11, 14-16, 18, 23-25, Conditionally Permitted Uses: C-2; 1, 2, 4, 5, and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.10 Such uses **shall** not require uneconomic extensions of utility services and widening or resurfacing roads at the expense of the community. Reference: Conditionally Permitted Uses: R-6.21-14, 16 18, 23-25, Conditionally Permitted Uses: C-2; 1-5 and Conditionally Permitted Uses I-3; 1, 3-5.
- 9.11 Site locations should be permitted that offer natural or man-made barriers that would lessen the effect of intrusion into residential area. Reference: Conditionally Permitted Uses: R-6.2; 1-13, 16, 18-25, Conditionally Permitted Uses: C-2; 1-5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.12 Such uses should be properly landscaped to be harmonious with surrounding residential uses. Reference: Conditionally Permitted Uses: R-6.2; 1-22, 24-26, Conditionally Permitted Uses: C-2; 1-5 and Conditionally Permitted Uses I-3; 1, 3-6.
- 9.13 **Shall** be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fence **shall** be adequate to prevent trespass. **shall** be placed no closer than fifty (50) feet to the top or bottom of any slope. Reference: Conditionally Permitted Uses: R-6.2; 10, Conditionally Permitted Uses: C-2; 1 and Conditionally Permitted Uses I-3; 3.
- 9.14 No rehabilitated slope **shall** exceed an angle with the horizontal of forty-five (45) degrees. Reference: Conditionally Permitted Uses: R-6.2; 16.
- 9.15 Such building/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. Reference: Conditionally Permitted Uses: R-6.2; 11.
- 9.16 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. Reference: Conditionally Permitted Uses: R-6.2; 16.

9.17 **Shall** indicate established routes for truck movement in and out of the development in such a way that will minimize the wear on public streets and prevent hazards and damage to other properties in the community. Reference: Conditionally Permitted Uses: R-6.2; 10, 16, 24, Conditionally Permitted Uses: C-2; 4, 5 and Conditionally Permitted Uses I-3; 1, 3-6.

9.18 All permitted installations **shall** be maintained in a neat, orderly condition so as to prevent injury to any individual or the community in general. Reference: Conditionally Permitted Uses: R-6.2; 1-9, 11, 16, 18, 22-25, Conditionally Permitted Uses: C-2; 1, 2, 4, 5 and Conditionally Permitted Uses I-3; 1, 3-6.

9.19 Such uses **shall** be permitted under the following conditions:

- A. All activities, except those required to be permitted 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. If the property fronts on two or more streets, the driveways **shall** be located as far from the street intersection as permissible.
- C. At least a six-inch pedestrian safety curb **shall** be installed along the street right-of-way lines except at driveway approaches.

**9.20 MOBILE HOMES**

It is the intent of this subsection to permit Mobile Home Parks that house only individual mobile homes, and such Mobile Home parks should be located adjacent to commercial or industrial districts or on major thoroughfares. The area **shall** be in one ownership, or if several ownerships, the application **shall** be filed jointly by all of the owners of the properties included in the plan. The following conditions **shall** apply:

- A. In addition to the other requirements of this subsection, the application **shall** include any other data needed by the Board of Zoning Appeals to rule on the application.
- B. Each boundary of the park must be at least 200 feet from any permanent buildings outside the park, unless separated by a natural or artificial barrier.
- C. The park **shall** be graded to be well drained.
- D. Mobile home spaces **shall** be a minimum of 5,000 square feet for each space and at least fifty (50 feet wide, forty (40) feet deep and clearly defined.
- E. There **shall** be at least a thirty (30) foot clearance between mobile homes. No mobile home **shall** be closer than twenty (20) feet from any building within the park or fifteen (15) feet from any property line bounding the park.
- F. All mobile home spaces **shall** abut a driveway of not less than twenty (20) feet in pavement width, which **shall** have unobstructed access to a public thoroughfare. All paving **shall** meet the requirements of County Engineer standards and be lighted at night with shaded street lights, (mercury vapor type), each spaced at intervals of not less than one hundred (100) feet.
- G. Each park **shall** provide service buildings to house laundry, storage facilities and offices. Construction **shall** meet the standards of the County Building Code. Walkways not less than two (2) feet wide, and paved, **shall** be from the mobile home spaces to the service buildings.
- H. Each mobile home space **shall** be provided a trapped sewer at least four inches in diameter which connects with a centralized disposal system.
- I. Adequate garbage and rubbish cans **shall** be provided and not further than 300 feet from any trailer space.
- J. Each park **shall** be equipped at all times with adequate fire extinguishing equipment as determined by the Township Fire Officer.
- K. The permittee, or any duly authorized attendant or caretaker, **shall** be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and

sanitary conditions and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

- L. Mobile homes must be a minimum 400 square feet living space.
- M. Off street parking must be provided at the rate of a minimum of two car spaces per mobile home.
- N. Minimum one acre of recreation ground, not including buffer zone 10% of total acres. Reference: Conditionally Permitted Uses: C-2; 2.

**9.21 HOME OCCUPATION TYPE A**

- A. Such uses **shall** be secondary and incidental to the use of the dwelling for dwelling purposes.
- B. Such uses **shall** be conducted by resident owners residing on the premises, with no more than one full or part time employee.
- C. Such occupation **shall** be carried on entirely within the dwelling and not in an accessory building.
- D. The conducting of the home occupation **shall** not occupy more than twenty (20) percent of the living floor area of any one dwelling unit.
- E. The proposed use **shall** not constitute primary or incidental storage for a business, industry, or activity conducted elsewhere.
- F. No activity, materials, goods or equipment indicative of the proposed use **shall** be visible from any public way or adjacent property.
- G. For purposes of advertising, there **shall** be no more than one non-illuminated sign for identification, not to exceed four (4) square feet or more than three (3) feet in height from the ground level. Set back from road right-of-way to be determined by the Appeals Board.
- H. A commercial vehicle, not exceeding twenty-six (26) feet in length, seven (7) feet in height, nine thousand (9,000) pounds Gross Vehicle Weight, or one (1) ton load capacity, **shall** be permitted.
- I. The proposed use **shall** not generate noise, odor, fumes, smoke or vehicular or pedestrian traffic in an amount which would tend to depreciate or change the residential character of the neighborhood in which the proposed use is located.
- J. No materials or supplies **shall** be sold from the premises. All materials and supplies used in the home occupation **shall** be housed within the home. Reference: Conditionally Permitted Uses: R-6.2; 14.
- K. A discontinuance of the home occupation for a period of one (1) year or longer, or if the property is sold or change of ownership in any way **shall** automatically terminate the Conditional Zoning Certificate.
- L. No material **shall** be displayed outside of the home.

**9.22 HOME OCCUPATION TYPE B**

Home occupation Type B is a non-residential use, utilizing the home and an accessory building on a residential property by the resident property owners. Such use **shall** be incidental and secondary to the use of the property for residential purposes. The residence can be used for minor bookkeeping, receiving mail, and making and receiving phone calls.

1. Such use **shall** be conducted by resident property owners residing on the property with no more than one non-resident employee.
2. Such utilization **shall** take place entirely within a completely enclosed accessory building, that sits parallel to or behind the front of the residence but must be separated from the side and back property lines by at least seventy-five (75) feet.
3. All activity or equipment indicative of the occupation, including parking of commercial vehicles or commercial equipment involved in the home occupation, **shall** be within an enclosed building/structure and **shall** not be visible from any public way or adjacent property.
4. No traffic **shall** be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking by the home occupation **shall** meet all of the parking requirements as specified in this resolution under **PARKING REGULATIONS**.
5. For purposes of advertising there **shall** be no more than one non-illuminated sign for identification, not to exceed four (4) square feet and three (3) feet in height from ground level.
6. The accessory building/structure for home occupation may be a garage or other enclosed building/structure. The floor area **shall** be sufficient to house all equipment and vehicles allowed in the occupation, which **shall** be determined by the Board of Zoning Appeals.
7. No equipment or process **shall** be used in such occupation which would cause an objectionable disturbance, to a person of normal sensibility, such as noise, vibration, glare, odors or electrical interference. Evidence of the above objectionable disturbances beyond the lot lines of the property.
8. Hours of outside movement associated with the home occupation **shall** be determined by the Board of Zoning Appeals.
9. No materials or supplies **shall** be sold from the premises. All supplies and materials used in the home occupation **shall** be housed within an accessory building/structure.

10. All maintenance and repair work **shall** be done within an enclosed accessory building/structure, unless permitted as one of the conditions set by the Board of Zoning Appeals.
11. Any continued violation of the above criteria **shall** be grounds for revocation of the conditional Zoning Permit after due process.
12. A discontinuance of the home occupation for a period of one (1) year or more, or if the property is sold or changes hands in any way, **shall** automatically terminate the conditional zoning permit. Reference: Conditionally Permitted Uses: R-6.2; 14.

### **9.23 LOT COVERAGE**

Primary and accessory buildings/structures including parking areas **shall** constitute not over 40% of the lot area. Reference: Conditionally Permitted Uses: R-6.2; 1-5, 24.

### **9.24 GRAVE MARKERS**

All grave markers **shall** be ground level. Reference: Conditionally Permitted Uses: R-6.2; 8.

### **9.25 CEMETERY DRIVES**

All cemetery drives **shall** be hard surfaced. Reference: Conditionally Permitted Uses: R-6.2; 8.

### **9.26 MULTIPLE FAMILY DWELLINGS**

- A. Minimum lot size: four (4) acres. per dwelling unit.
- B. Each dwelling **shall** have an enclosed garage.
- C. Each drive **shall** be hard surfaced. Reference: Conditionally Permitted Uses: R-6.2; 12.

### **9.27 ROADSIDE STANDS**

*Deleted 10/20/2020*

**9.28 BARNs:** Deleted 9/14/2017

**9.29 AIRPORTS**

- A. No airport **shall** be closer than two (2) miles from another airport.
- B. Minimum 2,500 feet sod or 2,000 feet hard surfaced runway with 20 to 1 glide ratio from 1,00 feet from each end of the runway.
- C. Airports must be approved by FAA Engineering branch.
- D. Regulations not retroactive: No non-conforming building/structure **shall** be made higher or trees or shrubs be allowed to become a greater hazard than it is at the time these regulations are adapted. Any non-conforming building/structure which is hereafter damaged by any means to an extent exceeding fifty percent (50%) of its then reproduction value may not be restored or reconstructed.
- E. Amendments to the approved site plan do not require a reapplication for a Conditional Zoning Certificate for objects not within the approach slope. Reference: Conditionally Permitted Uses: R-6.2; 18.

**9.30 SAWMILLS**

- A. A mill set up for 90 days or less will be issued a Conditional Zoning Certificate on a no-charge basis.
- B. Storage of logs or equipment, same setback as area in which it is located.
- C. Egress and ingress to woods or mills must be properly culverted.

**9.31 ASSEMBLIES**

It is the intention of this resolution to provide adequate sanitary and safety facilities for the welfare of persons assembled in large numbers.

- A. Must comply with standards of the Medina County Board of Health.
- B. The number of persons will be no more than **430** persons to the acre.
- C. Supervised parking area **shall** be provided for a minimum of **107** spaces of **240** square feet per space per acre.

- D. Medina county Sheriff Department **shall** be informed for the orderly flow of traffic on County and Township roads.
- E. Area **shall** be cleaned up and restored to its original condition.
- F. At the discretion of the Board of Zoning Appeals as to whether or not a bond must be posted.
- G. Egress and ingress **shall** be located as not to cause trespassing on adjacent properties.  
Reference: Conditionally Permitted Uses: R-6.2; 23.

### 9.32 LOUDSPEAKERS

In car reception only, i.e. no loudspeakers.

- A. Setback:
  - 1. Main structure and ticket office - 300 feet.
  - 2. Marquee and accessory buildings/structures - 100 feet. Reference: Conditionally Permitted Uses: C-2; 1.

33 - Billboards: *(Deleted 02/09/2017)*

### 9.34 CAMPING, RECREATION AREAS AND FACILITIES:

- A. The recreational uses permitted will be only those specifically listed in the zoning certificate granted.
- B. There will be no more than one advertisement oriented to each abutting road identifying the activity.
- C. All buildings/structures, roads and utilities **shall** comply with the Guilford Township Zoning Resolution, the Medina County Subdivision regulations and the Medina County Board of Health standards.
- D. All buildings/structures, facilities, and active recreational areas **shall** be set back from the roadside, 100 feet and **shall** be located at least 100 feet from all property lines.
- E. Flood lights and loudspeakers which cause a hazard or annoyance **shall** not be permitted.
- F. All outdoor lighting **shall** be shielded and **shall** in no way impair safe movement of traffic on any street or highway. No lighting **shall** shine directly on adjacent properties.



- G. Vehicular approached to the property **shall** be designed as not to create an interference with traffic on surrounding street or roads and neighboring drives.
- H. All points of entrance or exit **shall** be located no closer than 200 feet from the intersection of two major streets, no closer than 100 feet from a major intersection, or 100 feet from an intersection of two minor streets, and no closer than 100 feet from any driveway on the same side of the street.
- I. Off street parking **shall** be provided. **Ref.: Section 4.14-3 and 4.15.**
- J. All sanitary facilities **shall** be in accordance with the Medina County Board of health Regulations, and the State of Ohio Board of health and the approval of the Medina County Sanitary Engineer.
- K. Camping areas and Golf Courses **shall** be no less than 50 acres in area.
- L. Seasonal Dwellings: Any cottage for casual rent must conform to the Medina County Building Code and have permanent sewage facilities. Cottages be a minimum of 12x16 feet or (192 sq. ft.) as single cottages. Doubles must be a minimum of 12x32 feet or (384 sq. ft.). Cottages erected under the provisions of this Zoning Resolution may not be used as permanent dwellings. Minimum clearance between each cottage **shall** be fifty (50) feet. No permit **shall** be issued for any seasonal dwelling or camping facilities without satisfactory and legally acceptable evidence or safeguards that the seasonal dwelling or camping facilities will never be used as a year-round or principal residence of any person or family. It **shall** be the duty of any applicant to produce the necessary evidence of safeguards.
- M. Noises, fumes or vibrations **shall** not be created so as to annoy people of normal sensibilities beyond the property of the facility. Reference: Conditionally Permitted Uses: R-6.2; 6, 7, 11.

### **9.35 EARTH SHELTERED HOUSING:**

- A. All proposed Earth Sheltered Houses require submission of a detailed site plan.
- B. All submitted architectural and site plan drawings must be prepared by a registered architect or engineer. (*Amended 10-6-82; Effective 11-5-82*)

9.36 Rear Lot Development moved to Section 6.10.

### **9.37 NON-DOMESTIC ANIMALS**

The following specific guidelines **shall** be met in addition to the General Provisions of Section 4, before the issuance of a Conditional Zoning Certificate, to house or cage Non-Domestic Animals, plus any other conditions found necessary to meet the Conditionally Permitted Use provisions of this code by the Board of Zoning Appeals.

- 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. Enclosed on all sides, including the top.
  - 4. Gate with padlock and key, or other locking device requiring a key to open.
  - 5. Floor of cage or pen **shall** be constructed of concrete, blacktop, or other sufficient material to keep the animal from digging out of the enclosure.
- B. Facility to be inspected by the Township Zoning Inspector.
- C. Other animals **shall** not be housed in the same structure, previously 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 to provide proof of payment of insurance premium annually to the Zoning Inspector.
- E. State or Federal permits, if required, must be obtained before issuing a Conditional Zoning Certificate. (State regulates indigenous animals. Federal regulated zoos and commercial sales.)
- F. Applicant to bear the cost of reviews by outside consultants. (Amended 7-19-89; Effective 8-19-89) Reference: Conditionally Permitted Uses: R-6.2; 28 and Conditionally Permitted Uses: C-2; 6.

### **9.38 EXPANSION OF SEWER AND WATER**

The Board of zoning Appeals **shall** consider, when evaluating to grant a Conditional Zoning Certificate in a commercial zone, whether the granting of the permit would result in uneconomic expansion of central sewer and/or water.

### **9.39 OPEN SPACE ZONING**

- A. **Purpose**

The 1994 update of the Guilford Township Development Policy Plan identified the need to use more efficient methods of developing land to avoid negative environmental impacts. This need suggests expectations of higher development quality and places a more demanding responsibility on land use decision makers. Grouping of residential development, where appropriate, provides an alternative to creatively preserve open space, accommodate growth, and at the same time preserve the open rural and agricultural appearance and promote public health, safety, and welfare of Guilford Township. This process encourages the concentration or grouping of buildings on those areas of a site that are best suited for development, while requiring that the remaining land be permanently retained as common open space or permanently restricted to agricultural land usage, which at the same time maintains the natural character of the site.

#### **B. Goals**

While maintaining the same density required by Section 6 - 6.3-2 of this resolution, it is the intent of this section to offer an alternative to Guilford Township's present Zoning Resolution by using open space conservation development to;

1. Encourage the use of Township land according to its character and adaptability;
2. Assure the permanent preservation of open space, agricultural lands, and other natural resources;
3. Allow innovation and greater flexibility in the design of residential developments;
4. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
5. Ensure compatibility of design and use between neighboring properties; and
6. Encourage a less sprawling form of development, thus preserving open space as undeveloped land, continuing agriculturally productive lands in agricultural uses, and maintaining the rural character of the township roadsides.

These resolutions are intended to preserve the traditional rural and agricultural character of the land use pattern in the Township through the creation of small residential cluster areas contrasting with permanently preserved open space and less intensive land uses. This section is not intended as a device for ignoring other Resolutions of the Township and/or County and State rules and regulations guiding development and the standards set forth therein, nor the planning concepts upon which the Zoning resolution has been based.

These resolutions are intended to result in a specific development plan substantially consistent with all zoning standards yet allowing for some modification to encourage the goals set forth in **39-B 1-6** above.

**C. Lot Size**

Lots smaller than the minimum lot size, unless otherwise specified in the Zoning Resolution, are permissible if the following conditions are met:

1. The actual number of lots proposed **shall** not exceed the number of lots permitted as required by the current Zoning Resolution.
2. The actual land area reduction, or land area not included in the lots due to sizes less than the minimum as required by this Zoning Resolution, **shall** be devoted to permanent open space or agricultural use.
3. Protection of passive open space **shall** be mandated in the form of; **Conservation Easement, Homeowner's Association, Deed Restriction, Township Easement** or a combination thereof.

**D. Permitted Uses**

1. Single Family Residential Structures.
2. Agriculture.
3. Passive Recreational Facilities.

**E. Information Required on Plans**

1. A site plan in the form of a preliminary subdivision drawing **shall** be submitted to the Zoning Inspector showing the location of existing buildings, oil and gas wells, tank batteries, proposed lots and/or blocks, open spaces to be preserved, roads, parking areas and drives associated with open space and any other significant physical features.
2. In addition to other requirements contained herein, the open space conservation development application **shall** include:
  - a) Topography, including contours of no greater vertical intervals than two (2) feet;
  - b) A table showing total number of acres, the number of single-family dwelling units, and the non-residential uses, including streets, acres of land preserved for passive open spaces, and acres of land preserved for agricultural uses.
  - c) Maps or other indications of areas and features including, but not limited to, wetland areas, tree stands, ponds, streams and natural waterways, areas of prime agricultural soils, current and past agricultural use, and
  - d) Any other data the Board of Zoning Appeals may decide necessary to determine compliance of this section.

3. A management plan describing the mechanisms through which any common land, agricultural operations, recreational facilities, roads, parking areas, community water and sewer systems, or other facilities and improvements will be used, owned, maintained and preserved.

**F. Standards for Open Space Conservation Developments**

All open space conservation developments will meet the following standards:

1. The minimum land area allowable for this development type is twenty (20) acres.
2. The open space provided herein **shall** allow effective and unified treatment for the development possibilities of the project site and **shall** make explicit appropriate provisions for preservation of the following items found within the open space; prime agricultural lands, agricultural uses, stream banks, lake and pond shores, aquifers, slopes greater than 25%, woodlands, riparian wetland areas, soils unsuitable for development, productive woodlands, historic or archaeological sites, natural areas, wildlife habitat, high elevations and ridge tops, and flood plains.
3. The total number of allowable units within the open space development **shall** be determined by the following example:

Original Tract Acreage	= 100 acres
Less area in streets and right-of-ways; Approximately 15 acres (15%)	= 85 acres remaining
Number of dwelling units allowed is; 1 unit for each 4 acres of net developable acres. (Section 6-6.3-2)	= 20 dwelling units
Optimum open space is 50% of 85 acres	= 42.5 acres
Net developable acreage	= 42.5 acres

4. The minimum side and rear yard setbacks at the property of the homesite/building lot cluster areas within an open space development **shall** be fifty (50) feet to provide more open areas.
5. No residential building **shall** be constructed within fifty (50) feet of the development periphery.
6. A natural landscape buffer strip of fifty (50) feet in depth from the right-of-way of the existing street frontage and will be considered as part of the open space. These natural landscaped buffer strips **shall** be totally and completely screen the view of residentially developed interior lands during all seasons of the year. The natural landscaped buffer strips **shall** be planted with a mixture of deciduous and coniferous



trees and shrubs of sufficient size and caliper to achieve the required screening within a period of eight (8) years. The buffer strip **shall** be subject to the Board of Zoning Appeals approval.

7. The open space development **shall** be consistent with applicable local plans and all applicable regulations as stated in the **Purpose and Goals, 39 A-B**.
8. The open space development will meet the applicable site plan review requirements.
9. The proposal **shall** provide for permanent preservation of open space and agriculturally productive lands. All lands within the open space development will be protected in perpetuity by conservation easement, homeowner's association, deed restriction, and Township easement or a combination thereof.
10. Residential dwellings are limited to single family detached dwellings, not to exceed 2-1/2 stories or 35 feet.
11. Minimum building lot size within the open space development will be one (1) acre.
12. All building lots will have a minimum frontage of 125 feet unless located on the bulb end of a Cul-De-Sac street, where the lot width is determined at the building line.
13. Front yards, rear yards and side yard setbacks of individual building lots **shall** be as required by Section 6-6.3 of this resolution.
14. If there is more than one cluster area in the development, no building lots **shall** be permitted along the collector street in the buffer zone.
15. All streets within the open space development must be constructed according to Medina County Highway Engineers.
16. No commercial recreational development **shall** be permitted.

#### G. **Minimum Percentage of Open Space**

The minimum percentage of land that will be designated as permanent open space, not to be further subdivided, and protected through **Deed Restriction, Homeowner's Association, Township Easement, and Conservation Easement**, or a combination thereof, will be as specified below:

1. The minimum of forty percent (40%) and an optimum of fifty percent (50%) of the original land remaining after subtracting the percentage of land specified for the following kind of land:
  - a) Existing and proposed area for street right-of-ways or public lands; 100% deduction of total acreage in street right-of-ways and other public lands.

- b) Land under permanent easement, (non-highway), prohibiting future development, (including easements for drainage, access, and utilities); 50% deduction of the total acreage of land under permanent easement.
2. Agricultural use/land areas will receive full open space credit, subject to required deed restriction and conservation easement to provide protection if agriculture is terminated.

#### H. Standards for Common Open Space

The locations, size and shape of lands set aside for open space **shall** be approved by the Board of Zoning Appeals in accordance with the Guilford Township Zoning Resolution.

1. Open space land **shall** provide for the protection of resources on the site, including agricultural lands, productive woodlands, wildlife habitat, natural areas, aquifer protection areas, streams, stream banks, bodies of water, lake shorelines, and historic and archaeological sites.
2. The location, shape, size, and character of the open space land **shall** be suitable for its intended use. The minimum width of open space **shall** be 100 feet, except in the buffer area, unless the Board of Zoning Appeals determines a lesser width is suitable for special circumstances.
3. Open space **shall** be suitably improved and/or maintained for its intended use. Provisions **shall** be made to enable lands designated for agriculture and wildlife habitat to be used for these purposes.
4. Land shown as open space **shall** be protected for its intended use, (including, but not limited to, open spaces, recreational areas, etc.), through a mechanism approved by the Board of Zoning Appeals. The agreement must be in the form of a deed restriction, conservation easement, homeowner's association, township easement, or a combination thereof, any of which must be deemed appropriate by the Board of Zoning Appeals acting on the advice of the Medina County Prosecutor's Office. All costs for creating and maintaining open space are the responsibility of the developer and subsequent landowners, (typically in the form of a homeowner's association), or holders of any conservation easement.
5. Open space **shall** be located to conform with and extend existing and potential open space on adjacent parcels, where practical.
6. Additional measures may be imposed to protect resources identified on the parcel, include, but are not limited to, area restrictions on building sites and clearing limits, such as limits on the clearing of wooded areas or areas valuable for wildlife habitats.
7. The Board of Zoning Appeals will require additional parties, i.e. **Land Conservancy Group, Homeowner's Association, or Township Easement**, to be party to open space

agreement. All costs associated with administering and maintaining the open space **shall** be borne by the applicant and subsequently by the **Conservancy Group, Homeowner's Association, or Township easement** unless otherwise established through a separate agreement acceptable to the Board of Zoning Appeals.

8. For a phased development, open space for **all** phases **shall** be provided with the initial phase of the development in the proportion required for the entire development, and in a configuration and location appropriate for the platted lots and **shall** be shown on the site plan.

#### I. **Open Space Developments on Two or More Parcels**

Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as an open space development. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that, which would be permitted, in the Board of Zoning Appeals judgment, if the land were subdivided into lots in conformance with the district regulations. Parcels separated by a public right-of-way may be considered contiguous by the Board of Zoning Appeals for the purposes of this section provided:

1. The Board of Zoning appeals finds that the boundaries overlay adequately, and
2. The open space development promotes the protection of significant natural resources and unique features in the area of the parcels.

#### J. **Parking and Utilities in Open Space Developments**

1. All utility lines **shall** be installed underground, unless areas are sensitive and running lines underground would be inappropriate.
2. On corner lots or open space areas adjacent to the street, buildings, landscaping and appurtenances **shall** be situated, set back and maintained to provide unobstructed visual clearance at all intersections. (Amended 8-23-2001; Effective 9-22-2001)

### **9.40 COMMERCIAL BACK LOT DEVELOPMENT**

#### **PURPOSE**

There is a need to allow for the development of existing commercially zoned back land parcels. Therefore, in order to maintain the rural characteristics of the Township, back lot development on commercially zoned parcels, **shall** be a conditionally permitted use. This use is not to be considered a vehicle for the expansion of the existing commercial district.



- A. The following **shall** be deemed Class "C" uses and conditionally permitted in all Class "C" Back Lot Developments:
1. Quasi-public uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and non-profit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.
  2. Administrative business office uses that are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.
  3. Professional office uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions, most of which are regulated, licensed, or certified by the State of Ohio.
  4. Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.
  5. Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
  6. Consumer service uses generally involve the care and maintenance of tangible or the provision of intangible services for personal consumption.
  7. Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
  8. Automotive use includes sales and service directly associated with motor vehicles and other types of transportation.
  9. Food, lodging, and beverage service uses include commercial establishments and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership basis.
  10. Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership basis.
  11. Drive-in theaters.
  12. Mobile Home Parks.
  13. Signs and/or billboards over thirty-two (32) square feet.
  14. Government owned and operated buildings and facilities.

15. Light manufacturing, fabrication, and assembly facilities.
16. Keeping and housing of non-domesticated animals that pose a greater than normal risk to the health and we fare of Township residents. Animals will be determined to be non-domesticated animals that pose a greater than normal risk by the Township Zoning Inspector. Excluded from such definition would be animals such as rabbits, raccoons, bison, squirrels, and chipmunks.
17. If a specific use is proposed that is not listed or provided for herein, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this section. If the Board finds that a use is substantially similar to a specifically printed use listed in this section, such use **shall** be deemed to be a substantially similar use permitted in this district.

In determining that a proposed use is a substantially similar use, the Board **shall** follow the procedures relating to appeals and variances as specified in this resolution. Upon making a determination that the proposed use is substantially similar, the Board **shall** notify the Township Zoning Commission, the Township trustees, and the Township Zoning Inspector of its decision, and **shall** include in its written findings the reason upon which its determination is based

18. Standards for Consideration of Substantially Similar Uses.

The following standards **shall** be considered by the Board when making a determination that a use is substantially similar to a permitted use within this district:

- a) The compatibility of the proposed use with the permitted use classification as specified in this resolution.
  - b) The nature, predominant characteristics, and intensity of the proposed use in relationship to those uses specifically permitted by this resolution in this district.
  - c) The size, dimension requirements, parking requirements, traffic generation potential, and other regulatory considerations associated with uses as specified for this district.
19. Record Maintenance

The Township Zoning Inspector **shall** keep a record of all uses found to be substantially similar in use for this district, and upon such determination by the Board of Zoning Appeals, such use **shall** be considered as a permitted use for any applicant within this district.

20. All Conditionally Permitted Uses permitted in "R" (Residential) District **shall** be **Conditionally** permitted in "C" (Commercial) District (Amended 10-6-82; Effective 11-5-82)
21. One back lot development behind an existing front commercial lot **shall** be permitted with a maximum of one (1) commercial building per minimum lot area. No commercial building **shall** be erected on said rear lot unless it has access to a public street. Said access **shall** be sixty (60) feet wide from the road right-of-way to the rear lot. Said access may not form a part of any lot width or lot area as required by this zoning resolution.
22. Said access way **shall** be part of the main parcel such that only one (1) parcel is created, with the requirements provided by law for deeds, and **shall** be filed with the Recorder of Medina County for record.
23. **LOT REQUIREMENTS:**
  - a) Minimum lot area **shall** be five (5) acres exclusive of the access way.
  - b) Minimum lot width **shall** be two-hundred-fifty (250) feet, measured at the building line of the proposed commercial building location.
  - c) No more than 40% of the lot may be covered by the building.
24. **YARD REQUIREMENTS:**

A minimum setback of seventy-five (75) feet from all back-lot property lines **shall** be required for all buildings and structures.
25. **ACCESS DRIVE:**
  - a) Maximum of one (1) commercial building per access drive.
  - b) All lots **shall** have a sixty (60) foot access way, with a minimum width of thirty (30) feet unobstructed, within the sixty (60) foot access way, with a minimum of twenty-four (24) feet of driving surface. i.e.; No trees, fencing, etc.
  - c) Where an access drive crosses a filled ravine, the graded surface **shall** have marked, seeded banks having a slope not less than three (3) horizontal feet to one (1) vertical foot.
  - d) Where a curve occurs in a driveway, the inside edge of the drive surfaces **shall** have a minimum radius of thirty-five (35) feet.
  - e) Exact location of an access drive **shall** be shown on a plot plan presented to the Township Board of Zoning Appeals when applying for a Conditional Zoning

Permit. The proper permits for the drive from the Medina County Engineer's office, if on a Township or County road, or the State Engineer's office if on a state Route, **shall** also be submitted at this time.

- f) All access drive surfaces or beginning of slope must be ten (10) feet from all side and rear lot lines.
  - g) Each application for Conditional Use for back lot development **shall** have attached thereto, the construction specifications for the access drive, which must be prepared by a registered civil engineer, with certification to bear a minimum of 70,000 pounds, or Medina County Engineer's requirements, whichever is greater, during the wet period of the year.
  - h) The access drive **shall** not be located in a water course, drainage ditch or swale. Where the access drive must cross a water course, ditch or swale, bridging, culverts or other means **shall** be used to prevent flooding and provide for adequate drainage of water flow along the waterway. The building of the access drive **shall** in no manner inhibit or modify the water flow characteristics of the surrounding areas. The minimum distance between back lot driveway locations **shall** be five hundred (500) feet along the adjacent public thoroughfare. If two (2) pre-existing rear lot driveways are adjacent to each other, then the minimum distance between additional back lot driveway locations **shall** be six hundred (600) feet.
  - i) Final inspection by the County Engineer. All fees **shall** be the responsibility of the developer.
26. **APPLICATIONS** for back lot development **shall** include the following warning: "**The undersigned grantee(s) hereby acknowledge(s) that the premises described therein is located upon a non-dedicated easement of access, and further the grantee(s) understand(s) that no government body is responsible for the care and maintenance of said access**". *(Amended 1/23/2001; Effective 2/22/2001)*

#### 9.41 IN-LAW SUITES

In-law suites **shall** meet the following conditions:

- A. The "In-Law Suite" **shall** be located within the single-family dwelling.
- B. The "In-Law Suite" **shall** have primary means of access to the outside of the dwelling through the main exterior doorway of the dwelling.
- C. The "In-Law Suite" may have a bathroom, living area and bedroom.

- D. The owner of the dwelling **shall** obtain from the Medina County Health Department a statement insuring the addition of the “In-Law Suite” will not overload the present septic system.
- E. The owner of the single-family dwelling **shall** provide a signed and notarized affidavit acknowledging that the “In-Law Suite” is prohibited from use as a rental apartment.
- F. The “In-Law Suite **shall not** have separate utilities.

## Section 10: Non-Conforming Uses

**10.1** Nothing in this Resolution **shall** prohibit the completion of construction and use of a nonconforming building/structure for which a zoning certificate has been issued prior to the effective date of this Resolution or any amendment thereto; provided that construction is started 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; and that the entire building/structure **shall** be completed within two (2) years after the issuance of said zoning certificate.

**10.2** Any building/structure arranged or designed for nonconforming use, the construction of which has been started at the time of the passage of this Resolution of Amendments, may be completed and used for such nonconforming purposes, providing it is done within six (6) months after this Resolution of Amendments takes effect.

**10.3** Nothing in this Resolution **shall** prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building/structure which has been destroyed or damaged by fire, explosion or acts of God, and such restoration is done within two (2) years from the date of destruction or damage. A zoning certificate is required from the Zoning Inspector.

**10.4** A building/structure devoted to a nonconforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said nonconforming use except to make it a conforming use.

**10.5** When a nonconforming use has been changed to a conforming use, the property **shall** not thereafter be allowed to revert to a nonconforming use. When a nonconforming use has been changed to a nonconforming use less in conflict with the character of the district in which it is located, it **shall** not thereafter be changed to a nonconforming use more in conflict with the district.

**10.6** The Board of Zoning Appeals **shall** determine when a nonconforming use is less in conflict with the character of the district, than that of previous uses.

**10.7** 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.

## Section 11: Zoning Inspector and Zoning Certificates

**11.1 - ZONING INSPECTOR:** The position of Township Zoning Inspector is hereby created. He **shall** be appointed by and serve at the pleasure of the Township Trustees and **shall** receive such compensation as the Board of Township Trustees may provide. He **shall** keep records of all applications for zoning certificates and the action taken thereof.

**11.2 - ZONING CERTIFICATE APPLICATIONS:** All applications for a zoning certificate **shall** be submitted to the Zoning Inspector, who may issue zoning certificates when all applicable provisions of this Zoning 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 approve the Conditional Zoning Certificate.

**11.3 - ZONING CERTIFICATES:** Before constructing, changing the use of, altering any building, including accessory buildings, or changing the use of any premises, application **shall** be made to the Township Zoning Inspector for a Zoning Certificate. The application **shall** indicate the exact location of the proposed construction, alteration, or change of use and **shall** include a plot plan, showing the proposed location, dimensions, height of the building and proposed use. Within ten (10) days of the receipt of the 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, or refuse the same, if it does not comply. If the proposed use for which the Zoning Certificate is issued, has not been started for a period of six (6) months, the applicant **shall** be required to renew the certificate with the Zoning Inspector and the renewed certificate must comply with the latest zoning Amendments.

A. Any accessory building less than 144 square feet does not need a Zoning Certificate.

**11.4 - EXPIRATION OF ZONING PERMIT:** If the work described in any Zoning Permit has not begun within six (6) months from the date of issuance thereof, said permit **shall** expire. If the work described in any Zoning Permit has not been exteriorly completed within twelve (12) months of the date of issuance thereof, said permit **shall** expire, and written notice thereof **shall** be given to the persons affected, together with the notice that further work as described in the expired permit **shall** not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

**11.5 - VIOLATIONS:** Building/structures, erected, altered, moved, raised or converted, or any use of the land or premises, carried on in violation of any provision of this Zoning Resolution, are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Zoning Code, which are observed by any Township Official or Township Resident **shall** be reported to the Township Zoning Inspector.

**11.6 - INSPECTION ORDER TO CORRECT:** 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 Zoning Resolution.

**11.7 - 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 the written order. Any violation not corrected within the specified period of time **shall** be reported to the Medina County Prosecutor, who **shall** initiate prosecution procedures.

**11.8 - FEES:** The Board of Township Trustees **shall** by resolution, establish a schedule of fees, charges, expenses and a collection procedure for Zoning Permits, Amendments, Appeals, Variances, Conditional Use permits, 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 posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until **ALL** applicable fees, charges and expenses have been paid in full, no action **shall** be taken on any application or appeal.



**GUILFORD TOWNSHIP FEES**

Effective November 17, 2009

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Variance	\$250.00
Single Family Cert	\$50.00 + \$.05 per sq. ft
Commercial/Industrial Cert	\$150.00 + \$.05 per sq. ft
Conditional Permit	\$275.00
Continued Meetings	\$100.00
Swimming Pools & Ponds	\$35.00
Sign Permit	\$35.00 + \$1.00 per sq. ft
Lot Split	\$25.00 per lot
Cell Tower	\$400.00 new towers \$150.00 co-location
Site Plan Review	\$300.00
Decks/Porches	\$25.00 + \$.05 per sq. ft (Unless a variance is required)
Accessory Building	\$35.00 + \$.05 per sq. ft
Change of Zoning District	\$600.00
Zoning Manual	\$25.00
Outdoor Furnace Permit	\$35.00

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NOTE: In the event an individual begins construction, without benefit of the proper zoning permits, fee for said permits will be doubled.

## Section 12: Enforcement

**12.1** - It **shall** be unlawful to construct, reconstruct, enlarge, change, maintain or use any building/structure, or to use any land in violation of any regulation or any provision of this Resolution or any amendment thereto.

**12.2** - Any person, firm or corporation violating this Resolution, or any regulation, provision or amendment thereto **shall** be deemed guilty of a misdemeanor and upon conviction thereof **shall** be fined not more than one hundred (**\$100**) dollars for each offense. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

**12.3** - In case any building/structure is, or is proposed to be located, erected, constructed, reconstructed, enlarged, maintained or used, or any land is or is proposed to be used in violation of this Resolution or nay amendment thereto, the Board of Township Trustees, or the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

## **Section 13: Board of Zoning Appeals**

**13.1** - There has been created a Township Board of Zoning Appeals of five (5) members, appointed by the Board of Trustees pursuant to Section 519.13 of the Ohio Revised Code which Board **shall** have the power set forth in Section 519.14 of the Ohio Revised Code and as provided for by controlling case law. The Board **shall** be organized and operate as provided in Chapter 19 and controlling case law.

(See [Appendix 1](#) and [Appendix 2](#))

## **Section 14: Township Zoning Commission**

**14.1** - The Board of Township Trustees has created and established a Township Zoning Commission pursuant to 519.04 of the Ohio Revised Code which should be organized and operated and have the powers set forth in Chapter 519 of the Ohio Revised Code and controlling case law.

(See [Appendix 4](#))

## Section 15: Oil & Gas Wells

### PURPOSE

This section sets forth certain requirements for all districts which will insure that any operations incidental to the exploration, extraction, or storage of oil and gas take place in a manner wholly compatible with the surrounding land uses in the Township and does not endanger public health, safety, and welfare provided, such is permitted by the Division of Oil and Gas of the Ohio Department of Natural Resources. Reference: Ohio Revised Code, Chapter 1509 and Ohio Administrative Code, Chapter 1501.

### INTENT

In order to preserve health and safety and for the protection of Guilford Township properties from potentially damaging effects of gas and oil well operations, the extraction of oil, natural gas, and hydrocarbons, any operation involving exploration for such substances or storage thereof, and the drilling, reopening, operation, maintenance and plugging back of oil and gas wells **shall** not be permitted without compliance with the "Zoning Resolution" of Guilford Township and such compliance **shall** be necessary even though no permit is necessary to be obtained from Guilford Township.

### 15.1 - DEFINITION OF WORDS USED IN THIS SECTION

- A. **Well:** Means any bore hole, whether drilled or bored, for production, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil waters.
- B. **Oil:** Means crude petroleum oil and all hydrocarbons, regardless of gravity, that is produced in liquid form by ordinary production methods but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.
- C. **Gas:** Means all natural gas and other gaseous hydrocarbons not defined herein as oil, including condensate.
- D. **Condensate:** Means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.
- E. **Oil and Gas Wells:** Mean all wells as defined herein for the production or extraction of oil and/or gas.

- F. **Brine:** Means all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling or production of oil and gas wells.
- G. **Flowlines:** Means the underground pipeline leading from the well head to the tank battery.
- H. **Gas Gathering Lines:** Means the underground pipeline leading from the well head or from the separator to the transmission line.
- I. **Well Head:** Means the equipment at the well bore used to produce the well.
- J. **Separator:** Means the equipment used to separate natural gas and produced fluids from the well.
- K. **Dormant/Inactive Well:** Means an oil and gas well that meets all of the following criteria:
  - 1. 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 Division of Oil and Gas in the Ohio Department of Natural Resources.
  - 2. Drilling of the well has been completed.
  - 3. The well is fully equipped and capable of production.
  - 4. The well has been out of production for at least twelve months.
- L. **Oil and Gas:** Means oil or gas or both.
- M. **Owner/Producer:** Means the person who has the oil and gas rights to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil and/or gas that is produced therefrom either for themselves or others. The oil and gas rights are guaranteed through either outright ownership of the oil and gas minerals or a lease that gives the right.
- N. **Contractor:** Means any third party engaged by an owner or producer to conduct drilling and other operations.
- O. **Division:** Means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.
- P. **Land/Property Owner:** Means recorded owner of the real property.
- Q. **Surface Rights:** Means those rights, interests and privileges in and to the use and enjoyment of the surface of a tract of land which are incidental to the ownership of the surface estate.

## 15.2 - PRE-CONSTRUCTION REQUIREMENTS

- A. All well drilling, production and transmission operations and facilities for oil and gas **shall** be conducted lawfully and comply and conform with all the requirements of the Guilford Township Zoning Resolution.
- B. No gas and oil well **shall** be drilled unless the Owner/Producer and/or Contractor complies with all the requirements set forth in the Zoning Resolution. The owner **shall** have primary responsibility for filing the information.
- C. An Owner/Producer for an oil or gas well **shall** complete the information as requested on Guilford Township Form GTOG, (Guilford Township Oil/Gas), and submit all information set forth and required under the Guilford Township Zoning Resolution.
- D. After submission of Form GTOG and after providing all information required by Form GTOG and the Township Zoning Resolution, the Owner/Producer and/or Contractor may commence the site preparation for drilling of a gas or oil well within the Township.

### 15.3 - CONSTRUCTION REQUIREMENTS

- A. During drilling operations, a 1x2 foot sign **shall** be posted at the access road entrance by the public road showing the street or road number, of the location, name of company, and all 24-hour emergency telephone numbers. If the well is put into production, a permanent, well maintained sign, must be displayed to reflect the owner, lease name, well number, state application number, county and all emergency telephone numbers and street or road address of site. If multiple wells are being produced into common tanks, each well-head **shall** be identified with the owner, state application number, well number and lease name.
- B. It **shall** be the responsibility of the Owner/Producer and/or Contractor to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.
- C. The vehicle loading and unloading area must be outside road right-of-way with no parking of tank trucks, drilling rigs, or any other vehicles related to the operation of, construction of, or maintenance of, said well sit and/or storage tanks within the road right-of-way.
- D. 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.
- E. All crude oil storage tanks **shall** be above ground. All crude oil storage tanks must be equipped with hatch, (lid), seals and an Ohio Oil & Gas Association approved flash suppressor

or two-way pressure relief valve installed on the vent stack. The hatch must be closed and locked when unattended. All electric panels and loading valves must be locked when unattended.

- F. All gas and oil well underground electric lines **shall** be buried a minimum of thirty-six (36) inches below the surface.
- G. Within 180 days of the commencement of production, the Owner/Producer and/or Contractor **shall** remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.
- H. The Owner/Producer and/or Contractor must restore all areas disturbed by construction. Areas are to be graded, seeded and mulched or covered with straw. Weather permitting, restoration **shall** be completed within 60 days after drilling is completed. In no event **shall** grading and landscaping required in this paragraph be completed in excess of 180 days after completion of drilling.
- I. All storage tanks including diked areas **shall** meet State requirements for minimum setbacks from road right-of-ways and all property lines
- J. All pits for sludge or brine disposal **shall** be lined with a one-piece liner to prevent leaching and **shall** be of sufficient size to contain all effluent.
- K. All storage tanks, apparatus and other equipment located above ground at a well site **shall** be removed and abandonment completed within one year 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 the said one year period.
- L. In the event the Township Zoning Inspector determines that the Owner/Producer and/or Contractor is violating any of the terms of the Zoning Resolution, the Zoning Inspector **shall** issue a written notice to the designated representative of the Owner/Producer. The Owner/Producer may appeal the notice to the Board of Zoning Appeals. Corrective action may be delayed pending a ruling by the Board of Zoning Appeals

#### **15.4 - POST CONSTRUCTION REQUIREMENTS**

- A. Upon completion, the Owner/Producer **shall** provide the location of each new well site, including the pipelines, electric lines, separation equipment and storage tanks to the Fire Chief. If a well has been plugged, the Owner/Producer **shall** provide the Township Zoning Inspector with information documenting that a well has been properly plugged and that the site has passed the State of Ohio final restoration plan.



- B. The Owner/Producer **shall** at all times maintain and repair, if necessary, all the equipment and facilities on the well site.

#### **15.5 - INCONSISTENCIES**

In the event any of the requirements or regulation provisions of these regulations are found to be inconsistent with one another, the more restrictive or greater requirement **shall** be deemed in each case to be applicable.

#### **15.6 - SETBACK REQUIREMENTS**

- A. No building used for human occupancy **shall** be erected within one hundred (100) feet from any oil or gas well, storage tanks, and/or separator units, abandoned or not abandoned.
- B. No building used for human occupancy **shall** be erected within fifty (50) feet of a well that has been properly plugged.



## **Section 16: Wireless Telecommunication Facility Overlay (WTFO) District**

### **16.1 - PURPOSE AND INTENT**

The Wireless Telecommunication Facility Overlay District is established to provide for the construction and use of Wireless Telecommunication Towers and Facilities as permitted uses, conditional uses, and accessory uses depending upon the specific land areas of the Township in which they are proposed to be located. The purpose of this District is to balance the competing interests created by the Federal Telecommunication Act of 1996, Public Law 104-104, and the interests of the Township in regulating Wireless Telecommunication Towers and related Facilities for the following purposes: to regulate a commercial use so as to provide for orderly and safe development within the Township; to protect property values; to maintain the aesthetic appearance of the Township, including its rural character; to provide for and protect the health, safety and general welfare of the residents of the Township; to protect properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the Township from the adverse effects of Towers and related Facilities; to promote collocation of Wireless Telecommunication Facilities in order to decrease the number of Towers in the Township; and to maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

The Wireless Telecommunication Tower Overlay District regulations **shall** control and supersede wherever they are inconsistent with other provisions of the Zoning Resolution. If no inconsistency exists between the provisions of this Overlay District and the provisions of the underlying zoning district, the underlying district regulations and the other provisions of this Zoning Resolution **shall** remain in full force and **shall** regulate all land use and development.

The Wireless Telecommunication Facility Overlay District establishes a hierarchy of acceptable land areas for location of Wireless Telecommunication Towers and related Facilities through the establishment of such use as a permitted use in certain land areas, as a conditional use in other, more sensitive land areas, or as an accessory use for the erection of Wireless Telecommunication Antennas only, which determination is dependent upon the location and characteristics of such land areas and the impact such Towers will have on adjoining properties.

Except as provided in this Section 16, Wireless Telecommunication Facilities are prohibited in the Township.

### **16.2 - PERMITTED USE:**

A Wireless Telecommunication Tower and Facility may be located as a permitted use in the following areas, as set forth on the Township Zoning Map, under the following circumstances and upon application for a zoning certificate and issuance of such certificate ) from the Zoning Inspector:

- A. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in an Industrial District
- B. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in any interstate highway interchange right-of-way. A Tower located within an interstate right-of-way **shall** not be subject to setback requirements.
- C. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in a Commercial or Residential District only in the areas designated as a WTFO district on the Zoning Map which are within the fifty (50) foot area adjacent to an interstate highway right-of-way. A Tower located within the fifty (50) foot area adjacent to an interstate right-of-way **shall**:
  - 1. Be set back three hundred (300) feet from existing dwelling units;
  - 2. Be set back one hundred ten percent (110%) of the height of the Tower from property lines other than interstate highway right-of-way;
  - 3. Not be subject to a setback requirement from the interstate highway right-of-way.
- D. A Wireless Telecommunication Tower and/or Antenna Facility may be permitted on any property owned or controlled by the Board of Township Trustees under such conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees, provided services such as fire services, police services, or road or other maintenance services. In the event such property is located in a residentially zoned district, prior to the approval by the Township Board of Trustees of any construction of a Wireless Telecommunication Tower Facility on such property, advance notice by certified mail of a public meeting by the Trustees on the issues **shall** be given to each property owner, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the Tower is proposed to be constructed.

### 16.3 CONDITIONAL USE:

A Wireless Telecommunication Tower Facility may be located as a conditional use in a Commercial district only in the areas designated as a WTFO District on the Zoning Map and upon the approval of the Board of Zoning Appeals and issuance of a zoning certificate, provided the applicant demonstrates compliance with the following standards, as well as the standards set forth in Section 16.5 herein:

- A. There is no Technically Suitable space for the applicant's Wireless Telecommunication Antenna(s) and related Facilities reasonably available on an existing Wireless Telecommunication Tower, building or structure within the geographic area to be served, including the areas set forth in Subsection 16.2. With the zoning certificate application, the

applicant **shall** list the location of every Tower, building or structure and all the areas set forth in Subsection 16.2 that could support the proposed Antenna(s) or Tower Facility so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available on an existing Tower, building or structure or that a Technically Suitable location for a Tower Facility is not available in any area set forth in Subsection 16.2. If another Tower, building or structure, or an area set forth in Subsection 16.2 is Technically Suitable, the applicant must show that it has requested to Collocate on the existing Tower, building or structure and the Collocation was rejected by the owner of the Tower, building or structure or that it has requested all property owners with Technically Suitable location to permit it to locate a Tower facility in all Technically Suitable area(s) set forth in Subsection 16.2 under reasonable terms and that each request was rejected. In all circumstances, owner of existing Towers **shall** promptly respond to requests for Collocation, but in no event **shall** they respond more than thirty (30) days from the date of receipt of a written request for Collocation. If there is a Technically Suitable location on an existing Tower, the applicant must further show that it has offered to allow the owner of the existing Tower to Collocate an Antenna(s) on reasonably reciprocal terms on another Tower owned or controlled by the applicant within the Township, if such Tower exists and space is available on such Tower for Collocation, and the offer was not accepted. In all cases, the Township **shall** use its best efforts to encourage Collocation.

- B. As a condition of issuing a conditional zoning certificate to construct and operate a Wireless Telecommunication Tower in the Township, the owner/operator of the Tower is required to allow Collocation until the Tower has reached full Antenna capacity, but in no event fewer than three (3) additional Antenna platforms for the three (3) additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the Tower. Written documentation must be presented to the Zoning inspector evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in this Section 16.
- C. The color of the Wireless Telecommunication Tower **shall** be as required by the Board of Zoning Appeals.

#### 16.4 ACCESSORY USE:

The erection or construction of a Wireless Telecommunication Antenna(s) on an existing Wireless Telecommunication Tower in any zoning district **shall** be a permitted accessory use as a Collocation on such Tower and **shall** be approved upon submission of an application for a zoning

certificate to the Zoning Inspector which meets all applicable regulations in Subsection 16.5 hereof related to the placement of the Antenna and related Facilities.

### **16.5 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION TOWER FACILITIES**

Except as otherwise provided in Section 16, all Wireless Telecommunication Tower Facilities **shall** comply with the following standards:

**A. Design:**

All Wireless Telecommunication Towers **shall** be of a monopole design. Towers and Antennas **shall** be designed to meet all Medina County Building Department requirements.

**B. Maximum Height of Wireless Telecommunication Towers and Related Facilities:**

A Wireless Telecommunication Tower **shall** be less than two hundred (200) feet in height as measured from the average ground level at the base of the Tower. The intent of this height restriction is to avoid the necessity for lighting the Tower. No Equipment Building for a Wireless Telecommunication **shall** exceed ten (10) feet in height from the building grade.

**C. Additional Permitted Use:**

A Wireless telecommunication Tower Facility may be located on a lot with another use.

**D. Minimum Lot Area:**

The lot upon which a Wireless Telecommunication Facility is located **shall** have the minimum lot area as that required for the underlying zoning district and the lot area **shall** be sufficient to provide all requirements of setbacks, yards and building coverage as may be specified in the underlying zoning district. The facility may be located, however, on a leased area of a lot, which leased area is smaller than the minimum lot area required for the underlying zoning district.

**E. Location of Wireless Telecommunication Tower on the Lot:**

1. Unless otherwise provided in this Section, a Wireless Telecommunication Facility must comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located, except the minimum setback from the nearest lot line of residentially-zoned property or property used for a residential use **shall** be one hundred ten percent (110%) of the height of the Tower. A Telecommunication Tower **shall** be setback a minimum of three hundred (300) feet from a dwelling unit.

2. When such Facility is located on property adjoining an interstate highway right-of-way, this setback requirement **shall** not apply to the boundary line of the interstate right-of-way as set forth on the Zoning Map.
3. A Wireless Telecommunication Tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event **shall** any portion of a Wireless Telecommunication Facility be located in front of the principal building on the lot, if any.

F. **Spacing:**

Except as otherwise provided for in this Section, there **shall** be a separation of at least one-half mile between Wireless Telecommunication Towers

G. **Collocation:**

A report **shall** be prepared and submitted by a qualified and licensed professional engineer which report **shall** certify that the Tower **shall** have the structural loading capacity to support at least four antenna platforms of equal loading capacity.

H. **Access and Parking:**

The access driveway to the Wireless Telecommunication Facility **shall**, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the Facility **shall** be a minimum of ten (10) feet in width and **shall** be setback a minimum of twenty (20) feet from the nearest side or rear lot line. There **shall** be a maximum of one (1) off-street parking space on the site.

I. **Fencing:**

Fencing **shall** be provided for public safety reasons. A fence at least six (6) feet in height, but no greater than eight (8) feet in height, **shall** be erected completely around those portions of the Wireless Telecommunication Facility that come in contact with the ground. One "No Trespassing" sign of no greater than four (4) square feet **shall** be conspicuously posted on the perimeter fence of the Facility with a telephone number of a person to contact in the event of an emergency.

J. **Buffer Area:**

A landscaped buffer area of not less than fifteen (15) feet in depth **shall** be placed between the Wireless Telecommunication Facility and the public right-of-way and any adjacent properties from which a direct view can be had of the Facility, other than the Tower itself. The fifteen (15) foot landscape buffer **shall** consist of a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping **shall** be continuously maintained and promptly restored if necessary.

**K. Outdoor Storage:**

Overnight outdoor storage of any supplies, vehicles or equipment related to the use of the Wireless Telecommunication Facility is prohibited except during the construction period and to supply emergency power to the Facility only during a power outage.

**L. Lighting:**

Except as required by law, a Wireless Telecommunication Antenna or Tower **shall not** be illuminated, and lighting fixtures or signs **shall** not be attached to the Antenna or Tower. If lighting is required by Federal Aviation Administration ("FAA") regulations, white strobe lights **shall** not be permitted unless no other alternative is permitted by the FAA. Lighting for security purposes **shall** be permitted at the Wireless Telecommunication Facility with a prior approval of the Board of Zoning Appeals pursuant to a Conditional Zoning Certificate issued pursuant to Section 9 of the Zoning Resolution.

**M. Notification to the Fire Department:**

The owner or operator of a Wireless Telecommunication Tower **shall** notify the Township Fire Department by certified mail of the location and height of the proposed Tower as a condition of issuance of a zoning certificate.

**N. FCC Compliance:**

Prior to receiving final inspection by the Zoning Inspector, documented certification **shall** be submitted to the Zoning Inspector, certifying that the Wireless Telecommunication Facility complies with all current Federal Communications Commission ("FCC") regulations for non-ionizing electromagnetic radiating (NIER).

**O. Advertising:**

No advertising **shall** be permitted on the Wireless Telecommunication Facility.

**P. Time Limit for Commencement and Completion of Construction:**

After issuance of a zoning certificate to construct a Wireless Telecommunication Facility, the applicant **shall** commence construction within six (6) months and **shall** complete construction within twelve (12) months or the zoning certificate **shall** expire. As a condition of issuance of the certificate, the Zoning Inspector **shall** require the applicant and the owner of the property to certify that if the construction is not commenced within six (6) months or completed within twelve (12) months, that the site will be available for another Wireless Telecommunication Facility.

**Q. Removal of Wireless Telecommunication Facilities:**

1. The owner or operator **shall** agree to remove a nonfunctioning Wireless Telecommunication Facility within one (1) year of ceasing its use. The owner/operator of the Antenna and/or Tower **shall**, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector as to the continuing operation of every Facility that is subject to this Section. The owner/operator of the Antenna and/or Tower **shall** sign a written consent agreeing to permit periodic inspections of the Wireless Telecommunication Facility by the Zoning Inspector or his designee.
2. The owner or operator **shall** be required, as a condition of the issuance of a zoning certificate, to post a cash or surety bond acceptable to the Board of Township Trustees of not less than one hundred dollars (\$100) per vertical foot from the natural grade of the Wireless Telecommunication Tower which bond **shall** insure that an abandoned, obsolete or destroyed Wireless Telecommunication Antenna or Tower Facility **shall** be removed within one (1) year of cessation of use and abandonment. A surety bond posted pursuant to this subsection **shall** be renewed on an annual basis. Any successor-in-interest or assignee of the owner/operator of the Facility **shall** also post such a bond.

**16.6 ZONING CERTIFICATE FEES**

- A. The fees for application for zoning certificates as required by Section 16 **shall** be specified by the Board of Township Trustees.
- B. Reimbursement of Expenses. The Applicant for a Wireless Telecommunication Tower and/or Antenna Facility **shall** be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in Section 16 that are not covered by the application fees established by the Board of Township Trustees. The applicant **shall** be notified of an estimate of such expenses, if any, prior to such expenses being incurred.

**16.7 PUBLIC UTILITY EXEMPTION**



- A. In the event a Wireless Telecommunication Tower Facility is to be owned or principally used by a Public Utility engaged in the provision of Telecommunication services, the regulations of this District do not apply when the proposed location of the Tower Facility is in an area of the Township which is not residentially zoned. The proponent of such a Tower Facility must file a written application for a zoning certificate with the Zoning Inspector supported in writing by a preponderance of Substantial Evidence that the Tower will be owned or principally used by a Public Utility engaged in the provision of Telecommunication services. The applicant must also demonstrate by a preponderance of Substantial Evidence that it possesses a sufficient degree of the following attributes associated with being a Public Utility to be considered a "**Public Utility**" for proposed of this exemption.
1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or services;
  2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
  3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
  4. Whether the applicant conducts its operations in such manner as to be a matter of public concern;
  5. Whether the good or service offered by the applicant is vital;
  6. Whether there is a lack of competition in the local marketplace for the good or service;
  7. Whether there is a regulation by a governmental authority and the extent of that regulation; and
  8. Whether the applicant possess the power of eminent domain.
- B. No single factor set forth above is controlling as to whether the applicant is a "Public Utility engaged in the provision of Telecommunication services". Each factor should be considered and weighed according to the factual circumstances presented, and in specific circumstances, some factors may be given more weight than others.
- C. If the Zoning Inspector determines to deny the applicant such "Public Utility" status, the Inspector **shall** do so in writing, and state the reasons thereof. Such decision of denial by the Zoning Inspector **shall** not be a final decision by the Township on this issue. Any determination by the Zoning Inspector that the applicant is not a Public Utility engaged in the provision of telecommunication services **shall** be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in the Zoning Resolution. The decision of the Board of Zoning Appeals **shall** be the final decision of the Township on this issue.

- D. In the event a Wireless Telecommunication Facility is proposed to be in an area zoned for residential use, and is owned or principally used by a Public Utility engaged in the provision of Telecommunication services, the Public Utility **shall** be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in 1, 2 and 3 below, as follows:
1. All of the requirements of Subsection 16.7 (a) through (c) are met;
  2. The Public Utility provides both of the following by certified mail:
    - a) Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the Tower is proposed to be constructed, stating all of the following in clear and concise language:
      - i) The Public Utility's intent to construct the Tower;
      - ii) A description of the property sufficient to identify the proposed location;  
and
      - iii) That no later than fifteen (15) days after the date of mailing the notices, any such property owner may give written notice to the Board of Township trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the Tower. If the notice to a property owner is returned unclaimed or refused, the person **shall** mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
    - b) Written notice to the Board of Township [Trustees of the information specified in the Subsection 16.7 (d) 2a. of this Section. The notice to the Board of trustees also **shall** include verification that the person has complied with Subsection 16.7 (d) 2a of this Section; and
  3. If the Board of Township Trustees receives notice from a property owner under Subsection 16.7 (d) 2a of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the Wireless Telecommunication Tower within fifteen (15) days after the date of mailing the notice sent under Subsection 16.7 (d) 2b of this Section, the Board of Trustees **shall** request that the Fiscal officer of the Township send the person proposing to construct the Tower, written notice that the Tower is subject to the regulations of this Zoning Resolution. The notice **shall** be sent no later than five (5) days after the earlier of the date the Board of trustees first receives such notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution **shall** apply to the Tower without exception. If the Board of Township Trustees, however, receives no notice under Subsection 16.7 (d) 2a of this Section within the time prescribed by that Subsection or

no Trustee has an objection as provided under this Subsection 16.7 (d) 3 within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution.

## 16.8 DEFINITIONS:

- A. **“Collocation”** means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.
- B. **“Monopole”** means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- C. **“Personal Wireless Service”** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C #332(c) (7).
- D. **“Substantial Evidence”** means such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.
- E. **“Technically Suitable”** means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purpose for which it is intended within the band of frequencies for which the owner or operator of the Antenna(s) has been licensed by the FCC to operate without a significant loss of the communication capability within the developed areas of the Township.
- F. **“Telecommunication”** means the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “Personal Wireless System”.
- G. **“Wireless Telecommunication Antenna”** or **“Antenna”** means the physical device or an array of elements constituting a physical device through which an electromagnetic, wireless telecommunication signal authorized by the Federal Communications Commission is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- H. **“Wireless Telecommunication Equipment Building”** or **“Equipment Building”** means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.
- I. **“Wireless Telecommunication Facility”** or **“Facility”** means a facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a

mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

- J. **“Wireless Telecommunication Tower”** or **“Tower”** means any structure which elevates the wireless telecommunication Antenna and may include accessory transmission and receiving equipment.

### Section 17: Separability

**17.1** - 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 part, or to be inapplicable to any person or situation, the effect 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 separately and fully effective, and the applications of such provision to other persons or situations **shall** not be affected.

#### 17.2 - Repealer:

All existing Zoning Resolutions of Guilford Township, Medina County, Ohio, inconsistent herewith are hereby repealed.

**17.3 - Effective Date:** This amended Resolution **shall** take effect and be in full force and effect beginning; **May 6, 1999.**

Recommended by the Township Zoning Commission:

Date: March 11, 1999

Chairman: Daniel Weltzien

Ray Lee

Richard Knepp

Ben Gommel

Leon Staniszewski

Adopted by the Township Trustees:

Date: April 6, 1999

Chairman: Gene Fulton

John Wanko

Glenn Sheller

### Section 18: Exhibits

#### EXHIBIT A: APPLICATION FOR ZONING CERTIFICATE

## APPLICATION FOR ZONING CERTIFICATE

(To be filed in triplicate)  
(R.C. 519.16)

Application No. ....  
GUILFORD TOWNSHIP — MEDINA COUNTY

To the Board of Township Trustees:

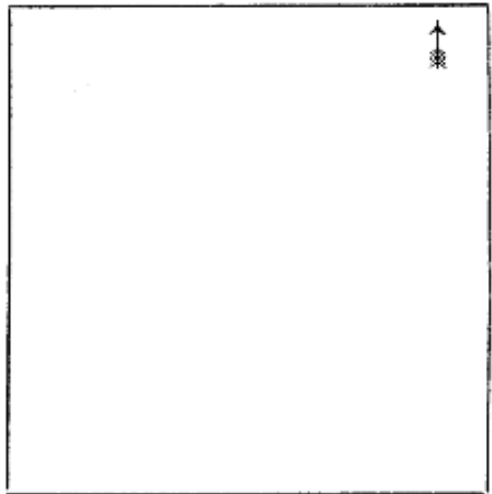
The undersigned hereby applies for a zoning certificate for the following use, to be issued on the basis of the representations contained herein, all of which the applicant swears to be true:

- 1. Location of property .....
- 2. Name of Land Owner .....
- Address .....
- 3. Occupant .....
- 4. Proposed Use:
 

<input type="checkbox"/> New Construction	<input type="checkbox"/> Manufacturing
<input type="checkbox"/> Business	<input type="checkbox"/> Accessory Building
<input type="checkbox"/> Remodeling	<input type="checkbox"/> Sign Board—Size    x    .....
<input type="checkbox"/> Residence—No. of families .....	<input type="checkbox"/> Other

5. Sketch of lot, showing existing buildings and proposed construction or use for which this application is made. (Fill in all dimensions and show which direction is North.)

- a) Main Road Frontage: ..... feet.
- b) Set back from side of road right of way ..... feet.
- c) Side yard clearance ..... side, ..... ft. .... side, ..... ft.
- d) Rear yard clearance ..... feet.
- e) Depth of lot from right of way ..... ft.
- f) Dimensions of building - width ..... ft. depth ..... ft.
- g) Highest point of building above established grade ..... ft.
- h) .....



6. Buildings: Use .....

Number of stories ..... Basement ....., Usable floor space designed for use as living quarters exclusive of basements, porches, garages, breezeways, terraces, attics, or partial stories. First floor ..... sq. ft. Second floor ..... sq. ft. Off Street parking space ..... sq. ft.

7. Remarks .....

Witness: ..... Applicant

Date filed with zoning inspector: ..... 19 .....

EXHIBIT B: ZONING CERTIFICATE

# Zoning Certificate

(R.C. 519.16)

NO. \_\_\_\_\_

Upon the basis of the attached application, the statements in which are made a part hereof, the proposed usage is .....found to be in accordance with the Township Zoning Resolution of Guilford Township, Medina County, Ohio, and is hereby ..... approved for the following district.....

.....  
Township Zoning Inspector

Date Application Received..... 19.....

Date Application Ruled on..... 19.....

Fee Paid: \$.....

If certificate is refused, reason for refusal:.....  
.....  
.....  
.....

NOTICE:

THIS PERMIT SHALL BECOME VOID:

1. If work described in this permit is not begun within six (6) months of the date of issuance.
2. If work described within this permit is not extorly completed within twelve (12) months of the date of issuance.

EXHIBIT C: NOTICE OF APPEAL

—NOTICE OF APPEAL—

(R.C. 519.15)

(One copy must be filed with the Township Zoning Inspector, and one copy with the Board of Zoning Appeals within twenty (20) days after the decision.)

I hereby appeal to the Board of Zoning Appeals the refusal of a Zoning Certificate by the Township Zoning Inspector for the reason that:

a) There was the following error in said decision: .....

.....  
.....

b) A variance should be allowed in this case to avoid unnecessary hardship because: .....

.....  
.....

X.....

Appellant

Date Notice of Appeal filed: ....., 19.....

Date of Notice to Parties in interest: ....., 19.....  
(ten (10) days before hearing)

Date of Hearing: ....., 19.....

Decision or Board of Zoning Appeals: .....

.....  
.....

Date of Decision of Board of Zoning Appeals: ....., 19.....  
(within thirty (30) days after case is submitted)

BOARD OF ZONING APPEALS, GUILFORD TOWNSHIP

Attest: .....  
secretary

by .....  
Chairman





EXHIBIT D: APPLICATION FOR CONDITIONAL ZONING CERTIFICATE

GUILFORD TOWNSHIP, Medina County Ohio DATE ..... NO. ....

Application for Conditional Zoning Certificate

Description of Property:

Address: .....

Legal: .....

Applicant's Name: ..... Owner  Tenant  Other .....

Present Zoning District: .....

Use for Which Permit Requested: .....

Supporting Material:

- Site Plan, Plot Plan, or Development Plan
 Plans and Specifications for Proposed Development and Construction.
 Statement of Prerequisite Conditions.

Prerequisite Conditions:

- In Accordance with General Objective of Township Plan.
 Harmonious with Character of the Area.
 No Hazard to Present or Future Neighborhoods
 Improvement to Immediate Vicinity and Community as a Whole.
 Proper Service by Public Utilities and Services.
 No Extensive New Facilities at Public Cost.
 Consistent with Purpose and Intent of Zoning Resolution.
 No Obnoxious Characteristics of Operation.

Applicant's Signature(s): .....

Fee Paid: \$ ..... Receipt No. .... By. ....

Record of Actions:

Table with 4 columns: Authority, Action, Date, Conditions (Elaborate Below). Rows 1-5.

Conditions: .....
.....
.....
.....

Form 3 - 450 7-15-67

**EXHIBIT E: OPEN SPACE DEVELOPMENT APPLICATION**

**GUILFORD TOWNSHIP, Medina County, Ohio**

**OPEN SPACE DEVELOPMENT APPLICATION**

Application Number: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: Street \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Development Address: Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Total Acres: \_\_\_\_\_ Total Open Space Acres: \_\_\_\_\_

Number of Residential Lots: \_\_\_\_\_

Open Space will be protected from future development by:

Conservation Easement: Yes \_\_\_ No \_\_\_  
Homeowner's Association: Yes \_\_\_ No \_\_\_  
Deed Restriction: Yes \_\_\_ No \_\_\_  
Township Easement: Yes \_\_\_ No \_\_\_

Explain how the Open Space will be used: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Fee paid with this application: \_\_\_\_\_

**Any additional fees for consultants which may be required by the Appeals Board are the responsibility of the applicant.**

Applicant's Signature: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Appeals Board Chairman: \_\_\_\_\_

Reason for disapproval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**EXHIBIT F: CHECKLIST FOR OPEN SPACE DEVELOPMENT**

**Checklist For Open Space Developments**  
 Have The Following Conditions From Section 9-39 Been Met?

Item									Date _____
<u>D</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>E-1</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>E-2</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>E-3</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-1</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-2</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-3</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-4</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-5</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-6</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-7</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-8</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-9</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-10</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-11</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-12</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-13</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-14</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-15</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>F-16</u>	Y	___	N	___	Comments:	_____	_____	_____	_____
<u>G-1</u>	Y	___	N	___	Comments:	_____	_____	_____	_____



**Checklist For Open Space Developments**  
 Have The Following Conditions From Section 9-39 Been Met?

Item				Date _____
<u>G-2</u>	Y__	N__	Comments: _____	
<u>H-1</u>	Y__	N__	Comments: _____	
<u>H-2</u>	Y__	N__	Comments: _____	
<u>H-3</u>	Y__	N__	Comments: _____	
<u>H-4</u>	Y__	N__	Comments: _____	
<u>H-5</u>	Y__	N__	Comments: _____	
<u>H-6</u>	Y__	N__	Comments: _____	
<u>H-7</u>	Y__	N__	Comments: _____	
<u>H-8</u>	Y__	N__	Comments: _____	
<u>I-1</u>	Y__	N__	Comments: _____	
<u>I-2</u>	Y__	N__	Comments: _____	
<u>J-1</u>	Y__	N__	Comments: _____	
<u>J-2</u>	Y__	N__	Comments: _____	

## **Section 19: Appendix**

### **APPENDIX 1 TOWNSHIP MAP**

Guilford Township Zoning Map

### **APPENDIX 2 OHIO REVISED CODE 519.13**

Reference: 519.13 Township board of zoning appeals.

**APPENDIX 3 OHIO REVISED CODE 519.14**

Reference: [519.14 Powers of township board of zoning appeals.](#)

**APPENDIX 4 OHIO REVISED CODE 519.04**

519.04 Township zoning commission.

**APPENDIX 5 OHIO REVISED CODE 4501.01**4501.01 Motor vehicles definitions.

As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, under-speed vehicles as defined in division (XX) of this section, mini-trucks as defined in division (BBB) of this section, motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.



(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" or "moped" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a travel trailer or trailer that is used to transport a boat as described in division (B) of this section, but, where applicable, includes a vehicle that is used to transport a boat as described in division (M) of this section, that has a gross weight of no more than ten thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

(O) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(6) It is classed as one of the following:

(a) "Travel trailer" or "house vehicle" means a non self-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.

(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

(c) "Truck camper" means a non self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A 119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

(R) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, that are inflated with air.

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load.

(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires.

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles **shall** be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. Places of business or departments in a place of business used to dismantle, salvage, or rebuild motor vehicles by means of using used parts are not considered as

being maintained for the purpose of assisting or furthering the manufacturing, selling, displaying, and offering for sale or dealing in motor vehicles.

(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways.

(Y) "Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit.

(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada.

(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts.

(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle.

(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle.

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and bus pools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

- (1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;
- (2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions.

(II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (J) of section 4503.04 of the Revised Code.

(JJ) "Gross vehicle weight," with regard to any commercial car, trailer, semitrailer, or bus that is taxed at the rates established under section 4503.042 or 4503.65 of the Revised Code, means the unladen weight of the vehicle fully equipped plus the maximum weight of the load to be carried on the vehicle.

(KK) "Combined gross vehicle weight" with regard to any combination of a commercial car, trailer, and semitrailer, that is taxed at the rates established under section 4503.042 or 4503.65 of the Revised Code, means the total unladen weight of the combination of vehicles fully equipped plus the maximum weight of the load to be carried on that combination of vehicles.

(LL) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the

placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

(WW) "Low-speed vehicle" means a three-or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(XX) "Under-speed vehicle" means a three-or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(YY) "Motor-driven cycle or motor scooter" means any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet,

and is equipped with a motor with a piston displacement between fifty and one hundred cubic centimeters piston displacement that produces not more than five brake horsepower and is capable of propelling the vehicle at a speed greater than twenty miles per hour on a level surface.

(ZZ) "Motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three wheels in contact with the ground, and having no occupant compartment top or occupant compartment top that can be installed or removed by the user.

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three wheels in contact with the ground, and having an occupant compartment top or an occupant compartment top that is installed.

(BBB) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

(CCC) "Autocycle" means a three-wheeled motorcycle that is manufactured to comply with federal safety requirements for motorcycles and that is equipped with safety belts, a steering wheel, and seating that does not require the operator to straddle or sit astride to ride the motorcycle.

(DDD) "Plug-in electric motor vehicle" means a passenger car powered wholly or in part by a battery cell energy system that can be recharged via an external source of electricity.

(EEE) "Hybrid motor vehicle" means a passenger car powered by an internal propulsion system consisting of both of the following:

- (1) A combustion engine;
- (2) A battery cell energy system that cannot be recharged via an external source of electricity but can be recharged by other vehicle mechanisms that capture and store electric energy.

Amended by 133rd General Assembly File No. TBD, HB 62, §101.01, eff. 7/3/2019.

Amended by 132nd General Assembly File No. TBD, HB 250, §1, eff. 3/8/2019.

Amended by 132nd General Assembly File No. TBD, HB 26, §101.01, eff. 6/30/2017.

Amended by 131st General Assembly File No. TBD, HB 429, §3, eff. 1/1/2017.

Amended by 131st General Assembly File No. TBD, HB 429, §1, eff. 9/14/2016.

Amended by 131st General Assembly File No. TBD, HB 64, §110.20, eff. 1/1/2017.

Amended by 131st General Assembly File No. TBD, HB 53, §110.10, eff. 1/1/2017.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 1/1/2016.

Amended by 131st General Assembly File No. TBD, HB 53, §101.01, eff. 7/1/2015.

Amended by 130th General Assembly File No. 25, HB 59, §110.30, eff. 1/1/2017.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 130th General Assembly File No. 7, HB 51, §110.10, eff. 1/1/2017.

Amended by 130th General Assembly File No. 7, HB 51, §101.01, eff. 7/1/2013.

Amended by 129th General Assembly File No.168, SB 114, §1, eff. 1/1/2017.

Amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 6/11/2012.

Amended by 129th General Assembly File No.7, HB 114, §101.01, eff. 6/29/2011.

Amended by 128th General Assemblych.7, HB 2, §101.01, eff. 7/1/2009.

Effective Date: 01-01-2004; 09-16-2004; 09-29-2005; 04-06-2007; 2007 HB9 10-18-2007.

**Related Legislative Provision:** *See 131st General Assembly File No. TBD, HB 53, §815.20.*



## APPENDIX 7 DRY HYDRANT & FIRE POND SPECIFICATIONS

### DRY HYDRANT & FIRE POND SPECIFICATIONS

It is the intent of these specifications to meet or exceed the requirements set forth by NFPA 1231, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 1993 (or most current edition).

#### GENERAL REQUIREMENTS

1. **Flow**- The dry hydrant system shall be capable of providing a flow rate of 1,500 gallons per minute for two (2) hours. (180,000 gallons)
2. **Pond Volume & Configuration** - The intake strainer shall be placed at least six (6) feet below the normal water elevation of the pond (see Figure C-1).
  - \* the top four (4) feet of water below the normal water elevation should allow for drought and ice conditions and should be considered "non-usable."
  - \* the two (2) feet immediately above the intake strainer should be considered the "usable" water; total volume in this zone shall be at least 180,000 gallons.

A minimum distance of two (2) feet shall separate the bottom of the intake strainer and the bottom of the pond.

3. **Dry Hydrant Placement** - The dry hydrant fitting at the road shall be situated 18 to 24 inches above finished grade and eight (8) feet from the edge of road pavement. The dry hydrant shall be oriented at a forty-five (45) degree angle to the road and directed to face incoming vehicles. A pull-off lane, five (5) feet wide and fifty (50) feet long with twenty (20) feet long tapers, shall be centered on the dry hydrant connection point.

#### ADDITIONAL SPECIFICATIONS

1. Piping, elbows, and couplings, reducer(s), and underwater strainer shall be schedule 40 or heavier PVC and shall be joined with appropriate PVC-type cement according to manufacturer's specifications so as to ensure all joints are airtight. (For a pond with a water surface elevation higher than the hydrant, a standard fire hydrant may be necessary).
2. Horizontal piping shall have a minimum inside diameter (I.D.) of six (6) inches. Riser piping shall have an inside diameter (I.D.) of six (6) inches.
3. All elbows associated with the riser assembly shall be ninety (90) degrees. Ninety-degree elbows will not be permitted elsewhere in the suction line.
4. An intake strainer, capable of supporting the above-noted flow requirements, shall be provided.

5. The horizontal pipe shall be buried and placed nearly level at a minimum depth of four and one-half (4-1/2) feet below finished grade. It shall penetrate the static water source no less than 10 feet including the strainer and may require support and/or anchoring.
6. The riser pipe shall rise at an angle of ninety (90) degrees from the horizontal suction line. The normal water surface elevation in the riser shall be a minimum of four and one-half (4-1/2) feet below finished grade unless alternative frost protection is provided. The riser shall terminate with a six (6) inch PVC ninety (90) degree elbow and fire department connection and cap.
7. The end fitting (i.e., fire department connection) on the dry hydrant shall consist of the following:
  - One 6" PVC 90 degree elbow with 6" NH (NST) male outlet adapter.
  - One adapter, 6" NH (f) x 4.5" NH (m) with rocker lugs.
  - One cap, 4.5" NH with attaching cable.
8. All exposed PVC or metal surfaces and all underground metal surfaces should be primed and painted white to prevent deterioration of the material and enable rapid locating of hydrants.
9. Static lift should be kept as low as possible and shall not exceed fifteen (15) feet (measured from the centerline of the pumper intake, assumed to be three (3) feet above the pavement, to the top of the underwater intake strainer).
10. Design calculations shall accompany the subdivision construction drawings submitted. It is recommended that the designers of dry hydrants use the design worksheet and accompanying tables located in the rear portion of this appendix as the basis for dry hydrant design.
11. Pond design and construction should conform to the standards of the Medina County Soil & Water Conservation District and the Natural Resources Conservation Service (USDA-NRCS).
12. A plan view of the fire pond construction (with dimensions labeled), a profile view of the pond outlet, and a detail of the dry hydrant installation (similar to Figure C-1) shall be incorporated in the subdivision construction drawings. For ponds involving earthen embankment construction, the following notes shall also appear on the construction plans:
  - a. *The foundation area, pool area, and borrow area shall be cleared of all trees, stumps, roots, brush, rocks and other debris.*

- b. *Topsoil shall be stripped from the foundation area and stockpiled for future use. The foundation surface shall be scarified before the first layer of fill is placed.*
  - c. *Suitable fill material for embankment construction shall be obtained from selected borrow areas. This material shall consist of approximately 20% clay and shall be free of all sod, roots, frozen soil, stones, and other objectionable material.*
  - d. *The principal outlet pipe shall be placed on a firm foundation to the lines and grades as shown on the plans.*
  - e. *Selected backfill material shall be placed around the pipe and any anti-seep collars in four (4) inch horizontal layers and compacted by hand tamping with power operated tampers, within the dam area, to a depth of two (2) feet over the pipe. Special care shall be taken to prevent lifting of the pipe by the pressure exerted when tamping earth fill under the haunches of the pipe.*
  - f. *The placing and spreading of the embankment fill material shall begin at the lowest point in the foundation area and shall be placed in horizontal lifts with a maximum thickness of eight (8) inches prior to compaction. Unless otherwise specified on the plans, each lift shall be compacted with a piece of equipment that will exert a minimum downward force of 200 pounds per square inch and each pass shall be routed as to traverse the full width of the fill.*
  - g. *If sand layers or pockets are encountered when excavating the pool area, they shall either be completely removed or blanketed with a minimum of two (2) feet of clay material compacted to the same requirements as for the embankment fill.*
13. Design consultants should check local zoning code requirements for fire pond placement.
14. A uniform identification sign shall be installed at the dry hydrant location at the developer's expense (sign to be installed with traffic control signage by the Medina County Engineer's office).

NOTE:

Inability to meet the above-referenced criteria shall not necessarily preclude the installation of a fire pond and dry hydrant. Such cases will be individually reviewed by the County Engineer's Office and the fire department having jurisdiction.

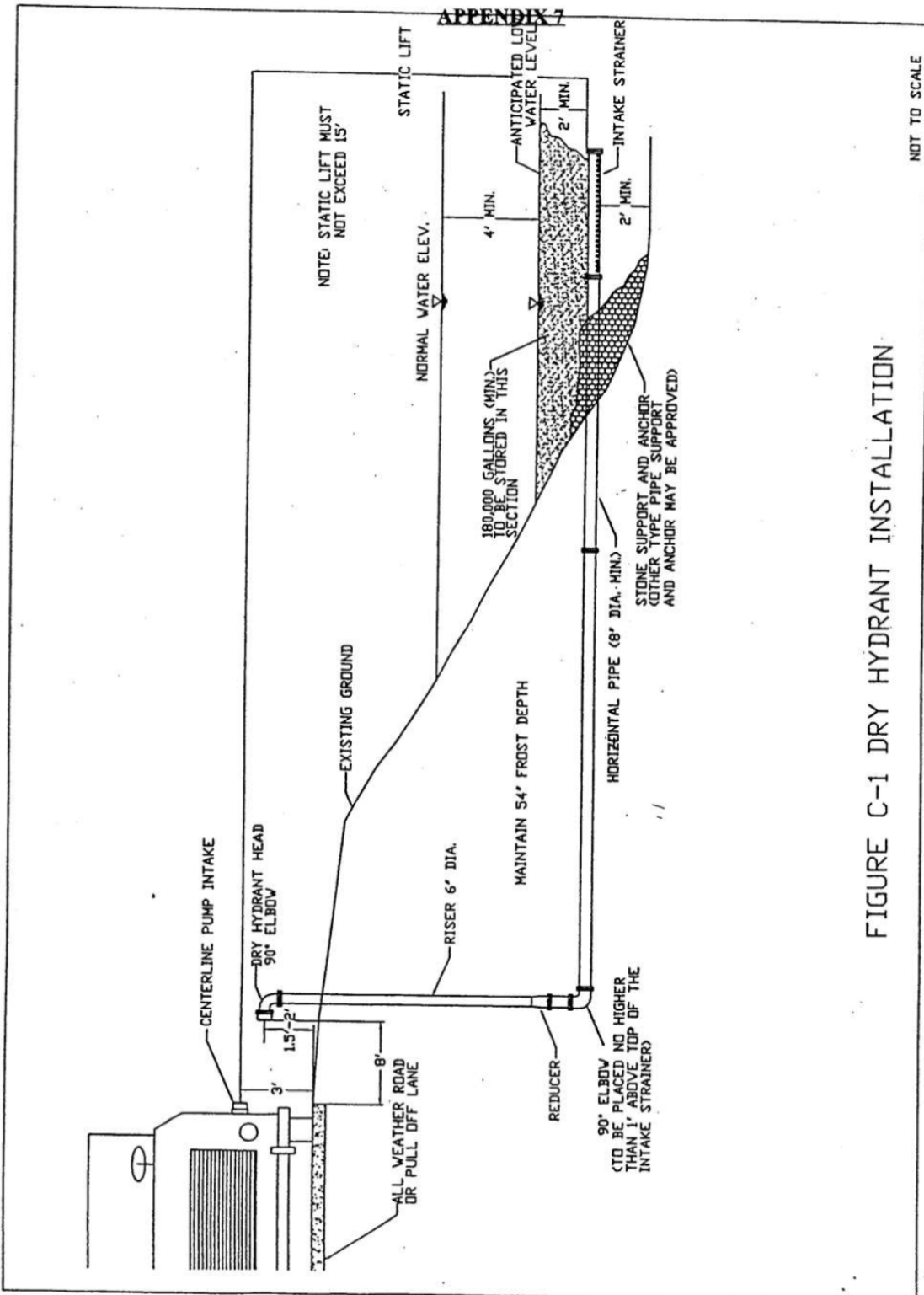


FIGURE C-1 DRY HYDRANT INSTALLATION

**DRY HYDRANT DESIGN WORKSHEET**

DATE: \_\_\_\_\_

PROJECT/LOCATION: \_\_\_\_\_

TOWNSHIP: \_\_\_\_\_ DESIGN FLOW = 1500 GPM

A. **STATIC LIFT (SL)** (*pumper intake to top of strainer*)..... FEET (SL)

B. **PIPE HEAD LOSSES**

1. **HORIZONTAL PIPE LOSSES (HPL)**

Horiz. Pipe Diameter = \_\_\_\_\_ inches  
 Horiz. Pipe Length (*including strainer*)..... feet  
 Horiz. Pipe Fittings: (*use Chart A for straight pipe equivalents*)  
 90 degree elbow @ bottom of riser..... feet  
 \_\_\_\_\_ feet  
 Total Horizontal Length..... feet

HPL = Total Horizontal Length x Chart B factor  
 HPL = ( \_\_\_\_\_ ) x ( \_\_\_\_\_ ft/100 ft ) = \_\_\_\_\_ FEET (HPL)

2. **RISER PIPE LOSSES (RPL)**

Riser Pipe Diameter = 6.0 inches  
 Riser Pipe Height ..... feet  
 Riser Pipe Fittings (*use Chart A for straight pipe equivalents*)  
 \_\_\_\_\_ x 6" reducer..... feet  
 90 degree elbow, std. @ top..... 16.0 feet  
 \_\_\_\_\_ feet  
 Total Riser Height..... feet

RPL = Total Riser Height x Chart B Factor  
 RPL = ( \_\_\_\_\_ ) x ( 12.3 ft/100 ft ) = \_\_\_\_\_ FEET (RPL)

3. **CONNECTION LOSSES (CL)** (Worst Case)

6" x 4.5" Adapter/Reducer: *2.5' (Chart A) x 48.7 ft/100ft = 1.2 feet*  
 6" Dia. Hard Suction Hose: *10.0' x 14.9 ft/100 ft (Chart C) = 1.5 feet*

CL = (1.2 ft) + (1.5 ft) = ..... 2.7 FEET (CL)

C. **TOTAL HEAD LOSS (THL)**

THL = SL + HPL + RPL + CL = ( \_\_\_\_\_ ) + ( \_\_\_\_\_ ) + ( \_\_\_\_\_ ) + (2.7 ft) = \_\_\_\_\_ FEET (THL)

If the Total Head Loss is greater than 20-25 feet, the pump may not be able to flow its rated GPM. Increase the horizontal pipe diameter and redesign.

STRAIGHT PIPE EQUIVALENT FOR FITTINGS < IN FEET > \*

PVC PIPE DIAMETER	6.0'	8.0'	10.0'
90 ELBOW, STANDARD	16.0	26.0	27.0
90 ELBOW, MEDIUM SWEEP	14.0	18.0	22.0
90 ELBOW, LONG SWEEP	11.0	14.0	18.0
45 ELBOW	7.5	10.0	13.0
HYDRANT CONNECTION (6" X 4.5")	2.5		
REDUCER (8" X 6")	3.5		
REDUCER (10" X 6")	5.0		

CHART A

\* SOURCE : HANDBOOK OF PVC PIPE

CHART B

HEAD LOSS IN FEET PER 100 FEET OF PVC PIPE

GPM	PIPE SIZE 6.0'	PIPE SIZE 8.0'	PIPE SIZE 10.0'
750	3.4	0.8	0.3
800	3.8	0.9	0.3
900	4.8	1.2	0.4
1000	5.8	1.4	0.5
1100	6.9	1.7	0.6
1200	8.1	2.0	0.7
1300	9.4	2.3	0.8
1400	10.8	2.7	0.9
1500	12.3	3.0	1.0
1600	13.8	3.4	1.2
1700	15.5	3.8	1.3
1800	17.2	4.2	1.4
1900	19.0	4.7	1.6
2000	20.9	5.2	1.7

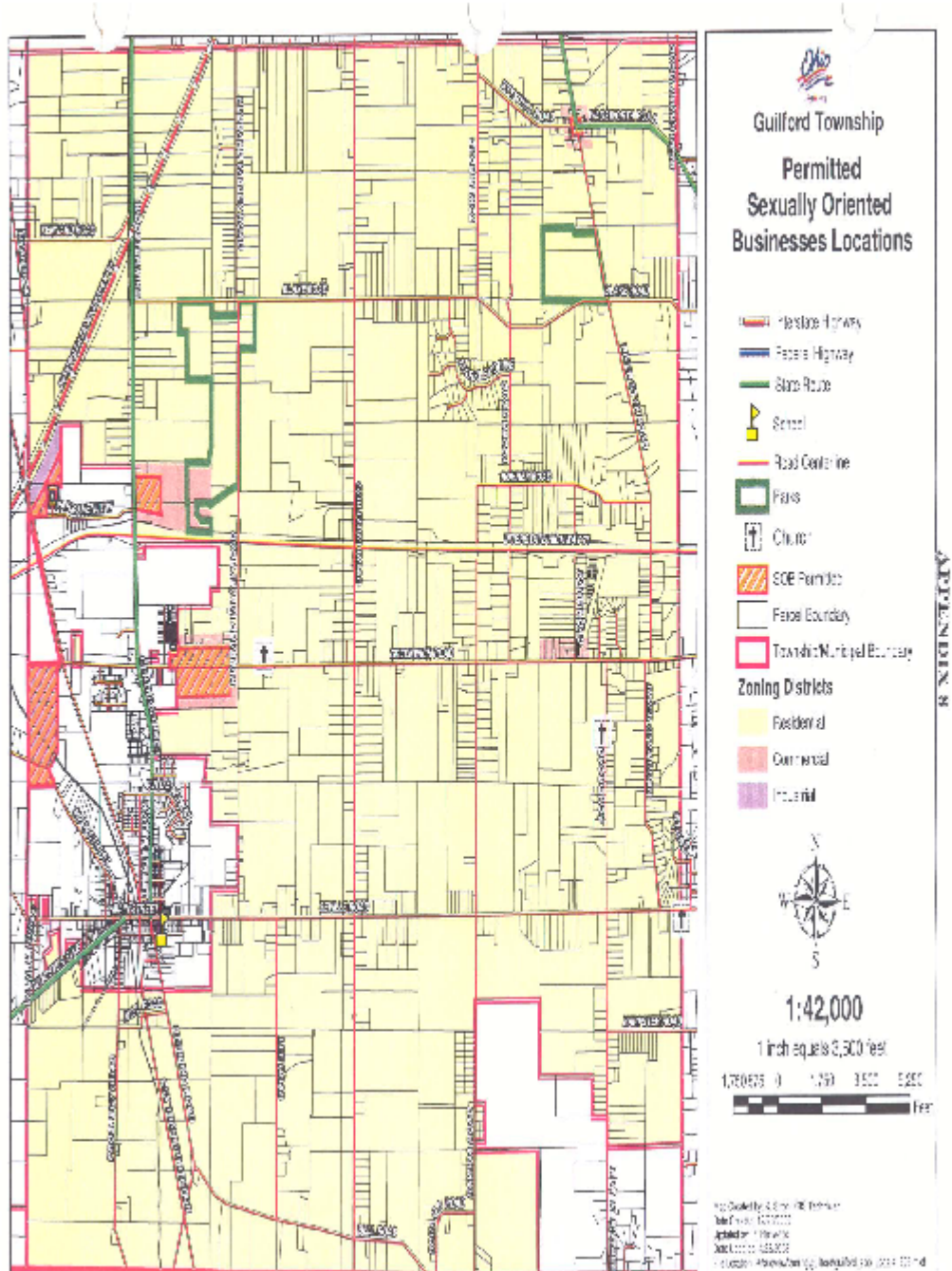
CHART C

HEAD LOSS IN FEET PER 100 FEET OF HARD SUCTION HOSE

GPM	PIPE SIZE 4.5'	PIPE SIZE 6.0'
700	14.7	3.6
800	18.9	4.7
900	23.5	5.8
1000	28.5	7.0
1100	34.0	8.4
1200	40.0	9.9
1300	46.4	11.4
1400	53.2	13.1
1500	60.5	14.9
1600	68.1	16.8
1700	76.2	18.8
1800	84.7	20.9
1900	93.7	23.1
2000	103.0	25.4

\* SOURCE : NFPA 1231, \* STANDARD ON WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING \*, 1993 EDITION

**APPENDIX 8 SEXUALLY ORIENTED BUSINESS MAP**



**APPENDIX 9 OHIO REVISED CODE 519.19**

**519.19 Nonconforming use of buildings and land not affected by zoning.**

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two years or more, any future use of said land shall be in conformity with sections 519.02 to 519.25, inclusive, of the Revised Code. The board of township trustees shall provide in any zoning resolution for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon such reasonable terms as are set forth in the zoning resolution.

Effective Date: 10-01-1953.



**APPENDIX 10 CHANGE OF NON-CONFORMING USE TO A LESSER NON-CONFORMING USE APPLICATION**

**CHANGE OF NON CONFORMING USE TO A LESSER NON CONFORMING USE APPLICATION**

**Guilford Township                      9422 Guilford Rd.                      Seville, Ohio 44273**

Name of applicant \_\_\_\_\_

Address of applicant \_\_\_\_\_

Phone Number \_\_\_\_\_

Location and address of property \_\_\_\_\_

Change of non conforming use to a lesser non conforming use  
from \_\_\_\_\_ to \_\_\_\_\_

Statement describing Change of Non Conforming Use to a lesser Non Conforming Use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following document must be submitted with application:

- List of names and full mailing addresses of contiguous property owners (properties which are next to, behind, across the street from the subject parcel)

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

**OFFICE USE ONLY**

Fee received \_\_\_\_\_ Complete documentation? \_\_\_\_\_

Date Received \_\_\_\_\_ Received by \_\_\_\_\_



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## Section 20: Amendments and/or Text Changes

Section	Update	Resolution	Date	Reprinted Pages
<b>ALL</b>	Outline standardization, spelling corrections and format updates throughout the Zoning Resolution.	N/A	5/5/2020	ALL
<b>Sec 3</b>	Updated definitions for In-Law Suite, Group Home and Family	2013-13	10/21/2013	
<b>Sec 3</b>	Added definitions for Farm Market, Roadside Stand, Sign, Electronic Message Sign and Illuminated Sign	2019-03	4/2/2019	
<b>Sec 3</b>	Added definitions for Agriculture, Agriculture Production, Agritourism, Farm, Farm Market and Hard Surface	2020-01	2/4/2020	
<b>Sec 3</b>	Added/updated definitions for various vehicles, Roadside Stand, Factory Build Housing, and Group Home	2020-15	10/20/2020	3.2-5; 3.8-11
<b>Sec 3</b>	Added Solar & Energy Generating Devices	ZC2022-1	5/17/2022	3.3-4; 3.10-11; 3.12-15
<b>Sec 4</b>	Updated Junk Cars	2013-13	10/21/2013	
<b>Sec 4</b>	Updated Roadside Stands	2017-14	12/19/2017	
<b>Sec 4</b>	Updated Regulations for Fences, Road Right-of-Way	2019-03	4/2/2019	
<b>Sec 4</b>	Updated Parking Regulations in Residential Areas	2020-01	2/4/2020	
<b>Sec 4</b>	Remove ORC Reference from Ponds	2020-15	10/20/2020	4.2-4.3
<b>Sec 4</b>	Remove ORC Reference from Mailboxes	2020-15	10/20/2020	4.14-4.15
<b>Sec 4</b>	Updated Regulations for Roadside Stands	2020-15	10/20/2020	4.18-4.19
<b>Sec 4</b>	Added Regulations for Solar Panels	ZC2022-1	5/17/2022	4.18-4.19
<b>Sec 5</b>	Added Agritourism Parking	2020-01	2/4/2020	
<b>Sec 6</b>	Updated Lighting and Driveways	2015-04	2/17/2015	
<b>Sec 6</b>	Updated Permitted Uses, Conditionally Permitted Uses	2017-14	12/19/2017	
<b>Sec 6</b>	Updated Signs, Farm Market and Temporary Roadside Stand	2019-03	4/2/2019	
<b>Sec 6</b>	Updated Sign Regulations	2020-01	2/4/2020	
<b>Sec 6</b>	Update Conditionally Permitted Uses # 15	2020-15	10/20/2020	6.2-6.3
<b>Sec 6</b>	Remove Temporary Roadside Stand 6.9	2020-15	10/20/2020	6.12-6.13
<b>Sec 9</b>	Updated In-Law Suites	2013-13	10/21/2013	

<b>Sec 9</b>	Updated Home Occupation Type A	2017-14	<i>12/19/2017</i>	
<b>Sec 9</b>	Updated Home Occupation Type A (9.21)	2020-15	10/20/2020	9.8-9.9
<b>Sec 9</b>	Delete Roadside Stands	2020-15	10/20/2020	9.10-9.13
<b>Sec 10</b>	Updated Non-Confirming Uses	2017-14	<i>12/19/2017</i>	
<b>Sec 10</b>	Remove ORC Reference	2020-15	10/20/2020	9.26-10.1
<b>Sec 15</b>	Updated Setback Requirements	2016-03	<i>2/2/2016</i>	
<b>Sec 15</b>	Remove ORC Reference	2020-15	10/20/2020	15.3-15.4
<b>Sec 19</b>	Remove Appendix 2-4	2020-15	10/20/2020	